PUBLIC SPHERE AND TRANSNATIONAL DEMOCRACY:
A CRITICAL THEORETICAL RESPONSE TO NANCY FRASER

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ABSTRACT

The present article intends to analyze the limits and possibilities of the application of the concept of public sphere to postnational constellation. Following Nancy Fraser's argument in order to reformulate a critical theory of the public sphere with emancipatory purpose, we critically interrogate the consequences of her interpretation, which runs the risk of abandon the social genesis of normative principles that are suggested to rethink the public sphere in contexts of transnational democracies. We propose that the renewed critical concept of public sphere should be reconstructed in an immanent way, i. e., from the practical experiences and open political processes in which critical theory can reconstruct its normative categories and prognosticate real possibilities of emancipation in terms of deepening transnational democracy.

Keywords: Public Sphere, Transnational Democracy, Critical Theory, Social Movements, Nancy Fraser

RESUMO

O presente artigo pretende analisar os limites e possibilidades da aplicação do conceito de esfera pública na constelação pós-nacional. Seguindo o argumento de Nancy Fraser com a finalidade de reformular uma teoria crítica da esfera pública com propósitos emancipatórios, interrogamos criticamente as consequências de sua interpretação, que corre o risco de abandonar a gênese social dos princípios normativos que são sugeridos para repensar a esfera pública nos contextos de democracias transnacionais. Propomos que o conceito crítico e renovado de esfera pública deve ser reconstruído de maneira imanente, ou seja, a partir das experiências práticas e dos processos políticos abertos em que a teoria crítica pode reconstruir suas categorias normativas e prognosticar possibilidades reais de emancipação em termos de um aprofundamento da democracia transnacional.

Palavras-chave: esfera pública, democracia transnacional, teoria crítica, movimentos sociais, Nancy Fraser

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The concept of the public sphere has been definitively incorporated to the concerns of a theory of democracy. Today, when the political agenda turns to the developments associated with globalization, new transnational political processes challenge the way we think about rights, legitimacy, citizen's contestation and activism, and the role played by the public sphere itself. I am concerned here only with methodological aspects of a public sphere theory applied in a transnational level. But my focus is particularly directed to *critical theory*. Therefore, the main point consists not only in reappraise the limits and possibilities of the application of the concept of public sphere to postnational constellation. If it is clear that the transnationalization is posing questions of greatest importance for the critical theory, we need also to interrogate its consequences for the project of a critical theory of justice and democracy that should not abandon the attempt of grounding its norms and categories *immanently*. The methodological challenge would consist in this: how should we still continue identifying emancipatory potentials and clarifying political prospects that could emerge immanently from new conjunctures and global constitutive contexts?

A critical theory of democracy and of the public sphere was usually thought according to two key features: one of them is more clearly normative, once it consists of thinking the public sphere as a principle of legitimation; the second, although more open in sociological terms, has essential normative implications to democracy as well, because it includes in the concept of public sphere the process of institutionalization. Some authors use rather the term "efficacy" than "institutionalization" (FRASER, 2010), but as far as I understand both terms have the same purpose: they aim to underline the capacity an active public sphere would have to influence and transform political institutions.

Two interconnected problems could arise when we try to transpose these features to the transnational frame. The first problem concerns what I call the *normative geneses of critical categories* (MELO, 2015). As I have been trying to analyze in my last researches on the subject, the critical-normative potential of the concept of the public sphere has to be revisited and reworked. After all, would it not be somewhat unproductive to treat the public sphere above all as

a normative "model" which, after being abstractly confronted in a theoretical way, should find later some kind of application in practice? It seems more adequate to the purposes of social critical theory to understand the concept of the public sphere as a *context of origin* from which critical categories could be produced[2]. The public sphere is a social and political space which is being disputed, and that can be constituted in practice as a process from which clear normative points of view *can or cannot* emerge.

