

A Comparative Study of Social Media and Indian Public Sphere: Legal Perspective

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Abstract – Social media has become a key term in Media and Communication Studies and public discourse for characterizing platforms such as Facebook, Twitter, YouTube, Wikipedia, LinkedIn, Wordpress, Blogspot, Weibo, Pinterest, Foursquare and Tumblr. This paper discusses the role of the concept of the public sphere for understanding social media critically. It argues against an idealistic interpretation of Habermas and for a cultural-materialist understanding of the public sphere concept that is grounded in political economy.

The media in a number of Western countries, including Australia, could be forgiven for envying the growth of the Indian media in recent decades. In contrast to more mature media markets in Australia and elsewhere, the Indian media is surviving the onslaught of new media technologies including social media platforms available to news audiences as an alternative to traditional news media. However, despite the omnipresence and diversity of over 800 television channels, over 94,000 publications and hundreds of radio stations, the 'commercial' imperative of Indian news media has raised doubts about their capacity to meet the 'ideals' of the public sphere. This paper examines the Indian public sphere in terms of citizens' increasing use of various social media platforms to express their anger, frustration and protest against the system of governance and corruption.

It explores the increased utilisation of social media platforms by youth and the middle class, who have often remained disengaged with governance in the country, as a sign of deepening democracy and widening public sphere in India, despite the 'digital divide' that still exists in the country.

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INTRODUCTION

Social media have become one of the most important tools for many of the world's citizens to express themselves, communicate freely and share and receive information, opinions and news. Even in countries where freedom of expression may be a right that is denied, the accessibility and the extensiveness of social media has provided a platform for more freedom of expression than ever before. Social media have allowed people to both connect and come together for any cause including both political and social acts. Social media platforms have a total of over two billion users worldwide, which portray the amount of space for discussion available on a higher scale than any form of traditional media. Before social media, opinion sharing and information receiving was mostly done through more traditional mass media such as newspapers, radio and television. However, in the last decade, social media have created a worldwide forum for people to seek, gather, receive and share nearly anything possible. Unlike traditional mass media, the Internet (hereby mainly including social media

platforms) allows individuals to communicate without having to get approval from media owners such as newspaper editors or television stations. The rise of social media has also made it more difficult for States that have long censored their media, to censor the information that is shared. Information can more easily develop and circulate on social media without being as easily manipulated and censored by governments, in contrast to visual and print media.

Social media can be defined as but not limited to blogs, micro-blogs, multimedia sharing services and social networking sites. Although social media websites regulate content, they also ease free expression more than any other type of media, especially in countries where traditional media is tightly controlled. Social media in comparison to traditional media also allow citizens to more openly examine public opinion. Social media have not only provided easier access to share and receive information but have also allowed people all over the world to protest, leak information, organize demonstrations and criticize governments; one well-

known example being the Arab Spring which started in 2010 and another the Million People March in the Philippines which took place in 2013. They have also provided users to connect with each other and form social communities and share and publish information in real time, i.e. providing a platform to speak.

The Indian news media industry, which is largely dependent on commercial revenue despite its size and growing reach, is not immune to these corporate dominance and hegemonic tendencies. There are over 800 television channels, including 21 channels aired by the Indian public service broadcaster, Doordarshan (Cablequest.org 2014). Of these, nearly 400 channels are dedicated to news and current affairs programming. Meanwhile, All India Radio – a public service broadcaster – has an offering of 409 stations across the country, and there are 245 privately owned FM channels and 126 community radio stations in India. In addition, the number of newspapers published in India has crossed the 94,000 mark in 2012–2013, according to the Registrar of Newspapers for India (RNI.org.in). An industry report predicts television will continue to dominate as a media source, and is expected to “expand at a compounded annual growth of 11 per cent to hit US\$15 billion by 2017, up from the current US\$9 billion. This is a higher growth rate than that for China, the U.S. or the UK” (Deloitte.com 2013). India’s population of nearly 1.3 billion is not only growing but also becoming more literate. Print continues to take the lion’s share of media advertising – 46 per cent or Rs 150 billion (\$2.4bn) of the total advertising pie of Rs 327 billion (Mallet 2013). Over the next five years, Indian print advertising revenue is forecast to grow at over 10 per cent annually. *Dainik Jagran*, a Hindi-language newspaper, has the highest daily readership of about 16 million, whereas the top selling English-language newspaper is *The Times of India* with about 7.5 million readers.

