

THE SELECTIVITY OF THE PUBLIC SPHERE AND SUBALTERN PUBLIC SPHERES: PERSPECTIVES OF HABERMAS AND NANCY FRASER AND THEIR IMPACT ON HUMAN RIGHTS PUBLIC POLICIES

A SELETIVIDADE DA ESFERA PÚBLICA E ESFERAS PÚBLICAS SUBALTERNAS: PERSPECTIVAS DE HABERMAS E NANCY FRASER E REFLEXOS SOBRE POLÍTICAS PÚBLICAS EM DIREITOS HUMANOS

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*Edna Raquel Hogemann*¹ – <https://orcid.org/0000-0003-3276-4526>

Abstract

This study examines the selectivity of public and subaltern spheres through the theories of Jürgen Habermas and Nancy Fraser, focusing on their implications for human rights policies. The objectives are defined to analyze Habermas's and Fraser's conceptualizations of public and subaltern spheres; to identify how these perspectives influence human rights policy formulation and implementation and to explore the challenges and opportunities these theories present for marginalized voices. The study's central issue is understanding the impact of public sphere selectivity on policy inclusivity and effectiveness, hypothesizing that Habermas's and Fraser's models, though insightful, differ in their implications for integrating subaltern voices. Using a qualitative methodology, the study conducts a literature review and critical analysis of Habermas's and Fraser's works. It involves reviewing key texts and secondary sources, comparing theoretical frameworks, and examining case studies of human rights policies. The findings show that while both theories offer valuable insights, Fraser's emphasis on subaltern counterpublics better addresses the need for inclusive policy-making by incorporating marginalized voices.

Keywords: Public sphere; subaltern public spheres; public policies; human rights.

Resumo

Este estudo examina a seletividade das esferas públicas e subalternas através das teorias de Jürgen Habermas e Nancy Fraser, focando em suas implicações para as políticas de direitos humanos. Os objetivos são definidos para analisar as conceituações de Habermas e Fraser sobre as esferas públicas e subalternas; identificar como essas perspectivas influenciam a formulação e implementação de políticas de direitos humanos; e explorar os desafios e oportunidades que essas teorias apresentam para vozes marginalizadas. A questão central do estudo é entender o impacto da seletividade da esfera pública na inclusão e eficácia das políticas, levantando a hipótese de que os

¹ Pós-Doutora em Direito (UNESA), doutora e mestre em Direito (UGF). Especialista em Bioética pela Cátedra em Bioética da UNESCO. Decana do Centro de Ciências Jurídicas, Políticas e de Administração, da Universidade Federal do Estado do Rio de Janeiro. Membro da International Alliance of Jurists and Economists (France). Coordenadora do Grupo Direito Humanos e Transformação Social (CNPq) – ershogemann@gmail.com – <https://orcid.org/0000-0003-3276-4526>.

modelos de Habermas e Fraser, embora perspicazes, diferem em suas implicações para a integração das vozes subalternas. Utilizando uma metodologia qualitativa, o estudo realiza uma revisão de literatura e uma análise crítica das obras de Habermas e Fraser. Isso envolve a revisão de textos chave e fontes secundárias, a comparação dos quadros teóricos e a análise de estudos de caso de políticas de direitos humanos. Os resultados mostram que, embora ambas as teorias ofereçam insights valiosos, a ênfase de Fraser nas contrapúblicas subalternas aborda melhor a necessidade de políticas inclusivas ao incorporar vozes marginalizadas.

Palavras-chave: Esfera pública; esferas públicas subalternas; políticas públicas; direitos humanos

Summary: 1. Introduction; 2. Public sphere: selectivity and subalternity; 3. Habermas's theoretical perspective, 4. Nancy Fraser's theory on public sphere and recognition, 5. Comparative analysis on public spheres and their selectivity, 6. Perspectives on overcoming selectivity in the realm of human rights public policies, 7. Conclusion, 8. References.

1 INTRODUCTION

The public sphere is often conceived as a vital space for open debate and democratic deliberation, where citizens can discuss issues of common interest and influence political decisions. However, increasing studies have pointed to the presence of selectivity in this space, which tends to marginalize social groups and subaltern voices, thus undermining the fundamental principles of democracy and social inclusion.

This study delves into the nuanced examination of the selectivity intrinsic to the public sphere and subaltern public spheres, drawing from the perspectives of Habermas and Nancy Fraser, and elucidating their significance in shaping human rights public policies. The research is driven by three primary objectives. Firstly, it aims to dissect and evaluate the conceptual frameworks of the public sphere and subaltern public spheres as articulated by Habermas and Fraser. Secondly, it endeavors to delineate the ways in which these theoretical perspectives exert influence on the development and enactment of human rights public policies. Thirdly, it seeks to navigate the intricacies inherent in these theoretical paradigms, exploring both the challenges and opportunities they present in amplifying the voices of marginalized communities.

By exploring the intersections between subaltern public spheres and human rights, this article seeks to contribute to a deeper understanding of the complexities and challenges faced in promoting social justice and equality. Additionally, it aims to offer relevant insights for the development of more inclusive and effective public policies, capable of giving voice and visibility to marginalized communities and groups historically excluded from decision-making processes.

Thus, by investigating the dynamics of subaltern public spheres in the context of human rights, this study aims to provide a critical and reflective analysis of the possibilities for transformation and resistance present in these spaces.