The second problem, in turn, is concerned with the way critical theory can deal with all transnationalizing pressures that create a disjuncture between the normative theoretical presuppositions and actuality. It's a very important point because a critical theory could not just maintain the same normative features of the applied concepts if the social conditions have changed so much. So, if the critical potential of the public sphere is to be rescued, then its conceptualization within critical theory needs to be revisited and reworked not only in the light of its normative principles, but also in the light of a different diagnosis of the time.

In order to understand how both mentioned problems are linked and to critically reflect about its theoretical consequences, I would like to assume Nancy Fraser's attempt to develop a new critical theory of the public sphere more suitable for a Post-Westphalian context, as she says. I totally agree with Fraser that our greatest challenge today is "to reformulate *the critical theory of the public sphere* in a way that can illuminate the emancipatory possibilities of the present constellation" (Fraser, 2010, p. 78). But how can we reformulate the concept without emptying its critical force? And does not its critical force depend more on the socially inscribed emancipatory potential than on our theoretical expectancy that the new categories will mirror the critical use they once had in other contexts?

In the first section of the paper, I try to follow Fraser's argumentation in order to emphasize her strategy of "re-scaling" the public sphere concept. On the one side, Fraser shows us that we need to renew our critical models once we are facing the changed historical experience of a Post-Westphalian

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[2] I am using the notion of a "context of origin" (*Entstehungszusammenhang*) in the same way Habermas (1971) has used it to expose some methodological presuppositions of critical theory he intended to reconstruct. This reconstruction explicitly retakes Horkheimer's original project of 1937 (2009).

paradigm. She is explicit about the fact that her argument concerning the need to revisit the critical potential of the idea of the public sphere depends on the actual diagnosis involving a new "structural transformation" of public spheres, producing therefore others conditions of possibility for critical theory today. In her terms, this new structural transformation follows from a whole set of developments associated with neoliberal globalization, in which processes of communication, political issues, the "publics" affected by political policies and decisions, and the actors making policy and taking decisions have all become transnationalized.

Even so, on the other side, the only way Fraser finds to keep the critical potential of the idea of public sphere, even in a Post-Westphalian frame, is clarifying the classical normative features of the concept – regarding the normative legitimacy and political efficacy – and then applying both to a transnational public sphere. That is why, in the second section, I put into question some methodological aspects assumed by Fraser in her strategy, and I insist in a small different approach to rethink a public sphere concept which seems also productive for a critical theory of transnational justice and democracy. In sum, I suspect that the same problem concerning the critical-normative geneses of the concept has been pushed to some recent theoretical discussions on transnational frame. Besides that, I will try to suggest that our conception of a democratic public sphere do not need to be justified only in terms of "institutionalization". Although one of the most important roles of the modern political public sphere consists in its capacity to influence formal institutions, we should, especially in the transnational level, pay attention to its more porous, fluid, and sometimes "anarchical" forms of *self-organization*. In these case, the supplementary concept of a "circulation of power" could serve to make us see that the critical potential of the public sphere also depends on its constitution as a conflictual social and political space, and trough the practical experiences of self-organization in the public sphere could we critically evaluate the quality of our transnational democracy.

I

The strategy of argumentation proposed by Fraser in her new reflection on public sphere theory is very enlightening. First, in order to point out the necessary tie between critically deployed conceptual principles and diagnosis of the time, Fraser turns to Jürgen Habermas's classical book *Structural Transformation of the Public Sphere*. Despite the fact that the historical analyses of the book were restricted to an inquiry into the category of historical European bourgeois society, what is important to highlight is the intended nexus between normative ideals and actual history, or, in other terms, the inquiry into the social conditions for a rational-critical debate about public issues. I will let aside the main critical task of the book concerning the transformation and partial degeneration of the public sphere and its ideological contradictions. More important for me here is the fact that a certain historical context was constitutive of certain strong normative principles for democratic theory.

