

The Privatised Public Sphere

Rikke Frank Jørgensen

The public sphere metaphor was always contested and this continues in the digital realm. While “old” debates on access, inequality and power continue, the so-called platform society has taken concerns about power and commercialisation to a new level. The idea of the public sphere is closely tied to fundamental rights and freedoms, and as such the public sphere metaphor reminds us that these guarantees are not what they used to be. A privatised public sphere essentially lacks the democratic guarantees that constituted it.

Internet as public sphere

When trying to make sense of a new domain, we often use metaphors (associational frameworks) that enables us to understand and experience one kind of thing in terms of another (Lakoff and Johnson, 1980). As stated in the [opening post to this blog series](#), this is true also for metaphors used to describe digital phenomena. One of the metaphors that has been applied to the internet from early on is the public sphere metaphor (Graham, 1999, Papacharissi, 2002, Barnett, 2003, Dahlberg, 2007). The notion of a public sphere runs through modern democratic theory, as a realm in which the public discourse takes place (Habermas, 1989). The public discourse is typically presented as the articulation of the citizens' opinions, priorities, and criticism with respect to the democratic rule of a country. As such, the notion of the public sphere is linked to a democratic norm that presupposes the participation of the public in political debate and decision-making. The public sphere is not just a place for opinion formation and discourse, but equally important a space for civil society deliberations on how these opinions can influence the actions of the state. It is a concept for understanding the conditions for leverage by citizens on the state and other powerful institutions (Calhoun, 1993) and as such closely related to the protection of fundamental rights and freedoms (Habermas, 1996).

Normative and democratic

Speaking of the internet as a public sphere points to the various means for public debate and participation that the online realm affords. The metaphor also directs attention towards policy issues related to how resources necessary for communication are made available and to whom. Since its associational framework is normative, it frequently implies that the internet – at least theoretically – has some potential for revitalizing democratic life, and that it provides new modalities of civic engagement. Yochai Benkler, for example, argues that the internet provide us with distinct improvements in the structure of the public sphere over the mass

media since it allows a large number of actors to see themselves as contributors to public discourse and as potential actors in political arenas. Jens Hoff proposes that as the nature of political authorities become more polycentric, power is increasingly related to access to society's communicative processes – and thus to the online public sphere – rather than to formal political authority per se. Others have argued that while the internet has democratized politics, it has also fuelled the creation of new political elites and has done little to expand the voice of the ordinary citizen (Hindman, 2009). Likewise, scholarship have pointed to the limitations of the public sphere norm and its inadequacy in addressing issues of power, gender, normative conflicts, etc. (Garnham, 2000, Thompson, 1995).

Policy controversies

Irrespective of how we assess the internet's democratising potential, or the adequacy of the public sphere concept, it points to some of the most controversial internet policy issues of today:

1. First, the notion of a public sphere presumes a general public access to that sphere. While the global figures for internet access have changed dramatically over the past few years, it is still a domain that is inaccessible for almost half of the world's population (World Internet User Statistics 2017). The issue of inequalities in access to the internet has been an ongoing theme in global internet policy since the first World Summit on the Information Society in 2003. Considering that society's communicative processes increasingly unfold online, widespread access to the internet is a crucial precondition for it to effectively play a role as a domain that provides citizens with means of influencing the communicative processes whereby values and priorities in society are negotiated.
2. Second, the online public sphere is largely – and increasingly – a commercial sphere, in the sense that private companies own the spaces where public deliberations unfold. As has been addressed by a growing body of scholarship, platforms curate public debate, information search and news distribution by both algorithms and human interventions (cf. the posts by [Gillespie](#) and [van Dijck](#) in this series), in ways that are largely inaccessible for public inspection. While the public sphere presumes principles of rationality, openness and equality, online platforms design their services according to business priorities. Arguably, part of the public sphere has always been privatised, but the scope and intensity differs in the online realm. Moreover, the business model of online platforms is based on commodification of deliberations, thus the companies derive economic value from their users' personal information, search, preferences and behaviour (Zuboff, 2015). In short, there is no 'debating and deliberating' that is not also 'buying and selling' (Goldberg, 2011). The ramifications of this is a data capitalism (Myers West 2017) that differ essentially from the normative basis of the public sphere, not least in relation to fundamental rights and freedoms.

3. Third, the norm of a public sphere presupposes the protection of rights and freedoms such as freedom of expression, freedom of information, freedom of assembly and association, the right to privacy, etc., within that sphere. There are strict limitations on how the state may intervene in these rights and freedoms, for example, the extent to which it may censor certain expressions, just as restrictions on press freedom are regulated. In contrast, a private company is free to set the boundaries for what type of communication, information and activity is allowed within its platform, and how it uses and selects the information presented (within the limits of national laws).

The Privatised Public Sphere

The privatised nature of the online public sphere means that the protection of fundamental rights and freedoms fall short (Jørgensen 2017). As we engage in civic life and public deliberations on various platforms, the boundaries for the right to freedom of information, freedom of expression, freedom of assembly, privacy, etc, is set by companies. While states have a legal obligation not to restrict, for example, freedom of expression and access to information, except in specific legally justified cases, a company have wide discretion in how they define their services, and the type of expression allowed.

[Dossier: How metaphors shape the digital society](#)

Moreover, the online business model implies that the activities that constitute public life is transformed into commercial value. As such the online public sphere is no longer a public sphere, but rather a private business. In response to this, scholarship has suggested that the human rights responsibilities of companies that have the capacity to impact democracy in a way traditionally reserved for public institutions should increase (Laidlaw 2015). The scale of responsibility should reflect both the reach of the company and the infiltration of that 'information, process, site, or tool' in democratic culture. The past few years, and not least the ongoing debates related to hate-speech, fake news, political advertising, etc. have made policy makers in both Europe and the US more alert to the role and powers of platforms in relation to democratic processes. In consequence, the option of regulating the platforms that govern the online public sphere is increasingly brought up, however, mostly by calls for greater transparency. Meanwhile, the platforms continue to set their own rules for public engagement, thus providing for an online public sphere that lacks the very guarantees that originally constituted it. Arguably, the public sphere metaphor has always been contested and criticised for its inability to address issues of inequality, access and power. Nevertheless, it has served as a point of reference for civic life and public discourse, protected by fundamental rights and freedoms. Its online form of privatised governance forces us to consider if we are ready to give up that original idea, and if not – how we

reclaim a “public sphere” in the age of platforms.

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This article is part of our blog series about how metaphors shape the digital society. If you are interested in submitting a piece yourself, send us an [email](#) with your suggestions.

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