The Structural Transformation of the Public Sphere

An Inquiry into a Category of Bourgeois Society

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Contents

Introduction by Thomas McCarthy  xi
Translator's Note  xv
Author's Preface  xvii

I Introduction: Preliminary Demarcation of a Type of Bourgeois Public Sphere

1 The Initial Question  1

2 Remarks on the Type of Representative Publicness  5

3 On the Genesis of the Bourgeois Public Sphere  14

II Social Structures of the Public Sphere

4 The Basic Blueprint  27

5 Institutions of the Public Sphere  31

6 The Bourgeois Family and the Institutionalization of a Privateness Oriented to an Audience  43

7 The Public Sphere in the World of Letters in Relation to the Public Sphere in the Political Realm  51
Contents

III Political Functions of the Public Sphere

8 The Model Case of British Development 57
9 The Continental Variants 67
10 Civil Society as the Sphere of Private Autonomy: Private Law and a Liberalized Market 73
11 The Contradictory Institutionalization of the Public Sphere in the Bourgeois Constitutional State 79

IV The Bourgeois Public Sphere: Idea and Ideology

12 Public Opinion—*Opinion Publique*—*Öffentliche Meinung*: On the Prehistory of the Phrase 89
13 Publicity as the Bridging Principle between Politics and Morality (Kant) 102
14 On the Dialectic of the Public Sphere (Hegel and Marx) 117
15 The Ambivalent View of the Public Sphere in the Theory of Liberalism (John Stuart Mill and Alexis de Tocqueville) 129

V The Social-Structural Transformation of the Public Sphere

16 The Tendency toward a Mutual Infiltration of Public and Private Spheres 141
17 The Polarization of the Social Sphere and the Intimate Sphere 151
18 From a Culture-Debating (lculturräsonierend) Public to a Culture-Consuming Public 159
19 The Blurred Blueprint: Developmental Pathways in the Disintegration of the Bourgeois Public Sphere 175
Contents

VI The Transformation of the Public Sphere's Political Function

20 From the Journalism of Private Men of Letters to the Public Consumer Services of the Mass Media: The Public Sphere as a Platform for Advertising 181

21 The Transmuted Function of the Principle of Publicity 196

22 Manufactured Publicity and Nonpublic Opinion: The Voting Behavior of the Population 211

23 The Political Public Sphere and the Transformation of the Liberal Constitutional State into a Social-Welfare State 222

VII On the Concept of Public Opinion

24 Public Opinion as a Fiction of Constitutional Law—and the Social-Psychological Liquidation of the Concept 236

25 A Sociological Attempt at Clarification 244

Notes 251

Index 299
VII
On the Concept of Public Opinion

24 Public Opinion as a Fiction of Constitutional Law—and the Social-Psychological Liquidation of the Concept

"Public opinion" takes on a different meaning depending on whether it is brought into play as a critical authority in connection with the normative mandate that the exercise of political and social power be subject to publicity or as the object to be molded in connection with a staged display of, and manipulative propagation of, publicity in the service of persons and institutions, consumer goods, and programs. Both forms of publicity compete in the public sphere, but "the" public opinion is their common addressee. What is the nature of this entity?

The two aspects of publicity and public opinion do not stand in a relationship of norm and fact—as if it were a matter of the same principle whose actual effects simply lagged behind the mandated ones (and correspondingly, the actual behavior of the public lagged behind what was expected of it). In this fashion there could be a link between public opinion as an ideal entity and its actual manifestation; but this is clearly not the case. Instead, the critical and the manipulative functions of publicity are clearly of different orders. They have their places within social configurations whose functional consequences run at cross-purposes to one another. Also, in each version the public is expected to behave in a different fashion. Taking up a distinction introduced earlier it might be said that one version is premised on public opinion, the other on nonpublic opinion.
And critical publicity along with its addressee is more than merely a norm. As a constitutionally institutionalized norm, no matter what structural transformation its social basis has undergone since its original matrix in the bourgeois constitutional state, it nevertheless determines an important portion of the: procedures to which the political exercise and balance of power are factually bound. This publicity, together with an addressee that fulfills the behavioral expectations set by it, "exists"—not the public as a whole, certainly, but surely a workable substitue. Further questions, to be decided empirically, concern the areas in which these functions of publicity are in force and to what extent and under which conditions its corresponding public exists today. On the other hand, the competing form of publicity along with its addressee is more than a mere fact. It is accompanied by a specific self-understanding whose normative obligatoriness may to a certain extent also be in opposition to immediate interests of "publicity work." Significantly, this self-understanding borrows essential elements precisely from liberal publicist antagonist.