To sum up, Habermas, together with his historical inquiry, was able to emphasized a rational core of the public sphere to normative political theory. In other words, he reconstructed the emergence of an autonomous public sphere of political reasoning and discussion that became central to a critical conception of modern democracy. Concepts like publicity, public reason, general will, and public sovereignty could be accounted in the realm of social and political institutions, reinforcing the consensual generation of general norms of action through critical public discourse (HABERMAS, 1962). The public sphere was then identified with our most important normative political ideals, and has been associated with an universal principle of participation understood as a concept of discursive will formation, that is, which emphasizes the determination of norms of action through the practical debate of *all affected* by them.[3]

In Fraser's terms, Habermas's work on the structuration of the national public sphere is relevant to a critical theory of democracy because of the normative principles he was able to reconstruct from the historical investigation. According to her, a concept of public sphere that is capable of

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[3] For a critical interpretation not only of the book itself, but also of the first formulation of Habermas's theory of public sphere, see Arato and Cohen (1992), Calhoun (1992), Baynes (1992), Benhabib (1992) and Fraser (1997).

carrying critical potential should be characterized by the following features:(i) *normative legitimacy* – it must enable democratic discussion between "all affected" by a particular issue; and (ii) *political efficacy* – a public sphere must influence, or even form, accountable political institutions that act for "all affected" through binding law and administration (FRASER, 2010).

Besides that, it is crucial to Fraser's argument to locate the historical background of such principles, once she needs to point out that Habermas's theory of public sphere is restricted to a determined "context of origin", so to speak, a context that she identifies with the Westphalian frame. That is why Fraser remembers the six social-theoretical presuppositions that unequivocally tied Habermas's early account of the public sphere to the Westphalian framing of political space (FRASER, 2010, p. 79-80). First, the public opinion has emerged together with a modern state apparatus. Second, Habermas identified members of the public with the citizenry of a democratic Westphalian state, a bounded political community. Third, the public-sphere discussion was connected with the economic relations of this political community. It means that the primary focus of the public's concern, at least in its historical formation, was the national economy regulated by the state. In the fourth place, the concept was totally associated with modern media, assuming then a national communication infrastructure contained by a Westphalian state. Besides that, Habermas should presuppose that the public debate was linguistically comprehensible, requiring, therefore, a national language. And finally, the cultural origins of the public sphere (its letters and novels, for instance) was reduced to a cultural community of the nation.

Now, it is important to understand the next step in Fraser's argument. I agree that when we ask for the democratic legitimacy of the institutions of a global governance, again the concept of a political public sphere could play an important role, although we are still trying to understand the formation of a public sphere beyond nation-state. Therefore, it will be necessary to "rethink" "yet again" (as Fraser emphasizes) the critical theory of a public sphere, a theory which would be more suitable to transnational issues, in order to reconstruct the same critical potential of its conception of the normative legitimacy and political efficacy. She is perfectly conscious of the methodological constrains a critical theorist should face to accomplish this

task: "On the one hand, one should avoid an empiricist approach that simply adapts the theory to the existing realities, as that approach risks sacrificing its normative force. On the other hand, one should also avoid an externalist approach that invokes ideal theory to condemn social reality, as that approach risks forfeiting critical traction. The alternative, rather, is a critical-theoretical approach that seeks to locate normative standards and emancipatory political possibilities precisely *within* the historically unfolding constellation". (FRASER, 2010, p. 77- *the italics are mine*).