Employing a qualitative research methodology, this study adopts a multifaceted approach, integrating comprehensive literature review and rigorous critical analysis as methodological tools. Through this methodological lens, the research endeavors to unveil the underlying mechanisms that govern the selectivity

of public discourse and the subsequent impact on policy formulation and implementation.

The findings of this study underscore the divergent implications of Habermas and Fraser's perspectives on human rights policies. While both scholars offer invaluable insights into the functioning of public spheres and the dynamics of inclusivity, their divergent theoretical underpinnings necessitate a nuanced approach to policy-making. The dichotomy between their perspectives underscores the complex interplay between theory and praxis, emphasizing the imperative of adopting an inclusive and intersectional approach to policy formulation that adequately addresses the needs and concerns of marginalized communities.

In conclusion, this study contributes to the ongoing discourse surrounding the selectivity of the public sphere and subaltern public spheres, shedding light on the implications of these theoretical frameworks for human rights public policies. By synthesizing insights from Habermas and Fraser, it underscores the imperative of adopting an inclusive and intersectional approach to policy formulation, one that amplifies the voices of marginalized communities and fosters a more equitable and just society. Reflecting on the process of shaping the public sphere in peripheral or semi-peripheral countries, such as Brazil, is crucial. Such analysis aims to transcend the Eurocentric centrism that has historically dominated discussions on the public sphere, thus allowing for enriching dialogue among different experiences of modernity and democracy. This approach promotes a more comprehensive and inclusive view of the concept of the public sphere, avoiding assumptions of superiority of one over the others and recognizing the diversity of voices and perspectives that comprise the contemporary public sphere.

2 PUBLIC SPHERE: SELECTIVITY AND SUBALTERNITY

The public sphere is a controversial topic. Since its origin in bourgeois society, the concept of a discursive and deliberative space, in which everyone can participate using enlightened reason to influence public policies, is fundamental to democracy. However, there are groups excluded from this process, and mass media often serves private interests originating from groups, political parties, and individuals with economic and influential power. In contemporary society, these critical issues persist, and democracy depends on maintaining its basic foundations, including respect for human rights and ensuring the equal participation of all citizens.

It is important to start by emphasizing the fact that a deeply exclusionary structure of society, such as the Brazilian one, marked by high illiteracy rates and the devaluation of manual labor, labeled as something associated with slavery and poverty since the earliest periods of our colonial history, contributed to the consolidation of the perception that only a privileged elite would have access to the public sphere. These elite controlled public debates, determining the topics under discussion and selecting who would be considered legitimate interlocutors. This form of modernization, which often excluded most of the population from spaces of debate and decision-making, resulted in the formation of a selective public sphere. From this selective sphere, dominant sectors shaped ideas and perceptions that exerted comprehensive influence over society. This context is especially relevant in

the realm of public policies aimed at protecting human rights, as the exclusion of certain groups from the public sphere can compromise the representativeness and effectiveness of these policies (Hogemann, Adeodato e Lima Jr., 2023).

Thus, the concept of the public sphere has been the subject of discussions by various authors throughout the history of political and sociological theory. It can be conceived as a social environment in which citizens come together to debate issues of collective interest, exercising their citizenship in a deliberative and participatory manner.

So, the public sphere is the space where discussions of public interest matters take place by both public and private actors, including issues related to human rights. This process results in the formation of public opinion, which acts as a force stemming from civil society, exerting pressure on governments according to their demands and aspirations.

The first systematic elaboration of the concept of the public sphere was conducted by Jürgen Habermas in his postdoctoral thesis, titled "The Structural Transformation of the Public Sphere," originally published in 1962. In this work, Habermas aimed to describe the historical process of the emergence of a new space from the 18th century onwards, mainly in England, France, and Germany, situated between society and the State. This space was characterized by free and rational debate among citizens on matters of public interest. The formation of this sphere was closely linked to the rise of the bourgeoisie, urban growth, the spread of coffeehouses and salons, and, especially, the emerging role of the press. The press established itself as an independent forum from state structures, where public issues were discussed, and critical opinions were formulated, capable of publicly challenging the legitimacy of state actions.

In his work "The Theory of Communicative Action," the public sphere is considered a space where individuals discuss and debate issues of public interest in a rational and egalitarian manner. He defines it as "a network of discursive communication" where citizens meet as equals, regardless of their position in society, to discuss political and social issues (Habermas, 2012).

Another important contribution to the discussion about the public sphere comes from Nancy Fraser. Fraser emphasizes the importance of considering existing power inequalities in the public sphere. In "Rethinking the Public Sphere: A Contribution to the Critique of Actually Existing Democracy" (1992), Fraser argues that the public sphere can be selective and exclusionary, privileging certain groups over others. She suggests that it is necessary to broaden the concept of the public sphere to include subaltern voices and perspectives, which are often marginalized and silenced.

Therefore, the public sphere can be understood as a space for debate and deliberation where citizens exercise their citizenship, discussing issues of common interest. However, it is important to consider the power inequalities and forms of exclusion present in this space, seeking to promote a more inclusive and democratic public sphere.

Selectivity in the public sphere refers to the practices of exclusion and marginalization that occur in this space, privileging certain social groups over others. According to Fraser (1992), the dominant public sphere often reproduces the

inequalities present in society, becoming a space of exclusion for marginalized groups. In this sense, the selectivity of the public sphere can compromise the effectiveness of public policies in human rights, as it excludes voices and perspectives important for the promotion of social justice.