Within the framework of constitutional law and political science, the analysis of constitutional norms in relation to the constitutional reality of large democratic states committed to social rights has to maintain the institutionalized fiction of a public opinion without being able to identify it directly as a real entity in the behavior of the public of citizens. The difficulty arising from this situation has been described by Landschut. On the one hand, he registers the fact that "public opinion [is] replaced [by] an in itself indeterminate mood-dependent inclination. Particular measures and events constantly lead it in this or that direction. This mood-dependent preference has the same effect as shifting cargo on a rolling ship." On the other hand, he recalls that the constitutional institutions of large, democratic, social-welfare states count on an intact public opinion because it is still the only accepted basis for the legitimation of political domination: "The modern state presupposes as the principle of its own truth the sovereignty of the people, and this in turn is supposed to be public opinion. Without this attribution, without the substitution of public opinion as the origin of all authority for decisions binding the
whole, modern democracy lacks the substance of its own truth." 2 If, without a naive faith in the idea of a rationalization of domination, the mandate implicit in the constitutional norms of a public sphere as an element in the political realm 3 cannot be simply abandoned to the facticity of a public sphere in a state of collapse, 4 two paths toward defining the concept of public opinion become evident.

One of these leads back to the position of liberalism, which in the midst of a disintegrating public sphere wanted to salvage the communication of an inner circle of representatives capable of constituting a public and of forming an opinion, that is, a critically debating public in the midst of one that merely supplies acclamation: "it is obvious that out of the chaos of moods, confused opinions, and popularizing views of the sort spread by the mass media, a public opinion is much more difficult to form than out of the rational controversy between the different great currents of opinion that struggled against one another within society. To this extent it must be conceded that it is harder than ever for public opinion to prevail." 5 Hennis, of course, announces this state of affairs only for the sake of demonstrating the urgency of special arrangements intended to procure authority and obedience for "the view adopted by the relatively best informed, most intelligent, and most moral citizens" 6, as the public in contradistinction to the common opinion. The element of publicity that guarantees rationality is to be salvaged at the expense of its other element, that is, the universality guaranteeing general accessibility. In this process, the qualifications that private people once could attain within the sphere of commerce and social labor as social criteria of membership in the public become autonomous hierarchical qualities of representation, for the old basis can no longer be counted on. Sociologically, a representativeness of this kind can no longer be determined in a satisfactory fashion under the existing conditions. 7

The other path leads to a concept of public opinion that leaves material criteria such as rationality and representativeness entirely out of consideration and confines itself to institutional criteria. Thus Fraenkel equates public opinion with the view that happens to prevail in the parliament and to be
On the Concept of Public Opinion

authoritative for the government: "With the help of parliamentary discussion, public opinion makes its desires known to the government, and the government makes its policies known to public opinion."—public opinion reigns, but it does not govern. Leibholz contends that this way of counterposing government and parliament as the mouthpieces of public opinion is incorrect, claiming that the antagonistic political actors always are the parties in their roles as party-in-government and party-in-opposition. The will of the parties is identical with that of the active citizenry, so that the party happening to hold the majority represents the public opinion: "Just as in a plebiscitary democracy the will of the enfranchised citizenry's majority is identified, in a functioning democratic state with a party system, with the collective will of the people on an issue, the will of the parties that happen to hold the majority in government and parliament is identified with the volonté générale." Non-public opinion only attains existence as "public" when processed through the parties. Both versions take into account the fact that independently of the organizations by which the opinion of the people is mobilized and integrated, it scarcely plays a politically relevant role any longer in the process of opinion and consensus formation in a mass democracy. At the same time, however, this is the weakness of this theory; by replacing the public as the subject of public opinion with agencies in virtue of which alone it is still viewed as capable of political activity, this concept of public opinion becomes peculiarly non-descript. It is impossible to discern whether this "public opinion" has come about by way of public communication or through opinion management, whereby it must remain undecided again whether the latter refers merely to the enunciation of a mass preference incapable of articulating itself or to the reduction to the status of a plebiscitary echo of an opinion that, although quite capable of attaining enlightenment, has been forcibly integrated. As a fiction of constitutional law, public opinion is no longer identifiable in the actual behavior of the public itself; but even its attribution to certain political institutions (as long as this attribution abstracts from the level of the public's behavior altogether) does not remove its fictive character. Empirical social research therefore returns with pos-
ivist pathos to this level, in order to establish "public opinion" directly. Of course, it in turn abstracts from the institutional aspects and quickly accomplishes the social-psychological liquidation of the concept of public opinion as such.

Already a problem for liberalism by the middle of the century, 'public opinion' came fully into view as a problematic entity in the final quarter of the nineteenth century. Striking a note of liberal resignation, a treatise about "Nature and Value of Public Opinion" of 1879 put it in the following fashion:

So for the present the novelty of facts and the need for diversions has become so decisive that the people's opinion is as deprived of the support of a firm historical tradition ... as it is of that peculiarly energetic spadework in the intellectual laboratory of great men who placed their faith in principles and sacrificed everything to them. What a century ago was, according to the belief of contemporaries, a social principle that placed an obligation upon each individual (namely, public opinion), in the course of time has become a slogan by which the complacent and intellectually lazy mass is supplied with a pretext for avoiding the labor of thinking for themselves.¹⁰

A half-century earlier Schaffle had characterized public opinion as a "formless reaction on the part of the masses" and defined it as "expression of the views, value judgments, or preferences of the general or of any special public."¹¹ The normative spell cast by constitutional theory over the concept was therewith broken—public opinion became an object of social-psychological research. Tarde was the first to analyze it in depth as "mass opinion";¹² separated from the functional complex of political institutions, it is immediately stripped of its character as "public" opinion. It is considered a product of a communication process among masses that is neither bound by the principles of public discussion nor concerned with political domination.