By focusing on the articulation of the normative ideals with historical and social conditions, Fraser sets her main theoretical intention on Habermas's reconstruction and identifies the actual task of a critical theory in a postnational constellation. But, *surprisingly*, her strategy does not consist in obtain new critical elements from our new post-Westphalian frame, but to maintain what has been considered critical criteria before all structural transformations, ignoring, as it seems, the terms of her own critical-theoretical alternative. In this long extract from her text this apparently decisive movement of the argument seems to be more easily identifiable: "My proposal centers on the two features that together constituted the critical force of the concept of the public sphere in the Westphalian era: namely, the normative legitimacy and political efficacy of public opinion. As I see it, these ideas are intrinsic, indispensable elements of any conception of publicity that purports to be critical, *regardless of the socio-historical conditions in which it obtains.* The present constellation is no exception. Unless we can envision conditions under which current flows of transnational publicity could conceivably become legitimate and efficacious, the concept loses its critical edge and its political point. Thus, the only way to salvage the critical function of publicity today is to rethink legitimacy and efficacy. The task is to detach those two ideas from the Westphalian premises that previously underpinned them and to reconstruct them for a post-Westphalian world". (FRASER, 2010, p. 93 – *the italics are mine*).

It seems clear know, according to this quotation, that the critical task can be carried out without taking into account the normative genesis of the principles of public sphere as a social critical category. Because it would be enough to maintain the two ideas – the normative legitimacy and political

efficacy of public opinion – in order to rethink critically the concept of the public sphere in a transnational level. As she says, what seems really matter is to rescue and save the principles themselves. If it is so, then the methodological step of linking normative ideals with social conditions seems to have no place anymore for a critical theory of democracy. As Fraser says, without the normative principles the concept of a transnational public sphere "loses its critical force and its political point" (FRASER, 2010, p. 76-77), and not the opposite. As far as my interpretation is concerned, it should be quite the contrary. The critical potential of the concept of public sphere emerges from the fact that it would be part of the present conditions, even if its forms of realization are ambivalent, as reality usually is. I will come back to this discussion in the next section.

We can only answer what Fraser considers the questions of greatest importance for a critical theory of the public sphere today if we understand what has changed in the postnational constellation. If we cannot today conceive a public opinion that is only national, then we do not know yet how it could preserve its *critical* function of checking domination and democratizing governance. The problem can be formulated in terms of a democratic theory: can we still meaningfully interrogate the *legitimacy* of public opinion when the interlocutors do not constitute a *demos* or a political citizenry? And what could legitimacy mean in such a context?

To answer these questions, Fraser shows that public spheres today are "increasingly transnational or postnational" in relation to all six presuppositions already mentioned. What surprises me once again is the fact that all her answers seem at first sight be "negative". It means that all six constitutive presuppositions of the public sphere in the Westphalian frame are absent in the present conditions. Today, the sovereignty of the undivided state is highly questionable. There is no more an equation between national citizenry and nationality, a national territorial residence. The public discussion is not concerned anymore with national economy, because in the global economy the state power over national currency is quite limited. We are facing now a profusion of subnational or transnational media, with an even more global infrastructure of communication. The states now are undoubtedly multilingual.

And, especially with the rise of global mass entertainment, it is impossible to recognize the sort of national literary cultural formation presupposed by the Westphalian public opinion. On the contrary, we must consider the increased salience of cultural hybridity and hybridization[4].

In this point, I want to turn to the methodological questions I have been trying to highlight. What are the costs of maintaining the same normative claims to critically evaluate the Post-Westphalian frame? Because, as Fraser underlines, all normative assumptions are lacking, and not just empirically, but conceptually and politically. If her diagnosis is correct, then why should we meaningfully apply the same criteria? Independently of postnational circumstances, what is at stake on the rethinking of the public sphere is the preservation of the normative principle of justice as a "critical standard". "Henceforth, public opinion is legitimate if and only if it results from a communicative process in which all who are jointly subjected to the relevant governance structure(s) can participate as peers, *regardless of political citizenship*. Demanding as it is, this new, postwestphalian understanding of legitimacy constitutes a genuinely critical standard for evaluating existing forms of publicity in the present era" (FRASER, 2010, p. 96).