Subaltern public spheres refer to spaces of resistance and participation created by marginalized social groups to contest the selectivity of the dominant public sphere. Fraser (1992) emphasizes the importance of these spheres in expanding public debate and promoting social inclusion. Groups such as women, ethnic minorities, and social movements have utilized strategies such as community organization, alternative media, and political mobilization to assert their rights in the public sphere (Hogemann, Adeodato e Lima Jr., 2023).

It is worth noting that the original concept of subaltern public spheres is inspired by the category of subaltern counterpublics introduced by Fraser. However, it differs from it by not emphasizing as much the idea that subaltern publics are necessarily opposed to the dominant public sphere.

In the Brazilian context, clear examples of this can be found. For instance, social movements like the Black Movement and the LGBTQ+ Movement often operate as subaltern public spheres. Although they have moments of contestation against the dominant public sphere, they are not limited to this opposition alone. These movements also have their own internal dynamics and interact in a complex manner with different public spheres, directly influencing public policies related to human rights. Therefore, it is essential to consider this complexity when analyzing subaltern public spheres and their role in the Brazilian political landscape.

From the above, it is necessary to establish a correlation between distributive justice, human rights, the Black movement, and public policies in Brazil, which is crucial for understanding the social and political dynamics that permeate the pursuit of equity and inclusion. Distributive justice refers to the equitable distribution of resources and opportunities in society, aiming to ensure a basic standard of dignified life for all citizens. Human rights, on the other hand, are fundamental to guaranteeing the dignity and equality of all individuals, regardless of their race, gender, social class, or origin.

In this context, the Black movement in Brazil plays a central role in the fight for racial and social justice. Historically marginalized and excluded from equal access to rights and opportunities, Afro-Brazilians have organized movements and protests to combat structural racism and demand public policies that promote racial equality and social justice. A notable example of this engagement is the Unified Black Movement (MNU), which for decades has led campaigns for affirmative action policies, historical reparations, and combating institutional racism in Brazil.

These demands of the Black movement have driven the formulation and implementation of public policies aimed at promoting racial equality and ensuring human rights in the country. For example, racial quotas programs in universities and public competitions aim to correct historical inequalities in access to education and employment. Additionally, public health policies targeting the Black population aim to combat racial disparities in access to health services and the quality of care.

However, despite the progress made, significant challenges persist in achieving distributive justice and human rights for the Black population in Brazil.

Police violence, discrimination in the labor market, and unequal access to housing and basic services continue to be realities faced by many Afro-Brazilians. Thus, the correlation between distributive justice, human rights and public policies is essential to identify gaps and promote changes that ensure a more just, inclusive and equitable society for all.

Nevertheless, it is important to point out that subaltern public spheres face a series of challenges and obstacles in the process of contesting the selectivity of the dominant public sphere. Among these challenges, lack of resources and visibility, repression by dominant groups, and difficulty accessing traditional media stand out. However, these spheres also represent possibilities for social and political transformation by promoting the visibility and articulation of specific demands from marginalized groups.

3 HABERMAS'S THEORETICAL PERSPECTIVE

The task of the present investigation is the analysis of the "bourgeois public sphere." (...) We conceive the "bourgeois public sphere" as a typical category of its time; it cannot be extracted from the unmistakable history of the development of that "bourgeois society" born in the late European Middle Ages, nor can it be transported, generalized into an ideal type, to formally identical constellations of any historical situations. Just as we try to show that one can speak precisely of something like "public opinion" only in England at the end of the 17th century and in France in the 18th century, in general, we also treat the "public sphere" as a historical category. (...) The investigation is limited to the structure and function of the "liberal" model of the bourgeois public sphere, to its formation and change; it therefore concerns the features of a historical formation that achieved dominance and neglects the variant of a repressed plebeian public sphere in the historical process (Habermas, 1999, pp. 51-52; Habermas, 1984, pp.9-10).

Jürgen Habermas is one of the leading contemporary theorists to address the concept of the public sphere. For him, the public sphere is a discursive space in which citizens can gather to discuss issues of common interest, exercise symbolic power, and influence political decisions. His conception of the public sphere is based on an idealized view of deliberative democracy, in which communicative rationality plays a central role.

According to Habermas, the public sphere is a space for rational debate and consensus-seeking through free and equal dialogue. He argues that the ideal democratic public sphere is one in which citizens can actively participate, contributing to the formation of public opinion and influencing political decisions. However, Habermas acknowledges that the public sphere is often dominated by commercial and political interests, which can result in distortions and exclusions.

This author asserts that "the bourgeois public sphere, formed during the 18th century, has transformed into a public sphere mediated by commercial interests and controlled by mass media" (Habermas, 1996). This transformation raises concerns about the selectivity of the public sphere and its ability to ensure equal and inclusive participation.

Although he did not dedicate himself to interpreting the history of the plebeian model of the public sphere, Habermas reserved space in his work for the formulation of a concept of post-bourgeois public sphere. According to Habermas,

the dynamics of the public sphere were crucial for guiding the analysis of the transformations that occurred in this domain of social life.

In 1962, Habermas made it clear that his study would primarily deal with the liberal tradition founded in Western capitalism, while the plebeian public sphere would be treated only as a non-dominant variation. However, in his discussion of Karl Marx, he at least outlined the concept of a post-bourgeois public sphere, in which participation would not depend on the institution of private property. However, in Strukturwandel, Habermas does not delve into the history of this countermodel (Hohendahl, 1994, pp. 99-100).