When, under the impression of an actually functioning popular government, political theoreticians like Dicey in England and Bryce in the United States¹³ nevertheless retained this functional context in their concepts of public opinion (which, to be sure, already show the traces of social-psychological reflection), they exposed themselves to the accusation of empirical unreliability. The prototype of this kind of objection is
A. C. Bentley's early critique. He misses "a quantitative analysis of public opinion in terms of the different elements of the population," which is to say, "an investigation of the exact things really wanted under the cover of the opinion by each group of the people, with time and place and circumstances all taken up into the center of the statement." Hence Bentley's thesis: "There is no public opinion . . . nor activity reflecting or representing the activity of a group or set of groups."14

Public opinion became the label of a social-psychological analysis of group processes, defining its object as follows: "Public opinion refers to people's attitudes on an issue when they are members of the same social group."15 This definition betrays in all clarity what aspects had to be positivistically excluded from the historic concept of public opinion by decades, of theoretical development and, above all, of empirical methodological progress. To begin with, "public," as the subject of public opinion, was equated with "mass," then with "group," as the social-psychological substratum of a process of communication and interaction among two or more individuals. "Group" abstracts from the multitude of social and historical conditions, as well as from the institutional means, and certainly from the web of social functions that at one time determined the specific joining of ranks on the part of private people to form a critical debating public in the political realm. "Opinion" itself is conceived no less abstractly. At first it is still identified with "expression on a controversial topic,"16 later with "expression of an attitude,"17 then with "attitude" itself.18 In the end an opinion no longer even needs to be capable of verbalization; it embraces not only any habit that finds expression in some kind of notion—the kind of opinion shaped k) religion, custom, mores, and simple "prejudice" against which public opinion was called in as a critical standard in the eighteenth century—but simply all modes of behavior. The onl) thing that makes such opinion a public one is its connection with group processes. The attempt to define public opinion as a "collection of individual opinions"19 is soon corrected by the analysis of group relations: "We need concepts of what is both fundamental or deep and also common to a group."20 A group opinion is considered "public" when subjectively it has come to
prevail as the dominant one. The individual group member has a (possibly erroneous) notion concerning the importance of his opinion and conduct, that is to say, concerning how many and which ones of the other members share or reject the custom or view he embraces.²¹

In the meantime Lazarsfeld has pointedly insisted that the price to be paid for the social-psychological concept of public opinion is too high if it is held at the expense of eliminating all essential sociological and politological elements. Using several examples he confronts the social-psychological version with the concept as it derives from traditional political theory²² but then, unfortunately, does no more than state the desirability of a "classical-empirical synthesis."²³ Nevertheless, the expansion of the field of investigation beyond group dynamics to institutions of public opinion, that is, to the relationship between the mass media and opinion processes, is a first step in this direction. A typical example of the extent to which even these investigations of communication structures are better able to deal with psychological relationships than with institutional conditions is provided by the theorem (which as such is interesting) concerning the two-step flow of communication.²⁴

A more significant step toward the desired synthesis between the classical concept of public opinion and its social-psychological surrogate occurs only through the recollection of the suppressed relationship to the agencies of political domination. "Public opinion is the corollary of domination... something that has political existence only in certain relationships between regime and people."²⁵

Yet just as the concept of public opinion oriented to the institutions of the exercise of political power does not reach into the dimension of informal communication processes, a concept of public opinion social-psychologically reduced to group relations does not link up again with that very dimension in which the category once developed its strategic function and in which it survives today, leading the life of a recluse not quite taken seriously by sociologists: precisely as a fiction of constitutional law.²⁶ Once the subject of public opinion is reduced to an entity neutral to the difference between public and private spheres, namely, the group—thus documenting a structural
transformation, albeit not providing its concept—and once public opinion itself is dissolved into a group relationship neutral to the difference between reasonable communication and irrational conformity, the articulation of the relationship between group opinions and public authority is left to be accomplished within the framework of an auxiliary science of public administration. Thus Schmidtchen's approach leads to the following definition: "Accordingly, all those behaviors of population groups would be designated as public opinion that are apt to modify or preserve the structures, practices, and goals of the system of domination."27 The intention of a political public sphere (to which the mandate of democratic publicity on the part of a social-welfare state refers after all) is so completely ignored by such a concept that if it were applied in empirical research, not even the nonexistence of this sphere would be demonstrated. For it characterizes public opinion as something that, friction-like, might offer resistance to governmental and administrative practice and that in line with the results and recommendations of opinion research can be diagnosed and manipulated by appropriate means. For these results and recommendations "enable the government and its organs to take action with regard to a reality constituted by the reaction of those who are especially affected by a given policy. Opinion research has the task of providing the committees and institutions in charge ... of aligning the behavior of the population with political goals"28 with a feedback of reliable soundings of this reality. The author does not fail to produce evidence for his assertion.29,1 Public opinion is defined from the outset in reference to the kind of manipulation through which the politically dominant must ever strive "to bring a population's dispositions into harmony with political doctrine and structure, with the type and the results of the ongoing decision process."30 Public opinion remains the object of domination even when it forces the latter to make concessions or to reorient itself. It is not bound to rules of public discussion or forms of verbalization in general, nor need it be concerned with political problems or even be addressed to political authorities.31 A relationship to domination accrues to it, so to speak, behind its back. The "private" desires for cars and refrigerators fall under
the category of "public opinion" just as much as the behaviors of any given group, if only they are relevant to the governmental and administrative functions of a social-welfare state.32