With the opening up of the economy and the media sector to private and foreign investment in the 1990s and 2000s, scholars (Rodrigues 2009; Mehta 2007) noted a plurality and diversity in the Indian media industry, where, with the expansion of television networks, and the resultant boost to print media circulation, it seemed that a large number of stories of Indian citizens living in various parts of the country could be covered by the media. However, with the ever-increasing competition for viewers and readers in the past decade, some of these gains have been lost (Rodrigues & Ranganathan 2014). The Indian media is profitable, but there is an expectation that the Indian media market will need to consolidate in the coming years (Sharma & Ambwani 2012). A number of Indian media organisations have multiple platforms for their content, and focus on specific niche markets in terms of their content genres, languages and specific states and regions. India’s huge population allows multiple media organisations to survive and thrive, and yet a criticism of their content and tactics is not far behind, including a ‘sameness’ in their news content; urban

centric news coverage; biased reporting; advertisement disguised as news; and sensationalisation of news (Majumdar 2013; Rodrigues 2014a). P. Sainath (in *Newsclick.in* 2011) notes that corporations, who own the media in India, use them to advance their own interests and predominantly as a revenue stream. The convergence of commercial and political interests means the news media can no longer take up the issues of everyday corruption and those living in poverty in India. Meanwhile, although 69 per cent of Indians live in rural India (Census of India 2011), a study of the three highest circulating English and three Hindi newspapers found that they devoted about two per cent of their coverage to rural India’s issues, with more than a third of this two per cent focused on violence, crime, accidents and disasters (Mudgal 2011).

Meanwhile, access to the Internet and Indian citizens’ engagement on social media has been rapidly increasing in recent years. There are 213 million Internet users in India (We are social 2014). Of these, about 90 million are active users of Facebook and 33 million active Twitter users. During the 2014 federal elections, social media engagement by political parties, the mainstream media and a section of the population, played a significant role in creating a new excitement during the six-week-long elections. There were seamless discussions on social media platforms such as Twitter and Facebook between political party representatives clarifying issues, provoking reaction from opposition leaders and even arguing with journalists over issues and controversies. This paper looks at the rise of social media as the “Fifth Estate” in Indian democracy, in consideration of the role of mainstream news media as the “Fourth Estate”. The paper outlines the increasing scale of social media conversations in India, from the 2008 Mumbai terror attack, to the civil unrests in 2011 and 2012, and in the 2014 federal elections. The paper argues that despite the digital divide, the rise of the Fifth Estate is good news for the Indian public sphere.

Sociality can mean that a) human thought is shaped by society, b) humans exchange symbols by communicating in social relations, c) humans work together and thereby create use-values, d) humans form and maintain communities. These definitions of sociality correspond to the social theory concepts of social facts, social relations, co-operation and community (Fuchs 2014c). Described as information processes, sociality can be expressed as a threefold interconnected process of cognition (a), communication (b) and cooperation (c, d). Media and online platforms reflect these forms of sociality to different degrees:

- Cognition: Reading books, watching the news or a film on TV and listening to the radio involves just like Internet use the

engagement with texts that reflect social contexts in society.

- Communication: Online communication is not new: Ray Tomlinson sent the first Internet email from one computer to the other in 1971.
- Co-operation: Online communities are not new, already in the 1980s there were bulletin board systems such as the WELL. Computer-supported co-operative work (CSCW) became an academic field of studies in the 1980s, reflecting the role of the computer in collaborative work. The 1st ACM Conference on CSCW took place in December 1986 in Austin, Texas. The concept of the wiki is also not new: Ward Cunningham introduced the first wiki technology (the WikiWikiWeb) in 1995.

Online sociality is not new. A specific aspect of Facebook and related platforms is that they integrate tools that support various forms of sociality into one platform. They are tools of cognition, communication and co-operation. How has the landscape of the World Wide Web (WWW) changed in the past 10 years? Table 1 presents an analysis of the most used websites in the world in 2002 and 2013.

December 9 th 2002 (three month page ranking based on page views and page reach)			December 11 th , 2013 (one month page ranking based on average daily visitors and page views)		
Rank	Website	Primary information functions	Rank	Website	Primary information functions
1	yahoo.com	cogn. comm	1	google.com	cogn. comm, coop
2	msn.com	cogn. comm	2	facebook.com	cogn. comm, cop
3	daum.net	cogn. comm	3	youtube.com	cogn. comm
4	naver.com	cogn. comm	4	yahoo.com	cogn. comm
5	google.com ²	cogn	5	baidu.com	cogn. comm
6	yahoo.co.jp	cogn. comm	6	wikipedia.org	cogn. comm, coop
7	passport.net	cogn	7	qq.com	cogn. comm
8	ebay.com	cogn	8	amazon.com	cogn
9	microsoft.com	cogn	9	live.com	cogn. comm
10	bugsmusic.co.kr	cogn	10	taobao.com	cogn
11	sayclub.com	cogn. comm	11	twitter.com	cogn. comm
12	sina.com.cn	cogn. comm	12	linkedin.com	cogn. comm, coop
13	netmarble.net	cogn. comm, coop	13	blogspot.com	cogn. comm
14	amazon.com	cogn	14	google.co.in	cogn. comm, coop
15	nate.com	cogn. comm	15	sina.com.cn	cogn. comm
16	go.com	cogn	16	hao123.com	cogn
17	sohu.com	cogn. comm	17	163.com	cogn. comm
18	163.com	cogn. comm	18	wordpress.com	cogn. comm
19	hotmail.com	cogn. comm	19	ebay.com	cogn
20	aol.com	cogn. comm	20	yahoo.co.jp	cogn. comm
		cogn: 20 comm: 13 coop: 1			cogn: 20 comm: 15 coop: 5