Habermas distinguishes between the bourgeois public sphere and the democratic public sphere. The bourgeois public sphere emerged in 18th-century Europe as a space where the emerging bourgeoisie gathered to discuss political matters and criticize established power. However, Habermas argues that this public sphere became increasingly dominated by commercial interests and lost its ability to promote rational public debate.

This signifies the emergence of the public sphere as a new source of legitimacy for power, characterized by free and rational discussion among citizens. In this context, opinions were evaluated based on the strength of the rational arguments presented in public debate, regardless of issues such as power, wealth, or social status. Over time, the public sphere underwent significant structural changes. In the 19th century, it transformed into a space of pressure due to democratization and increased public participation, resulting in the demand for consideration of their interests in the political system. However, in the 20th century, the public sphere underwent a gradual process of deterioration due to the fusion between the public and private domains. This phenomenon was driven by the privatization of previously public spaces and increasing state intervention in the private sphere, resulting in the transition from citizen to the role of customer or consumer of services.

The originality of Habermas's construction is portrayed by Peter Burke, who stated in an interview published in the newspaper Folha de S. Paulo on March 14, 2002, commemorating the fortieth anniversary of the publication of Structural Transformation of the Public Sphere.

However, the novelty and advantage of the new concept, "public sphere" or "Öffentlichkeit," was that it did not seem to assume that the entirety of the public had the same mind, but emphasized the idea of a public arena, a arena for debate and criticism. The second original characteristic of Habermas's book was his emphasis on the contribution to the discussion of public issues by informal urban institutions such as salons, debating societies, and cafes as much as formal institutions like the English Parliament. (Burke, 2002).

In this sense, the democratic public sphere is conceived by Habermas as a space where all citizens have equal access to political discussions and where decisions are made based on rational argumentation. Thus, the democratic public sphere is characterized by active citizen participation, open debate, and the pursuit of consensus through dialogue.

The importance of the public sphere in Habermas's theory stems from his approach centered on the social nature of human beings as the basis for his

philosophical reflections. He reinterprets Aristotle's famous phrase, "man is a political animal," asserting that human beings are fundamentally political, meaning they live in a public sphere where they develop skills that transform them into individuals through social interactions (Habermas, 2005, p. 17).

From these Habermasian premises, we can draw some important conclusions to understand the role and significance of the public sphere in his thought: first, human beings rely on a shared public culture intersubjectively with other individuals; second, human beings have the capacity to learn from each other, which is only possible in a culturally stimulating public environment; third, reflection on the social nature of human beings highlights the intersubjective constitution of the human mind. Humans deeply depend on each other due to this intersubjectivity, which forms a kind of "objective spirit."

The bourgeois public sphere investigated by Habermas shares some characteristics with this framework, but it reverses a fundamental element: it is defined as the public of private individuals associated to debate issues related to state authority. Unlike the Greek conception, individuals are understood here as primarily formed in the private sphere, including the family. Furthermore, this sphere is understood as a domain of freedom that must be defended against state domination (Calhoun, 1994, p.7).

However, Habermas acknowledges that the democratic public sphere is an idealization and that reality often does not correspond to this ideal. He observes that the contemporary public sphere is often dominated by mass media and political and economic elites, who shape public opinion according to their own interests. This results in a public sphere that is selective and exclusive, excluding many groups from society and marginalizing their voices.

The idealized public sphere remains a normative horizon that should guide democratic practice. He argues that it is the responsibility of citizens and democratic institutions to work towards making the public sphere more inclusive and participatory, thus promoting deliberative democracy and the realization of democratic rights.

Habermas offers a critical analysis of the contemporary public sphere and advocates for a normative vision of a democratic public sphere based on rational dialogue and equal participation of citizens. While this ideal may be difficult to achieve in practice, it continues to inspire efforts to strengthen democracy and promote a fairer and more inclusive public sphere.

However, it is crucial to emphasize that the ideas and arguments presented in the work on the bourgeois public sphere resonated with various thinkers from the 1970s onwards but also faced criticism. One can use the text by Burke previously cited in this essay, because this author highlights that Habermas argued that the 18th century was crucial for the emergence of the public sphere as a space for debates and discourses on ideas, institutions, and policies. He also emphasizes the originality of the book in highlighting the contribution of informal (bourgeois) urban institutions, such as salons, debating societies, cafes, and formal institutions like the English Parliament, to the discussion of public issues.

In this sense, Burke formulates three criticisms of Habermas' text: a) Habermas began his history of the public sphere too late, considering the 18th century as its beginning, ignoring the public political debate in the Italian city-states

of the 15th century, especially in Florence. b) Although Habermas formulates the right questions, his answers are overly simplistic. c) Habermas idealizes the public sphere and communication institutions, neglecting the fact that the media can be used as tools to manipulate public opinion.

Burke states:

Thanks to these new institutions, it is easier to think about public issues in global terms than it was 40 years ago, and it is also easier to criticize Habermas's views as too limited. But these criticisms would be impossible if Habermas had not produced his original formulation. In this sense, we are thinking with him even when we are against him, and for that reason, the fortieth anniversary of his study deserves to be celebrated. (Burke, 2002).

Overcoming selectivity in the public sphere is a complex yet crucial challenge for the effective promotion of human rights. This requires the recognition and appreciation of the multiple identities and experiences present in society, as well as the creation of inclusive and democratic public spaces that allow for the equitable participation of all groups. Additionally, there is a need for a continuous commitment to redistributive justice and the acknowledgment that human rights are interconnected and indivisible.