25 A Sociological Attempt at Clarification

The material for opinion research—all sorts of opinions held by all sorts of population groups—is not already constituted as public opinion simply by becoming the object of politically relevant considerations, decisions, and measures. The feedback of group opinions, defined in terms of the categories employed in research on governmental and administrative processes or on political consensus formation (influenced by the display of staged or manipulative publicity), cannot close the gap between public opinion as a fiction of constitutional law and the social-psychological decomposition of its concept. A concept of public opinion that is historically meaningful, that normatively meets the requirements of the constitution of a social-welfare state, and that is theoretically clear and empirically identifiable can be grounded only in the structural transformation of the public sphere itself and in the dimension of its development. The conflict between the two forms of publicity which today characterizes the political public sphere has to be taken seriously as the gauge of a process of democratization within an industrial society constituted as a social-welfare state.35 Nonpublic opinions are at work in great numbers, and "the" public opinion is indeed a fiction. Nevertheless, in a comparative sense the concept of public opinion is to be retained because the constitutional reality of the social-welfare state must be conceived as a process in the course of which a public sphere that functions effectively in the political realm is realized, that is to say, as a process in which the exercise of social power and political domination is effectively subjected to the mandate of democratic publicity. The criteria by which opinions may be empirically gauged as to their degree of publicness are therefore to be developed in reference to this dimension of the evolution of state and society; indeed, such an empirical specification of public opinion in a comparative sense is today the most reliable means for attaining valid and comparable statements about the
extent of democratic integration characterizing a specific constitutional reality.

Within this model, two politically relevant areas of communication can be contrasted with each other: the system of informal, personal, nonpublic opinions on the one hand, and on the other that of formal, institutionally authorized opinions. Informal opinions differ in the degree of their obligatoriness. The lowest level of this area of communication is represented by the verbalization of things culturally taken for granted and not discussed, the highly resistant results of that, process of acculturation that is normally not controlled by one's own reflection—for example, attitudes toward the death penalty or sexual morality. On the second level the rarely discussed basic experiences of one's own biography are verbalized, those refractory results of socialization shocks that have again become subreflective—for example, attitudes toward war and peace or certain desires for security. On the third level one finds the often discussed things generated as self-evident by the culture industry, the ephemeral results of the relentless publicist disposal and propagandist manipulation by the media to which consumers are exposed, especially during their leisure time.5

In relation to those matters taken for granted in a culture (which as a kind of historical sediment can be considered a type of primordial "opinion" or "prejudice" that probably has scarcely undergone any change in its social-psychological suture), the matters whose taken-for-granted status is generated by the culture industry have both a more evanescent and more artificial character. These opinions are shaped within the medium of a group-specific "exchange of tastes and preferences."

Generally, the focus for this stratum of other-directed opinions is the family, the peer group, and acquaintances at work and in the neighborhood—each with its specific structures of information channeling and opinion leadership ensuring the binding nature of group opinions.55 To be sure, matters that are taken for granted in a culture also become topical in the exchanges of opinion of such groups, but they are of a different sort from the ideas sustained by conviction, which in anticipation of their inconsequentiality circulate, so to speak, until recalled. Like those "opinions," they too constitute systems of
norms demanding adaptation, but they do so more in the manner of a social control through "fashions" whose shifting rules require only a temporary loyalty. Just as those things that are taken for granted in a culture because of deep-seated traditions may be called subliterary, so those generated by the culture industry have reached a post-literary stage, as it were. The contents of opinion managed by the culture industry thematize the wide field of intrapsychic and interpersonal relationships first opened up psychologically by the subjectivity which during the eighteenth century, within the framework of an intact bourgeois domain of interiority, required a public and could express itself through literature. At that time the private spheres of life were still protected in their explicit orientation to a public sphere, since the public use of reason remained tied to literature as its medium. In contrast, the integration culture delivers the canned goods of degenerate, psychologically oriented literature as a public service for private consumption—and something to be commented on within the group's exchange of opinions. Such a group is as little a "public" as were those formations of pre-bourgeois society in which the ancient opinions were formed, secure in their tradition, and circulated unpolemically with the effect of "laws of opinion." It is no accident that group research and opinion research have developed simultaneously. The type of opinion that emerges from such intragroup relations—picked up ready-made, flexibly reproduced, barely internalized, and not evoking much commitment—this "mere" opinion, a component of what is only "small talk" anyway, is per se ripe for research. The group's communication processes are under the influence of the mass media either directly or, more frequently, mediated through opinion leaders. Among the latter are often to be found those persons who have reflected opinions formed through literary and rational controversy. However, as long as such opinions remain outside the communication network of an intact public, they too are part of the nonpublic opinions, although they clearly differ from the three other categories.