Considering Fraser's strategy in her article, the "critical standard" seems to be grounded in more or less paradoxical theoretical perspectives. On the one side, as the above quotation has shown, she needs to locate all "normative standards and emancipatory political possibilities precisely *within* the historically unfolding constellation". But, on the other side, we should obtain these normative standards and emancipatory political possibilities *regardless* of its socio-historical conditions, and even though it would be still considered an

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[4] Fraser does not stop here. The differences between Westphalian and post-Westphalian are stressed in an even more explicit way: "The 'who' of communication, previously theorized as a Westphalian-national citizenry, is often now a collection of dispersed interlocutors, who do not constitute a demos. The 'what' of communication, previously theorized as a Westphalian-national interest rooted in a Westphalian-national economy, now stretches across vast reaches of the globe, in a transnational community of risk, which is not, however, reflected in concomitantly expansive solidarities and identities. The 'where' of communication, once theorized as the Westphalian-national territory, is now deterritorialized cyberspace. The 'how' of communication, once theorized as Westphalian-national print media, now encompasses a vast translinguistic nexus of disjoint and overlapping visual cultures. Finally, the 'to whom' or addressee of communication, once theorized as a sovereign territorial state, which should be made answerable to public opinion, is now an amorphous mix of public and private transnational powers that is neither easily identifiable nor easily rendered accountable". (2010, p. 92)

adequate theoretical-critical approach. Rather than rethinking the actual emancipatory political potential of public spheres in present transnational conditions, at the end Fraser seems to intend above all merely to save the normativity the concept once had.

II

If we go back to Habermas' analysis on public sphere, at least some of his insights could be useful for the methodological discussion I am proposing here. After all, why Habermas himself *never* used the concept of public sphere mainly as a normative category? I would answer to this question by saying that it is because he employed the concept, with more or less success, so to speak, as a *critical* category. More specifically, Habermas never considered that the concept of the public sphere was purely normative because he has discerned it first of all as an "elementary social phenomenon" (HABERMAS, 1994, p. 436) that is connected to a social space composed of a communicative structure (practical experiences, social organizations, symbolic structures, reproduction of political culture). I guess that this particular insight can be used (and certainly carried forward beyond Habermas' own formulation) if the public sphere is understood as a *starting point* for the reconstruction of critical-normative categories, not as a point of arrival. That is, the social public sphere is not model, principle or normative concept *par excellence*, since it only engenders within an open and dynamic social space (which is often in dispute) the normative reference reconstructed by critical theory.

According to my hypothesis, we still have to search for a balanced composition between theoretical categories and diagnosis of the time, an articulation between the reconstructive nature of the critical-normative references and the social and political contexts in dispute. Therefore, this reconstruction requires that the theory be constantly linked to the political praxis of citizens, otherwise it cannot produce anymore immanent criteria of political legitimacy, as Fraser and others critical theorists usually presuppose while justifying their own social and political theory. But it also means that there is no transparency in the critical genesis of normative principles. An adequate description of political processes might be used to indicate intrinsic critical potentials that could be explored in practical terms. And even if such

practical potentials cannot be identified within those processes, the critical theorist should avoid just filling the gap between social obstacles and critical expectancy with external normative principles. This *indeterminacy of the political*, so to speak, is part of the critical genesis in that many of the issues faced in the public sphere do not require only a theoretical task, but, above all, a *practical* one.

I will have to limit myself to some additional indications concerning a more sociologically open critical theory of the public sphere. It is worth mention that I am not refusing the two presuppositions of legitimacy and efficacy advocated by Fraser. What I am trying to say is that both presuppositions should be the product of a political process, but always in the form of a *non-anticipated result*. This way of looking at the public sphere as an open, porous, and dynamic space allows us to understand how its normativity can be immanently produced. To this end, the concept of *circulation of power* might be useful. Although many authors have used such a concept (as Fraser and Habermas, for example), as far as I know it was more clearly developed by Bernhard Peters in some of his works (1993, 2008). My references to this concept here will be very limited and just indicative, because I intend to point out only that the public sphere has an important practical role in fulfill open processes that have *normative implications* both for the democratization of formal institutions and also for the dimension of social self-organization.