4 NANCY FRASER'S THEORY ON THE PUBLIC SPHERE AND RECOGNITION

Nancy Fraser, one of the leading contemporary thinkers in the field of critical theory, offers a rich and complex analysis of the public sphere and recognition. Her approach differs substantially from that of Habermas, as she goes beyond the bourgeois public sphere, seeking to encompass the experiences of subaltern and marginalized groups. Fraser conceives the public sphere as a dynamic space where multiple publics, with diverse interests and identities, interact and negotiate mutual recognition.

A fundamental aspect of Fraser's theory is her critique of the homogenization of the public space, especially the Habermasian conception of a universal public sphere. Instead, she proposes a more pluralistic view, acknowledging the existence of multiple public spheres that reflect the different experiences and perspectives of social groups. As she states:

A pluralistic understanding of the public sphere calls for a more democratic view of society, where multiple publics coexist and interact dynamically, reflecting the diverse identities and interests present in society (Fraser, 1992).

Fraser argues that the public sphere should not be seen as a neutral and universal space, but rather as a field of struggle where different groups seek visibility, recognition, and equal participation. She emphasizes the importance of recognition as a crucial aspect of social justice, stating that "Recognition is as vital as redistribution in the quest for a just society. Without recognition of their identities and experiences, subaltern groups are excluded from the public sphere, thus perpetuating social inequalities" (Fraser, 2000).

Therefore, for Fraser, the theory of the public sphere takes into account not only equality of access and participation but also the need for recognition of the

diverse identities and experiences of social groups. Her approach offers a critical and inclusive perspective aimed at overcoming the limitations of the traditional conception of the public sphere and promoting a fairer and more democratic society.

Nancy Fraser complements Habermas's approach by highlighting the social, economic, and cultural dimensions that influence the public sphere. She argues that selectivity is not just a distortion but an intrinsic characteristic of the public sphere, shaped by power and resource inequalities.

Fraser is one of the most influential contemporary theorists in the field of critical studies on the public sphere and social justice. In her work, Fraser argues that the public sphere often excludes and marginalizes certain social groups, privileging the voices and interests of the most powerful. Fraser emphasizes the importance of recognition as a key element in the public sphere, arguing that the lack of recognition for certain groups contributes to their exclusion and subordination. According to Fraser, selectivity in the public sphere can result in social injustices, hindering the full realization of human rights for all members of society. As Fraser observes: "Far from being a neutral and inclusive space, the public sphere often reproduces and perpetuates existing inequalities in society, silencing the voices of the marginalized and privileging the interests of the powerful" (Fraser, 1992).

The author's analysis of selectivity in the public sphere has important implications for the promotion of human rights. Selectivity in the public sphere can result in a fragmented and partial approach to human rights advocacy, prioritizing certain rights over others and neglecting the needs and demands of historically marginalized groups. This can undermine efforts to achieve comprehensive social justice and compromise the effectiveness of human rights policies.

The author emphasizes that "Selectivity in the public sphere can lead to a fragmented approach in promoting human rights, where only certain groups and interests are privileged, while others are ignored or silenced." And she adds that "selectivity in the public sphere is not just a matter of distortion but an intrinsic feature of the social structure of the public sphere" (Fraser, 1992). She focuses on the forms of exclusion and marginalization present in this space, including the underrepresentation of certain groups and interests.

5 COMPARATIVE ANALYSIS OF PUBLIC SPHERES AND THEIR SELECTIVITY

Both Jürgen Habermas and Nancy Fraser offer distinct perspectives on public spheres and their selectivity, although they share a concern for inclusion and democratic participation. Let's compare their conceptions:

When comparing the perspectives of Habermas and Fraser, we can identify different emphases in the analysis of the selectivity of the public sphere. While Habermas emphasizes the importance of rational debate and consensus-seeking, Fraser highlights the power and resource inequalities that influence the dynamics of this space.

In the preface to the 1990 edition of *Structural Transformation of the Public Sphere*, originally published in 1984, Jürgen Habermas (2014) acknowledges that his book has become an essential reference for critics dedicated to understanding the

concept of the public sphere since its first publication in 1962. Therefore, when examining the issues raised by Nancy Fraser about this concept in contemporary democracies, it is essential to situate the author in her dialogue with Habermas (2014). Fraser's article (1990), *Rethinking the Public Sphere*, is directly linked to the Habermas and the Public Sphere congress, held in 1989 in North Carolina (USA).

It is important to note that the focus of the author of this study is to understand how Nancy Fraser's critique (1990) of the Habermasian conception of the public sphere contributes to problematizing the concept in contemporary democracies and may be relevant for the formulation of public policies in human rights.

Focusing on the emergence of Modernity in Western Europe, especially in nations like England, France, and Germany, Habermas develops a theory that analyzes the interaction between the State and civil society, including the privatized market. He argues that this interaction could be critically expressed through the public sphere. As the author contends:

The bourgeois public sphere can be initially understood as the sphere of private individuals gathering into a public. They immediately claim the public sphere, regulated by authority, against the public power itself, in order to engage in debate with it over the universal rules of the prevailing relations in the sphere of commodity circulation and social labor—essentially privatized but publicly relevant. (Habermas, 2014, p. 135)

Furthermore, Habermas (2014) addresses the crucial role of the press in shaping the general public and in regularly disseminating news and ideas, encouraging rational discussions among informed readers, especially regarding the involvement of the state in what comes to be considered the private domain. Habermas's (2014) emphasis on rational deliberation among individuals, seeking to act equitably for the common good, is linked to the notion of the formation of public opinion and its importance as a mechanism of civil society to act as a morally legitimized censor. This demonstrates the interdependence of modern democracy with the concepts of the public sphere and public opinion.