Over and against the communicative domain of nonpublic opinion stands the sphere of circulation of quasi-public opinion. These formal opinions can be traced back to specific in-
stitions; they are officially or semiofficially authorized as announcements, proclamations, declarations, and speeches. Here we are primarily dealing with opinions that circulate in a relatively narrow circle—skipping the mass of the population—between the large political press and, generally, those publicist organs that cultivate rational debate and the advising, influencing, and deciding bodies with political or politically relevant jurisdictions (cabinet, government commissions, administrative bodies, parliamentary committees, party leadership, interest group committees, corporate bureaucracies, and union secretariats). Although these quasi-official opinions can be addressed to a wide public, they do not fulfill the requirements of a public process of rational-critical debate according to the liberal model. As institutionally authorized opinions, they are always privileged and achieve no mutual correspondence with the nonorganized mass of the "public."

Between the two spheres, naturally, exists a linkage, always through the channels of the mass media; it is established through that publicity, displayed for show or manipulation, with the help of which the groups participating in the exercise and balancing of power strive to create a plebiscitary follower-mentality on the part of a mediated public. We also count this vehicle of managed publicist influence among the formal opinions; but as "publicly manifested" they have to be distinguished from "quasi-public" opinions.

In addition to this massive contact between the formal and informal communicative domains, there also exists the rare relationship between publicist organs devoted to rational-critical debate and those few individuals who still seek to form their opinions through literature—a kind of opinion capable of becoming public, but actually nonpublic. The communicative network of a public made up of rationally debating private citizens has collapsed; the public opinion once emergent from it has partly decomposed into the informal opinions of private citizens without a public and partly become concentrated into formal opinions of publicistically effective institutions. Caught in the vortex of publicity that is staged for show or manipulation the public of nonorganized private people is laid claim to not
by public communication but by the communication of publicly manifested opinions.

An opinion that is public in the strict sense however can only be generated in the degree that the two domains of communication are mediated by a third, that of critical publicity. Today, of course, such a mediation is possible on a sociologically relevant scale only through the participation of private people in a process of formal communication conducted through intraorganizational public spheres. Indeed, a minority of private people already are members of the parties and special-interest associations under public law. To the extent that these organizations permit an internal public sphere not merely at the level of functionaries and managers but at all levels, there exists the possibility of a mutual correspondence between the political opinions of the private people and that kind of quasi-public opinion. This state of affairs may stand for a tendency that for the time being is on the whole insignificant; the extent and actual impact of this tendency need to be established empirically—that is, whether we are dealing in general with a growing or declining tendency. For a sociological theory of public opinion this tendency is nevertheless of decisive importance, for it provides the criteria for a dimension in which alone public opinion can be constituted under the conditions of a large democratic state committed to social rights.

In the same proportion as informal opinions are channeled into the circuit of quasi-public opinions, seized by it, and transformed, this circuit itself, in being expanded by the public of citizens, also gains in publicity. Since, of course, public opinion is by no means simply "there" as such, and since it is at best possible to isolate tendencies that under the given conditions work in the direction of generating a public opinion, it can be defined only comparatively. The degree to which an opinion is a public opinion is measured by the following standard: the degree to which it emerges from the intraorganizational public sphere constituted by the public of the organization's members and how much the intraorganizational public sphere communicates with an external one formed in the publicist interchange, via the mass media, between societal organizations and state institutions.
On the Concept of Public Opinion

C. W. Mills, by contrasting "public" and "mass," obtained empirically usable criteria for a definition of public opinion: "In a public, as we may understand the term, (1) virtually as many people express opinions as receive them. (2) Public communications are so organized that there is a chance immediately and effectively to answer back any opinion expressed in public. Opinion formed by such discussion (3) readily finds an outlet in effective action, even against—if necessary—the prevailing system of authority. And (4) authoritative institutions do not penetrate the public, which is thus more or less autonomous in its operation." Conversely, opinions cease to be public opinions in the proportion to which they are enmeshed in the communicative interchanges that characterize a "mass":5