Indeed, the circulation of power has normative implications, but it is not normative from the outset. Only through its political processes and internal dynamics can we at the end qualify such a circulation of power as democratic. But it could be nondemocratic as well. The important is that this concept is sufficiently open to be applied by a theory of democracy without anticipating the results of its own investigation. It does not depend on previous substantive criteria, but permits generating normative points of view. The concept denotes rather a *process of reciprocal influence* between a different and multileveled social praxis and the political system (generally speaking). It presupposes that controversial issues (generated by socially produced practical experiences) are capable of setting in motion a broad circulation of power. And

the public sphere describes the *mediations* between social space's practical phenomena and the forms of acting in democratic processes.

These "mediations" include, among other things, the general processes of opinion and will formation, of social integration and political legitimacy centered in the public sphere, the analysis of public discourses and non-discursive forms of acting, its functions, potentials and levels of rationality present in public deliberation procedures, capacity of cultural reproduction and learning processes for the formation of a public culture (with its topics and contributions). The public thematization reveals an unlimited symbolic structure, which moves from the regulatory aspects of rational discourses, deliberations and justifications of legitimacy to non-discursive mobilizations, types and genres of social and cultural activities, background culture and the like.

The empirical distinctions covered by the concept include social structures and functions of the public sphere, such as the categories of participation, structures of production and creation of media communication, segmentation and social stratification, including then differences between national and transnational characteristics. Thus, the complex movement of political power would involve public deliberation (in formal and informal public spheres) as well as a public culture (where one identifies and collides values and common themes, familiar images to the background culture - expressed in movies, music, theater, literature, newspapers, television, internet - the public of specialists, the perception of a common historical and spatial horizon, the development of beliefs, cultural bonds that become public thematizations etc).(PETERS, 2008). And as far as its normative implications are concerned, the public deliberation can be reconstructed then in reason of democratic procedures and internal differentiation, or according to the thematic and participatory activity settled in motion in the opinion and will formation. Certainly, this model of an open circulation of power presupposes a complex and dynamic process permeated not only by the social struggles and

the conflicts in the public sphere, but also by the interdependence and mutual constitution of politics and law.[5]

But as Peters himself has noted in his research on forms and limits to the transnationalization of public spheres, we should not presuppose that the same possible circulation of power can be found in the international level. It is an empirical and decisive limit to the production of legitimacy and to the critical foundation of transnational public sphere theory. Peters says: "What does *not* exist [...] is an international public realm comparable in any way with those in national states. This would require the presence of a common agenda, shared structures of relevance, agreed interpretative framework and a collective identity that linked its members to common action and responsibility" (2008, p. 193). In this case, we should pay attention to the local and non-explicit forms of self-organization that could have political consequences for the legitimacy of transnational arrangements. It would be particularly important to understand the connection between local, national and transnational practices and, in doing so, moving the perspective from the "institutionalization" moment (usually understood as a main consequence of the circulation of power and as standard to look into the principles of political legitimacy) to the various *forms of self-organizations of society* (much of the time informally and diffusely constituted). And, as we will see, there is much evidence pointing to the transnational form they have been assumed on new political networks and mobilizations between national and global scales (new public thematization and participation, counter publics, cyber activities, civil disobedience etc.).

This was exactly the theoretical perspective advocated by Nick Couldry on his commentaries on Fraser's study. Rather than attempting to define the conditions for a wholly new public sphere on a transnational scale, "we can investigate, first, how transnationalizing pressures might be more adequately addressed in public spheres on every level (including local and national), and, second, whether an eventual 'transnational public sphere' might be better understood not as a single thing, but as the networked resultant of transformations at multiple levels" (COULDRY, 2010, p. 45). It would be the case because, according to Couldry, the systems that actually regulate everyday

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[5]On the self-transformation of public spheres and its consequences to the legitimacy of the rule of law, see Habermas, 1994.