While Habermas focuses more on the ideal structure and functioning of the public sphere, Fraser provides a more critical analysis of the power structures that shape this space. Their combined contributions offer a broader and more critical understanding of the dynamics of the public sphere and its implications for human rights public policies. In other words, Habermas addresses the public sphere in its historical and normative aspect, but Fraser (1990) focuses on sustaining this concept in the "actually existing democracy," i.e., the contradictions and impasses present in the democracy of modern societies. Fraser (2014, p. 11) seeks to "re-politicize the theory of the public sphere, which currently [in the context of post-Cold War globalization] risks being de-politicized." She opposes the depoliticization of the theory, resorting to an analysis that blends socio-political theory and cultural studies, aiming to revitalize the debate on the public sphere and its meanings.

The author aims to

(...) to study the ways in which culture is embedded in social structure and affected by social relations of domination. It thus provides an alternative to the sort of free-

floating, decontextualized discourse analysis that dissociates cultural studies from critical social theory. (Fraser, 2002, p. 288)

We then realize that, by adopting a critical-theoretical perspective, Fraser does not entirely dismiss the concept of the public sphere as theorized by Habermas (2014), especially concerning his highlighted distinction between "state apparatuses, economic markets, and democratic associations, essential distinctions for democratic theory" (Fraser, 1990, p. 52). However, the author identifies some problematic assumptions underlying the Habermasian conception of the public sphere.

The first discussed assumption concerns the universal access of citizens to the public sphere. In this sense, Fraser (1990) questions the feasibility of suspending status differences to ensure equitable deliberation among distinct interlocutors. The second point raised concerns the singularity of the public sphere: would it be possible to conceive only one public sphere? Or would we be neglecting other spheres, with specific relations to the state and civil society, to the detriment of the official or hegemonic public sphere? The third aspect criticized by Fraser (1990) lies in the preconception she identifies in Habermas's theory (2014) about the common good discussed in the public sphere and its supposed ideal separation from personal interests. In other words, would the distinction between the common good and personal interest not be a naturalization of cultural conceptions of the public and the private? Finally, Fraser (1990) also questions the latent liberalism in Habermas's theory (2014) by advocating for a clear separation between civil society and the state in the ideal democratic public sphere.

Nevertheless, it is worth emphasizing that Fraser's revision of Habermas's theory fundamentally implies a postmodern approach to modernity (and its formative processes, such as the public sphere). It is important to highlight Fraser's affiliation with a deconstructivist critique, as the author is committed to the denaturalization of discourses. Habermas considers that public sphere is defined as a discursive space in which citizens come together to discuss matters of common interest, influence political decisions, and exercise symbolic power. As addressed in the present study, it distinguishes between the bourgeois public sphere and the democratic public sphere. The former emerged in the 18th century as a space for debate and criticism of absolutist monarchy but increasingly became dominated by commercial interests. Conversely, the latter is idealized as a space of open debate, equal participation, and the pursuit of consensus through rational dialogue.

Habermas argues that the democratic public sphere is often distorted by the influence of mass media and political and economic elites, resulting in selectivity that marginalizes voices and social groups.

Fraser enhances Habermas's perspective by highlighting that the public sphere is not only shaped by rational discussion among citizens but also by a range of social, economic, and cultural factors. She emphasizes that power inequalities, access to resources, and representation are crucial to understanding how the public sphere operates in practice. Additionally, Fraser highlights that cultural and identity differences also significantly influence participation and access to the public sphere, demonstrating the complexity and diversity of influences shaping this space of debate and deliberation in contemporary society.

Fraser criticizes Habermas's approach, pointing out his blindness to the power and resource inequalities that permeate the public sphere. For her, selectivity is not just an occasional distortion but an inherent characteristic of this space. Fraser argues that social, economic, and cultural conditions significantly influence who can fully participate in the public sphere and have their voices heard. Thus, selectivity should not be seen as a mere problem to be corrected but as a structural aspect that needs to be recognized and addressed for true inclusion and representativeness in the public sphere.

Furthermore, for the author, for the sake of greater fidelity, Habermas's investigation into the history of the bourgeois public sphere should have acknowledged the impossibility of elucidating this social phenomenon without relating it, from its inception to a context characterized by the presence of multiple rival publics. The very characteristics of the bourgeois public reveal a situation essentially marked by antagonism:

(...) Not only has there always been a plurality of rival publics, but the relations between the bourgeois public and other publics have always been fraught with conflict. Virtually from the outset, opposing publics contested the exclusionary norms of the bourgeois public, elaborating alternative styles of political behavior and alternative norms of public language. The bourgeois public, in turn, scorned these alternatives and deliberately sought to block broader participation. (...) In general, a revisionist historiography suggests a darker view of the bourgeois public sphere than that which emerges from Habermas's study. The exclusions and conflicts that appear as incidental embellishments in his perspective become constitutive in the revisionists' view (Fraser, 1992, p.116).

The author proposes a critical analysis of the power structures shaping the public sphere, emphasizing the need to recognize and confront forms of exclusion and marginalization within this context. For her, it is crucial to understand how social, economic, and cultural inequalities influence who has access to and a voice in the public sphere. This includes examining the barriers preventing certain groups, especially marginalized ones, from fully participating in debates and decisions affecting their lives. By highlighting these issues, Fraser seeks to promote a more inclusive and representative public sphere where all voices have legitimate space to be heard.