Table 1: Information functions of the top 20 websites in the world (data source: alexa.com)

In 2002, there were 20 information functions and 13 communication functions and one cooperation function available on the top 20 websites. In 2013, there were 20 information functions, 15 communication functions, and 5 cooperation functions on the top 20 websites.

The quantitative increase of collaborative features from 1 to 5 has to do with the rise of Facebook, Google+, Wikipedia and LinkedIn: collaborative information production with the help of wikis and collaborative software (Wikipedia, Google Docs) and social networking sites oriented on community-building (Facebook, Google+, LinkedIn). There are continuities and discontinuities in the development of the WWW in the period 2002-2013. The changes concern the rising importance of co-operative sociality. This change is significant, but not dramatic. One novelty is the rise of social networking sites (Facebook, LinkedIn, Google+, MySpace, etc).

Another change is the emergence of blogs (Wordpress, Blogger/Blogpost, Huffington Post), microblogs (Twitter) and file sharing web sites (YouTube), which have increased the possibilities of communication and information sharing in the top 20 US websites. Google has broadened its functions: It started as a pure search engine (in 1999), introduced communication features in 2007 (gMail) and its own social networking site platform (Google+) in June 2011.

THE CONCEPT OF THE PUBLIC SPHERE

Habermas (1991) stresses that if something is public it is "open to all". The task of a public sphere is that society can become engaged in "critical public debate". The public sphere would therefore require media for information and communication and access by all citizens. The logic of the public sphere is independent of economic and political power: "Laws of the market [...] [are] suspended as were laws of the state". Habermas thereby stresses that the public sphere is not just a sphere of public political communication, but also a sphere free from state censorship and from private ownership.

It is free from particularistic controls. Jürgen Habermas (1991) stress that in pre-modern society the private realm was simultaneously the realm of the family and the economy. Modern society would have seen the rise of the capitalist economy and the modern state as relatively autonomous interconnected spheres. The economy became disembodied from the family and a separate sphere of modern society based on commodity production and wage-labour emerged. The realm of the economy is mediated with the household as realm of reproductive labour. "The emergence of society – the rise of housekeeping, its activities, problems, and organizational devices – from the shadowy interior of the household into the light of the public sphere, has not only blurred the old borderline between private and political, it has also changed almost beyond recognition the meaning of the two terms and their significance for the life of the individual and the citizen". The notion of the private became split into the

sphere of private ownership in the economy and intimacy in the family. The economy started to no longer be part of private households, but became organised with the help of large commodity markets that go beyond single households. The modern economy became “a private sphere of society that [...] [is] publicly relevant”. It became a political economy. The British economist James Steuart formulated this change in 1767 in his book *An inquiry into the principles of political economy* – that was the first English book having the term “political economy” in its title – the following way: “What oeconomy is in a family, political oeconomy is in a state”. Political economy also became a field of study that analyses the production, distribution and consumption of goods and considered the moral question of how the state and the economy shall best be related.

The question that arises is how the public sphere that is sometimes also related to the concept of civil society is related to other realms of modern societies. Habermas (2006) has stressed in many of his works that it is a kind of interface and intermediate sphere mediating between the economy, the state, and the realm of the family and intimacy.

The “public sphere is a warning system with sensors that, though unspecialized, are sensitive throughout society”. Modern society can be conceived as consisting of distinct and connected spheres: the economy is the sphere of the production of usevalues, politics the sphere where collective decisions are taken, and culture the sphere where social meanings and moral values are created. In modern society, these spheres are based on the accumulation of money, power and status. In Habermas’ (1984, 1987) theory, this distinction is reflected in his differentiation between the systems of the economy and politics and the lifeworld. He however assumes that the cultural lifeworld is not shaped by power asymmetries, whereas in capitalist realities contemporary culture tends to be, as Pierre Bourdieu (1984) stresses, a struggle over recognition and status.

The public sphere/civil society connects culture, the economy and politics and thereby creates sections of overlap between the public sphere and these realms: the socio-political sphere, the socio-economic sphere and the socio-cultural sphere.

Figure 1 visualizes a model of modern society. The model is grounded in the social theory insight that the relationship between structures and actors is dialectical and that both levels continuously create each other.