In a mass, (1) far fewer people express opinions than receive them. For the community of publics becomes an abstract collection of individuals who receive impressions from the mass media. (2) The communications that prevail are so organized that it is difficult: or impossible for the individual to answer back immediately or with any effect. (3) The realization of opinion in action is controlled by authorities who organize and control the channels of such action. (4) The mass has no autonomy from institutions; on the contrary, agencies of authorized institutions penetrate this mass, reducing any autonomy it may have in the formation of opinion by discussion.6

These abstract determinations of an opinion process that takes place under the conditions of a collapse of the public sphere can be easily fitted into the framework of our historical and developmental model.39 The four criteria of mass coinunification are fulfilled to the extent that the informal domain of communication is linked to the formal merely through the channels of a publicity staged for the purpose of manipulation or show; via the "culture industry's unquestioning promulgations," the nonpublic opinions are then integrated through the "publicly manifested" ones into an existing system; in relation to this system the nonpublic opinions are without any autonomy. In contrast to this, under conditions of the large democratic social-welfare state the communicative interconnectedness of a public can be brought about only in this way through a critical publicity brought to life within intraorganizational public spheres, the completely short-circuited circula-
tion of quasi-public opinion must be linked to the informal domain of the hitherto nonpublic opinions.

In like measure the forms of consensus and conflict that today determine the exercise and equilibration of power would also be altered. A method of public controversy which came to prevail in that manner could both ease the forcible forms of a consensus generated through pressure and temper the forcible forms of conflicts hitherto kept from the public sphere. Conflict and consensus (like domination itself and like the coercive power whose degree of stability they indicate analytically) are not categories that remain untouched by the historical development of society. In the case of the structural transformation of the bourgeois public sphere, we can study the extent to which, and manner in which, the latter's ability to assume its proper function determines whether the exercise of domination and power persists as a negative constant, as it were, of history—or whether as a historical category itself, it is open to substantive change.


125. Forsthoﬀ, Soziater Rechtsstaat. 32.

126. The antagonism between critical publicity and manipulative publicity does not extend merely to the politically relevant process of the exercise and equilibrium of power; rather, within the intraorganizational public sphere of consumer associations we find the beginnings of a publicistic control of the market of consumer goods, the transparency of which is shrouded over by the manipulative publicity of monopolistic competition (see above, sect. 20). The leveling of the threshold between the public and private spheres, within the private realm itself, not only leads to the employment of the public sphere for purposes of advertising but in principle makes possible, conversely, the critical-publicistic penetration of the sphere of the market. These in general very weak efforts have been most successful in the United States, where the Consumer Union has about one million members and publishes monthly the extraordinarily informative Consumer Reports. More on this in the anniversary volume upon the occasion of the twenty-fifth anniversary of the founding of this organization: Consumer Reports (May 1961): 258ff.

127. See above, 129ff.

128. See especially Max Weber, "Parliament and Government in a Reconstructed Germany." The problem has taken on an even more complicated complexion today in view of a scientifically managed political economy. Nevertheless, the antinomies of decision and discussion, of bureaucracy and democratic control, although aggravated by this, are not insoluble. See F. Neumark, "Antinomien interventionistischer Wirtschaftspolitik." Zeitchrift für die gesamte Staatswissenschaft 108 (1952): 576-93.


130. The model of the technocratic state (Verwaltungsstaat) at one time developed by C. Schmitt, the technical conditions for the functioning of which were at odds with a possible democratization, has recently been included in a sociological analysis by H. Schelsky, "Der Mensch in der wissenschaftlichen Zivilisation," Arbeitsgemeinschaft für Forschung, Nordrhein-Westfalen. (Köln-Opladen, 1961) Heft 96, esp. 28-32; for a critical discussion of this, cf. H. P. Bahrdt, "Helmut Schelskys technischer Staat," Atomzeitalter 9 (1961): 195ff.


132. Naturally, today this problem only exists within the international framework of a competition between total social systems of industrial development; see F. Perroux, Feindliche Koexistenz (Stuttgart, 1961).

133. The functions of the public sphere were the same for the legal relationship between states as for the legal order inside a state. Ever since Wilson attached high-Hown hopes to international public opinion as a sanction at the disposal of the League of Nations, governments have actually been increasingly forced to have at least a
propagandists regard for the world public. "Peace," however defined, seems to have become a central topic of an international public opinion in the same manner as the slogans of the French Revolution did on the national level; on this see Ernst Fraenkel, "Öffentliche Meinung und internationale Politik," Recht und Staat 255/256 (Tübingen, 1962). Publicity has become relevant as a principle in international relations in another respect: in relation to the question of effective arms control. Years ago, in letters to the United Nations, Niels Bohr proclaimed the principle of an "Open World"; Oskar Morgenstern demonstrated the connection between publicity concerning technical-military advances and the requirements of strategy in the atomic age; see O. Morgenstern, Strategie heute (Frankfurt, 1962), esp. 292ff. Hanno Kestmg, in "Der eschatologische Zwang zur Rationalität," Merkau, Heft 179 (1963); 7ff, has the merit of being aware of the continuity, on the level of the philosophy of history, that stretches from Kant to Morgenstern. Today as then, the idea of peace is connected to the principle of publicity—formerly in the expectation of a morally responsible legalization, today with that of a strategically imposed reduction of international tension. The goal however has remained the same—the liquidation of the state of nature between nations that has become ever more precarious. See R. Aron, Peace and War: A Theory of International Relations (Garden City, NY: 1966).