life (taxes, border controls, rights to start a business, criminal law, and much of media enterprises) still issue in large part from the nation-state and not from a transnational power source, even if transnational powers set the parameters within which national states can act in these domains; and they still get implemented often at a local level: "More generally, if we think about the public sphere sociologically, as a process underpinned by habits of media use in everyday life, these habits remain, and are likely to remain, largely national, not transnational, in their focus" (COULDRY, 2010, p. 51)

Another way of thinking of social spaces and its vital force for transnational democracy was represented by Fuyuki Kurasawa's "anarchist cosmopolitanism". Against Fraser's high demand for finding a model of public sphere compatible with postnational institutions, Kurasawa also reduces the perspective of "institutionalization" within public sphere theory. For Kurasawa, one should defend Fraser against herself by rescuing the functioning and role of "subaltern counterpublics" within her post-Westphalian revision of public-sphere theory. According to him, the idea of subaltern counterpublics captures the informal, nongovernmental strategies and self-understandings of many activist segments of global civil society. "Several radical groups within global civil society perform two types of 'under-ground' political projects: direct action against organizations perpetuating structural inequalities and global injustices (international financial institutions, transnational corporations, etc.); and the establishment of self-managed sites and institutions performing as strong or quasi-strong publics in civil society, which generate counterpublicity and whose participants collectively determine how to organize their socio-political lives. At another level, these groups are equally committed to publicity via the dissemination of critical discourses and the pursuit of 'agitational activities' directed at wider publics within global and national civil societies, as well as the creation of oppositional public spheres or counterhegemonic blocs in which to deliberate about and denounce global injustices". (KURASAWA, 2010, p. 91-92). But it is worth noting that, on the one hand, it is unclear whether there is a place for self-managed institutions as "strong publics" at the transnational scale, and if so, we do not know exactly what Fraser sees as their role in a post-Westphalian context. On the other, her idea of subaltern counterpublics remains useful to make sense of an

oppositional strategy of engaged withdrawal from formal-institutional politics within significant segments of global civil-society activism today.

That is why it is crucial to understand in this new context the role of Internet as a way of self-organization. Despite its ambiguous constitution to the demands of political legitimacy and efficacy, Internet has a recognizable potential for the vitality of transnational democracy. "The space opened up by computer-mediated communication", James Bohman tell us, "supports a new sort of distributive rather than unified public sphere, with new forms of interaction. By 'distributive', I mean a form of communication that decenters the public sphere; it is a public of publics rather than a distinctively unified and encompassing public sphere in which all communicators participate" (BOHMAN, 2007, p. 77). What is new about the internet is that it becomes a public sphere as a form of mediation and trough possibilities for communicative freedom within it. On the other hand, it is supported by informal network forms of communication that make possible new forms of highly dispersed deliberation. "The Internet becomes something more only when sites are created as public spaces in which free, open, and responsive dialogue occurs. This sort of project is not uncommon and includes experiments among neighborhood groups, NGOs, and others. The civil society organization acts as an intermediary in a different and public-regarding way: not as an expert communicator, but rather as the creator and facilitator of institutional software that socializes the commons and makes it a public space" (BOHMAN, 2007, p. 81).

The particular category Bohman chooses to grasp Internet as a differentiated public forum is "minipublic", not "weak public", as Fraser does, but I guess that both terms can be used in the same way – "minipublics provide opportunities for empowered participation where groups of citizens, not experts, are given specific normative powers to deliberate and form opinions and to make recommendations and decisions" (BOHMAN, 2007, p. 87) Assuming one more time the model of the circulation of power, even in Fraser's terms, Internet publics would be "weak" publics that could exert influence over decision-making institutions, but it generally happens not in a directed way. But, on the other hand, the influence, sometimes by social pressure, might transform Internet publics in "strong" publics. In this case,

they become strong when they are able to exercise influence through institutionalized decision procedures and mobilize citizens in public contention. Minipublics are in some form institutionally constructed together with communicative interaction in public will formation. But, as far as I understand Bohman's concept, minipublics rely on experimental efforts to create in the limit self-consciously organized publics and political contestation.