In this critical context, Fraser makes a valid critique of the secondary position given to the category of sexual gender in Habermas's book, going further to assert that gender should not be considered merely as an additional element to be analyzed but rather as a fundamental factor in the constitution of the liberal public sphere. Following in the footsteps of Joan Landes' thinking, the author presents the following argument:

For Landes, the key axis of exclusion is gender; she argues that the ethos of the new republican public sphere in France was constructed in deliberate opposition to that of a more woman-friendly salon culture that the republicans stigmatized as "artificial," "effeminate," and "aristocratic." Consequently, a new, austere style of public speech and behavior was promoted, a style deemed "rational," "virtuous," and "manly" (Fraser 1990, p. 59).

On the other hand, Habermas dismisses the suggestion that antagonistic classes or groups would give rise to irreconcilable public spaces. He firmly

maintains his belief in the existence of universal interests, even in a society marked by inequality, where goals often clash. The supremacy of the bourgeois public stems from its ability to preserve areas where a foundation transcends all historical nuances. This foundation enables reason to fully manifest in the communicative process:

The bourgeois public sphere articulates discourses that can connect not only with the labor movement but also with the "other" excluded, namely, the feminist movement. Contact with these movements, in turn, transforms such discourses and the structure of the public sphere itself from within. The universalistic discourse of the bourgeois public sphere from the outset has been based on self-referential premises; it does not remain immune to criticism from within because it distinguishes itself from Foucauldian discourses by possessing potential for self-transformation. (Habermas, 1999, p. 20; Habermas, 1994, p. 429)

In summary, while Habermas emphasizes communicative rationality and the pursuit of consensus in the public sphere, Fraser highlights the importance of recognizing power inequalities and the intrinsic selectivity within this domain. Both authors contribute to a more comprehensive and critical understanding of the dynamics of the public sphere and its implications for democracy and human rights. While Habermas outlines a normative ideal of rational debate and equal participation, Fraser brings to light the underlying power structures that shape who has voice and influence in the public sphere. Together, their works offer complementary and enriching perspectives on this fundamental theme.

If we agree that both Habermas (2014) and Fraser (1990) share the goal of building a democratic and collective society, we can identify distinct approaches between them. While Habermas (2014) suggests that individuals may temporarily suspend their inequalities discursively to deliberate on ways to eliminate them in practice, Fraser (1990) argues that, given the impossibility of suspending these inequalities, it would be more effective to initiate deliberations by confronting them, exposing them, and primarily seeking to deconstruct them in a socioeconomic sense. Thus, only after this process would it be possible to truly discuss what would constitute the common good, within a non-liberal perspective.

We can observe that part of the problem with deliberations is related to status inequalities. Fraser argues that another part lies in the dichotomy between the common good and private interests, implicit in the separation between the public and private spheres. Habermas (2014, p. 122-123) describes that the public and private spheres were simultaneously delineated through mutual opposition. Given the context of contemporary society in which the author writes, it is understandable that he conceived of this separation, considering that private interests, especially capitalist and market interests, should not override public interests, understood as the interests of the collective as a whole, as a measure to prevent harm to economically vulnerable groups.

Another point of divergence arises in the question of how to determine in advance what constitutes common interest. Should issues related to sex be entirely relegated to the private sphere? This question is crucial because, while homosexuality remained an individualized issue, it was challenging to find language to publicly express demands for equal civil rights and sociocultural changes. In these examples, as well as in the case of domestic violence (Fraser, 1990), we recognize the need for minority groups to bring issues considered private (because they occur

within the domestic environment) into the public domain and foster debates that initially did not have a diverse range of interlocutors.

Finally, we emphasize Fraser's (1990) critique of the Habermasian conception of the public sphere as something singular (and universal). According to the author, it would not only be factually but also preferentially more desirable for there to be multiple public spheres instead of one. Regarding the empirical aspect of so-called subaltern counter-publics, we can turn to the postmodern reading of Modernity to argue that this process, associated with the rise of capitalist bourgeoisie, was fundamentally exclusionary for all those who did not fit into the image of the universal subject as the civilizing motor of the world. The official public sphere, as Fraser terms it (1990), would have followed a similar process to Modernity, as suggested earlier, by establishing itself as dominant in relation to the exclusion of other types of public spheres, relegating them to a subordinate condition.

6 PERSPECTIVES ON OVERCOMING SELECTIVITY IN THE CONTEXT OF HUMAN RIGHTS PUBLIC POLICIES

The present study delved into a comparison of the views of Habermas and Fraser on public spheres with the aim of providing a foundation for overcoming selectivity in the realm of human rights public policies for several essential reasons:

By examining the different approaches of Habermas and Fraser, it is possible to broaden the understanding of the nature of public spheres and their interactions with the State and civil society. This helps avoid a narrow and one-sided view of public policies, allowing for a more comprehensive and inclusive analysis.

The perspectives of Habermas and Fraser emphasize the importance of diversity of voices and experiences in the public sphere. This is crucial to ensure that human rights public policies are not limited to a dominant perspective but rather reflect the multiplicity of needs and concerns of diverse communities and social groups.

By examining Fraser's criticisms of the Habermasian conception of the public sphere, we can question the power asymmetries underlying existing public policies. This contributes to denaturalizing and challenging unjust power structures that may influence the formulation and implementation of human rights policies.

Understanding the views of Habermas and Fraser can provide insights into how to promote more effective and inclusive participation in the public sphere. This is essential to ensure that all voices are heard and considered in the policy-making process, especially those of marginalized or historically excluded groups.