VII On the Concept of Public Opinion


2. Landshut, "Volksouveränität und öffentliche Meinung," 586.

3. Of course, "public opinion" itself is not an enacted norm and to that extent not a legal concept; but the system of norms presupposed it implicitly as a social entity, which predictably functions in the sense of certain constitutional guarantees and individual prescriptions for publicity.

4. Thus A. Savvy, "Vom Einfluss der Meinung auf die Macht," Ditgenes, Heft 14/15 (1957): 253: "It appears that the least discomfiting coercive power of truth would be the coercive power of illumination, which is to say control, by way of an entirely enlightened public opinion." The idea of rationalizing political domination is preserved; the suggested system of complete publicity "goes farther than the classical division of powers because it divides and spreads the power itself." This rationalist concept, however, remains naive in relation to the material presuppositions of a critically reflecting public.

6. Ibid., 25.


13. A. V. Dicey, Law and Public Opinion in England (London, 1905); J. Bryce, The American Commonwealth, 2 vols. (1889); A. L. Lowell's famous study Public Opinion and Popular Government (New York, 1913) stands in Bryce's tradition; he also emphasized: "Public opinion to be worthy of the name, to be the proper motive in a democracy, must be really free; and popular government is based upon the assumption of a public opinion of that kind," (p. 5).


18. Doob, Public Opinion and Propaganda, 35: "In this sense it might appear as though public opinion exists whenever people have attitudes."


24. For a summary, see the essay of the same title by E. Katz, Public Opinion Quarterly 21, no. 1 (Spring 1957): 61 ff.; see too Katz and Lazarsfeld, Personal influence (Glencoe, 1955).


27. Schmidtchen, Die befragte Nation, 257.

28. Ibid., 149.

29. Ibid., 149ff.

30. Ibid., 265.

31. In this sense, see E. Noelle, "Die Träger der öffentlichen Meinung," Die öffentliche Meinung, 25ff.; see in particular the example on 29.

32. For a critical assessment of this conception, see F. Zweig, "A Note on Public Opinion Research." Kyklos 10 (1957): 147ff.

33. See above, pp. 23ff.

34. For another differentiation of "qualities of opinion" see K. Riezler. "What is Public Opinion?" Social Research 11 (1944).


Index

Abendroth, Wolfgang, 229-230
Achinger, H., 146
Addison, Joseph, 33, 42, 59
Adelung, Johann Christoph, 26
Anne, queen of Great Britain, 32, 59, 61
Arbuthnot, John, 59
Arendt, Hannah, 19
Aristotle, 4, 8
Aron, Raymond, 215
Bahrdi, H. P., 158
Bayle, l'Esté, 92
Beaumarchais, Pierre-Augustin
Caron de, 14
Bentham, Jeremy, 86, 99-101, 135
Bentley, A. C., 241
Berelson, B. R., 212
Bergasse, 99
Bismarck, Otto von, 146
Blackstone, William, 203
Bodmer, Johann J., 37
Bolingbrnke, Henry St. John, 59-60, 93
Breitinger, J. L., 37
Brinkmann, "", 196
Bryce, J., 240
Bücher, K., 182, 184
Burke, Edmund, 94-95, 100, 204
Burnham, James, 153
Chamisso, Adelbert von, 162
Charles I, king of England, 91
Charles II, king of England, 32, 39
Cobbold, William, 168
Colbert, Jean Baptiste, 40
Congreve, William, 39
Cotta, J. F., 183
Coyer, Abbé, 68
d'Alembert, Jean le Rond, 33
Day, Benjamin, 168
D'foe, Daniel, 59
d'Epinay, Louise Florence
Pétronille, 41
de Sallo, Denis, 25
de Scudéry, Madeleine, 10
de Staël, Madame, 50
Dicey, A. V., 240
Diderot, Denis, 34, 40
Dobb, M., 19
Drucker, Peter F., 153
Dryden, John, 32, 39
Dumont, Markus, 183
Elizabeth I, queen of England, 32
Engels, Friedrich, 128-129
Feuerbach, A., 207
Forster, Friedrich Georg, <3, 101-102
Forsthoft, E., 179, 230
Fox, Charles, 65-66
Fraenkel, E., 238
Frederick II, king of Prussia, 25, 219
Freud, Sigmund, 47
Friesenliann, E., 206
Galbraith, John Kenneth, 146
Galiani, Ferdinando (Abbe), 34
Gay, John, 59-60
Index