Sure, the new kind of digital contestation has not the same sources and effects on transnational realities as the role once played by social mobilization in national boundaries. Today, it implies a "new structural transformation of the public sphere" because the apparent crisis of democracy, the growing alienation produced by a globalized (and still strongly technocratized) political system and its allegedly democratic institutions, pushed the vitality of democracy to the acts of citizen's resistance and activism. What is more vivid in transnational democracy depends on the cultural and political expressions that emerge from the base of society and from its manifestations in autonomous public spheres.

Therefore, digital activism and digital contention have certainly many limits. But, as Robin Celikates has recently shown, digitalization has significantly transformed traditional public spheres (CELIKATES, 2015), since nothing has predetermined the practical constitution of self-organized social actions and manifestations[6]. And it is possible to identify here important methodological aspects that are very helpful to the renewed project of a critical theory of public sphere, which I am also trying to underline. I agree with Celikates that we are facing a "new structural transformation", and even more because of the open features and forms of constantly redefinition and renegotiation it involves. "This process", he says, "is an essentially open social and political process involving multiple arenas and spheres whose form and results are essentially contested and part of political struggles that take place in the public sphere as much as they are about the public sphere and produce it in the course of such contestation" (CELIKATES, 2015, p. 172).

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[6]This is the way citizens assume a porous and sometimes unorganized democratic self-rule, with constant "critical and reflective activity of calling into question, testing the adequacy, negotiating and modifying the given rules, scripts, roles and relationships of the public spheres in which they act" (TULLY, 2013, p. 171).

From the point of view of the demand for legitimacy in transnational democracy, the forms of self-organization produce a more fluid, sometimes not so clear determined, tendencies for the institutional design of a deliberative political justification. But how could we diagnose such tendencies? How could we measure precisely the appropriate feedback between disaggregated publics and polycentric decision-making process? To answer this question, it is necessary to describe and understand potentials and also obstacles produced among dispersed publics at various levels of opinion formation, new forums and publics around national locations and transnational processes in which decisions are debated and discussed. Anyway, even if we are concerned with normative principles and its critical implications, *it is imperative to treat democracy as an open project and understand the practical experiences of public spheres as something dynamic, disputable, and in constant (self-) transformation.* Transnational politics forces us to go beyond the traditional notion of democracy, especially if we focus on forms of civil disobedience and protest in public spheres, an extra-institutional dimension *per definition.* Only *within* these practical experiences, only radically assuming the participant's perspective (as the perspective of the new political subjects themselves), with experiences that are still open and formally unorganized, can critical theory reconstruct its critical-normative categories and prognosticate real possibilities of emancipation in terms of deepening transnational democracy.

To conclude, it seems to me that perhaps Fraser's pessimism in face of the present transnational circumstances (as we have seen according to her description of a post-Westphalian frame) at the end compels her to reduce the actual critical-theoretical task to the preservation of critical principles and standards. As far as I see, she approached this question with a high degree of skepticism. I would like to consider rather the manner in which empirically observable processes of opinion formation and public deliberation relate to the empirically observable forms of social praxis and self-organizations. This concrete and at the same time ambiguous forms of self-organization do not aim to betray the possible normative perspectives politically and theoretically adopted, because we are still trying to find similar things: our purpose consists in identifying the "rational core" which resides within the social and cultural expressions, forms of communication and practical experiences. It implies that

the normative political theory does not lose sight of the limiting conditions represented by the complexity of social reality. But, besides this empirical access, it means that the critical theory does not conceive the deepening of democracy by centering its analyses in the state, institutions or political systems. The political emancipatory potential of the present public spheres relates to its actual self-organizational vitality.

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