By integrating the perspectives of Habermas and Fraser, it is possible to point towards the development of fairer and more equitable human rights public policies. This involves recognizing and addressing underlying structural inequalities, as well as promoting the inclusion and active participation of all members of society in the public sphere and the political process in general. Superar a seletividade na esfera das políticas públicas de direitos humanos demanda uma abordagem multifacetada e proativa.

A crucial perspective involves promoting the inclusion and participation of historically marginalized groups in the formulation and implementation of these

policies. This requires effective mechanisms of representation, meaningful public consultations, and active civic engagement. Furthermore, it is essential to address structural inequalities that perpetuate exclusion, including affirmative policies, resource redistribution, and equitable access to justice. Strengthening accountability and transparency also plays a vital role, ensuring that governments are accountable to all citizens, regardless of their social position or political power. These perspectives, when implemented together, can help overcome selectivity and promote fairer and more inclusive public policies regarding human rights.

Overcoming this requires promoting more inclusive and democratic participation involves recognizing and valuing subaltern public spheres. This requires strengthening community organizations, supporting alternative media, and promoting public policies that ensure equal participation of all social groups in the public sphere. Furthermore, it is essential to combat power structures and privilege that perpetuate exclusion and marginalization in the public sphere.

In the current Brazilian scenario, we can observe several initiatives aimed at overcoming selectivity in the public sphere and promoting more inclusive and democratic participation. An example is the strengthening of community organizations, such as residents' associations, cooperatives, and grassroots groups, which act as spaces for articulation and mobilization for ordinary citizens. These organizations play a crucial role in advocating for local interests and promoting civic engagement on issues of public concern.

Furthermore, alternative media has gained prominence as an important tool for expanding the diversity of voices in the public sphere. Independent news portals, blogs, podcasts, and social media have provided platforms for marginalized groups and ordinary individuals to share their perspectives and experiences, often overlooked by traditional media.

In the realm of public policy, measures such as the implementation of participatory budgets in various Brazilian cities have allowed citizens to directly contribute to decision-making regarding the allocation of public resources. This represents a significant advancement in promoting equal participation of all social groups in the public sphere, especially those historically excluded from the political process.

However, despite these advances, there are still challenges to be faced in combating the power structures and privileges that perpetuate exclusion in the Brazilian public sphere. The concentration of economic and political power, clientelism, and corruption remain significant obstacles to truly inclusive and democratic participation. Therefore, it is essential to continue advocating for policies and practices that ensure equal opportunities and respect for the rights of all citizens in the public sphere.

7 CONCLUSION

We are nearing the conclusion of this essay, albeit with the acknowledgment that the intention is not to exhaust the subject at hand, considering that the selectivity of the public sphere represents a significant challenge for the promotion of human rights and social justice. However, subaltern public spheres offer possibilities for resistance and transformation by challenging the exclusionary

practices of the dominant public sphere. By recognizing and strengthening these spheres, it is possible to promote a more inclusive and democratic public sphere that ensures equal participation of all social groups in the definition and implementation of public policies on human rights.

We have observed that the perspectives of Habermas and Nancy Fraser on the selectivity of the public sphere offer valuable insights for understanding public policies on human rights. While Habermas emphasizes the importance of rational debate and consensus-building, Fraser underscores the inequalities of power and resources that influence the dynamics of this space. By considering these different approaches, we can develop more inclusive and democratic policies that promote human rights for all members of society.

Nancy Fraser offers a insightful analysis of selectivity in the public sphere and its ramifications for human rights. Her theory highlights the importance of recognition and inclusion in the public sphere as prerequisites for genuine social justice. By acknowledging and addressing selectivity in the public sphere, we can move towards a more just and inclusive society where all individuals can fully enjoy their human rights.

In this context, we agree with Nancy Fraser that the Habermasian concept of the public sphere, while it may be seen as a horizon of democratic development in liberal societies, is problematic for being insufficiently inclusive. Therefore, Fraser's contributions, emerging from a feminist perspective concerned with the active participation of women and other minority groups in building a post-liberal democracy, are essential for broadening the debate on equitable access to spaces of issue formulation and decision-making.

The research findings indicate that examining of the selectivity of the public sphere and subaltern public spheres through the perspectives of Habermas and Nancy Fraser yielded several key findings. Firstly, the analysis revealed distinct conceptualizations of the public sphere and subaltern public spheres by both scholars. While Habermas emphasized the ideal of an inclusive, rational-critical public sphere, Fraser highlighted the existence of multiple, fragmented public spheres representing diverse social groups.

Secondly, it was identified that these theoretical perspectives exert significant influence on the formulation and implementation of human rights public policies. Habermas's emphasis on rational discourse and consensus-building suggests a preference for policies grounded in universal principles of justice and equality, whereas Fraser's recognition of subaltern public spheres underscores the importance of recognizing and accommodating the specific needs and perspectives of marginalized communities in policy-making processes.

Furthermore, the research revealed challenges inherent in translating theoretical insights into practical policy interventions. The tension between universalist and particularist approaches to human rights policy-making emerged as a central concern, highlighting the need for nuanced, context-sensitive strategies that balance the pursuit of universal principles with the recognition of diverse experiences and identities.

Overall, the study underscores the importance of engaging with the selectivity of public spheres and subaltern public spheres in shaping human rights

public policies. It emphasizes the value of incorporating diverse perspectives and voices into policy-making processes to ensure the realization of rights and justice for all members of society.

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