Gelrert, Christian F., 49
George I, king of Great Britain, 60
George II, king of Great Britain, 60
Girardin, Émile, 168
Gladstone, William E., 203
Gleim, J. W. L., 49
Goethe, Johann Wolfgang von, 12-13, 49-50
Goldschmidt, M. L., 140
Gotthelf, Jeremias, 11
Gottsched, Johann C., 34, 39
Grimm, Friedrich Melchior von, 41
Grimm, Jakob, 26
Grotius, Hugo, 22
Guizot, M., 101
Harley, Robert, 59
Harrington, James, 33
Häuser, A., 1/4
Haym, Rudolf, 202
Hearst, William Randolph, 186
Heckscher, E. F., 17
Hegel, G. W. F., 48, 89, 116-123
Hennis, W., 238
Henvatz, 2
Houbt y Thomas, 53, 82, 90, 92, 103
Ipsen, H. P., 225
Jnowitz, M., 214-215
Joseph II, king of Austria, 77
Kant, Immanuel Georg Wilhelm, 89, 102-118, 121, ISO, 235
Katz, E., 213
Kayser, Wolfgang, 167
Kirchheimer, O., 285
Kugelmann, L., 139
La Font, 40
Landsbut, S., 237
Lazarsfeld, P., 213, 242
Le Brun, Charles, 40
Lee, Ivy, 193
Le Harpe, 96
Leibholz, G., 239
Lenin, Vladimir I., 139
Lessing, G. F., 35, 39
Locke, John, 53-54, 56, 82, 91-93, 97-98
Louis XIV, king of France, 10, 40
Louis XVI, king of France, 32

Machiavelli, Niccolo, 52
Maine, Duchess of, 32
Malesherbes, Chrétien Guillaume de, 69
Mandeville, Bernard, 109
Mannheim, Karl, 215
Marvell, Andrew, 33
Mars, Karl, 56, 89, 95, 122-129, 139-140, 145, 177
Mencken, Otto, 25
Mercier, Louis Sebastien, 95
Meyersohn, R., 166
Militet, François A. M., 71
Mill, James, 86
Mill, John Stuart, 132-138
Mills, C. Wright, 249
Milton, John, 33, 134
Mirabeau, Honoré Gabriel Riqueti de, 69
Montesquieu, Charles Louis de Secondat, baron de, 53-54, 68, 82, 97, 138
Mosse, R., 186
Napoleon (Bonaparte), 14, 71
Napoleon III, 139, 145
Naumann, Friedrich, 202
Necker, Jacques, 69
Neumann, Franz, 144
Nietzsche, Friedrich W., 13
Northcliffe, Alfred Charles
Harmsworth, Viscount, 186
Peel, Robert, 66
Pepys, Samuel, 33
Phlip of Orleans, 31, 34
Pirenne, Henri, 15
Pitt, William, 66
Plato, 89, 114
Pope, Alexander, 59-60
Posseck, 183
Proudhun, Pierre Joseph, 128
Pulitzer, Joseph, 168
Quesnay, François, 69
Rathenau, Walther, 153
Renaudot, T., 22
Renner, Karl, 149
Ricardo, David, 18
Richardson, Samuel, 49-50, 174
Richelieu, Armand Jean du Plessis, duc de, 22
Ridder, II, 227
Riesman, David, 192, 216
Robespierre, Maximilien, 68
Index

Rochau, August Ludwig von, 202
Rousseau, Jean Jacques, 49, 82, 92-93, 95-99, 102', I(17)
Saint-Simon, Claude Henri de
   Rouvroy, comte de, 128
Say, Jean-Baptiste, 86, 118, 144
Schall He. A., 247
Schelsky, H., 156, 200
Schiller, Johann Christoph Friedrilo von, 162, 167
Schlegel, Friedrich von, 167
Schmidtchen, G., 242
Schmitt, Carl, 81, 205
Schmitt, Eberhard, 207
Schumpeter, J. H., 19
Schwab, Gustav Benjamin, 162
Shakespeare, William, 90
Smith, Adam, 86, 118
Sornban, Weiner, 16
Steele, Richard, 33, 42, 59, 93
Sterne, Lawrence, 50
Strachey, J., 146
Swift, Jonathan, 59-60
Thiers, Adolphe, 71
Tocqueville, Alexis de, 132-139, 145
Treitschke, H. von, 202
Trevelyan, G. M., 44-45
Turgot, Anne Robert Jacques, 69, 96
Tutchin, 59
Ullstein, L., 186
Victoria, queen of England, 32
Walpole, Robert, 59, 64
Ward, Ned, 33
Weber, Max, 80, 201, 233
Weber, Werner, 197
Welcker, C. T., 207
Whyte, William H., 157
Wieland, Christoph Martin, 101-102
Wilkes, John, 61, 65
William, king of England, 32
Williams, Raymond, 37
Wirth, 186
Woodfall, Henry Sampson, 61