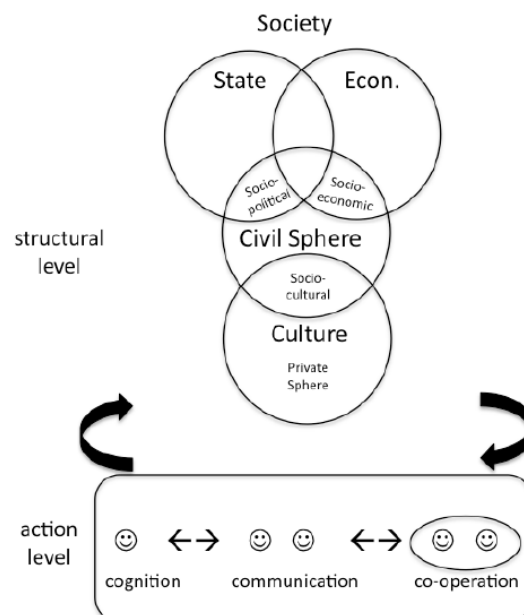


Figure 1: A model of modern society.

Habermas (1987, 320) mentions the following social roles that are constitutive for modern society: employee, consumer, client, citizen. Other roles, as e.g. wife, husband, houseworker, immigrant, convicts, etc can certainly be added. So what is constitutive for modern society is not just the separation of spheres and roles, but also the creation of power structures, in which roles are constituted by and connected to power relations (as e.g. employer-employee, state bureaucracy-citizen, citizen of a nation state-immigrant, manager-assistant, dominant gender roles – marginalised gender roles). Power means in this context the disposition of actors over means that allow them to control structures, influence processes and decisions in their own interest. In the modern economy, humans act as capital owners or workers. In the modern political system, they act as politicians or citizens. In the modern cultural system, they have the roles of friends, lovers, family members and consumers. Modern society is not just based on a differentiation of social realms, but also a differentiation of social roles humans take on in these realms. In the public realm, humans do not act in isolation, but in common. For Hannah Arendt, the public sphere is therefore “the common world” that “gathers us together and yet prevents our falling over each other” (Arendt 1958, 52). In the public sphere, humans organise around specific interests as social groups. As groups they take on socio-economic, socio-political and socio-cultural roles.

EMPIRICAL MODELS OF THE PUBLIC SPHERE

After putting forward in *Structural Transformation* a complex yet ultimately debilitating social analysis of a public sphere initially opposed to feudalism but then in turn “re-feudalized,” Habermas (1984) in a sense turned his back on society and focused his attention

on the structure of social interactions at the micro-level, in the realm of voluntary personal relationships and communities which he termed the “lifeworld.” Against Weber and the early Frankfurt School who viewed rationality as ultimately “instrumental” (and thus implicated in and abetting relations of domination), Habermas identified another form of rationality which he termed “communicative action.” This form of rationality is rooted in the “ideal speech situation” through which agents in the lifeworld hope to achieve, not domination, but rather mutual understanding. There is certainly some intuitive appeal to this theory.

In our most intimate relations of kin and friendship, surely, there is a form of communication that cannot ultimately be reduced to power and domination. But one could argue that this formulation does not solve the problems posed in Structural Transformation but merely displaces them.

Even if an alternative to relations of domination exists in the lifeworld, the question remains: How can we begin to transpose this emancipatory logic into the “system” still dominated by instrumental rationality? Drawing extensively on the work of his late student and colleague Bernhard Peters (translated into English and collected in Wessler 2008a), Habermas (1996) now acknowledges the multi-layered complexity of the contemporary public sphere, in an effort to develop a model with “empirical relevance.”⁵ This empirical model is developed in *Between Facts and Norms* (1996) and in his 2006 keynote address to the International Communication Association in Dresden, Germany.

In the essay that laid the foundation for this approach, Peters (1993) argues that democratic societies are organized according to principles of “center” and “periphery.” The “institutional core of the system of government” has four departments: “the parliamentary complex, the judiciary, government [‘the political leadership’] and administration [‘non-political’ or civil service]”.

The outer periphery consists of the informal associations of the lifeworld’s various “private” social spheres. Mass media, along with other public sphere organizations, play a crucial role as an intermediary “sluice” to bring progressive and emancipatory ideas from this outer periphery into the center. The public sphere is at the inner periphery of the political system, consisting of “mass media, opinion research, numerous and diverse communicative networks and ‘publics’ crystallized around current topics or around publications, professional contacts and contexts for discussion specific to particular milieus.” While the center or core is where “debates or processes linked to the resolution of problems are condensed and formed into decisions,” the “legitimacy of (these)

decisions depends on the formation of opinions and political will in the periphery”.

In sum, while Habermas makes an important contribution by stressing the important links between civil society and the media, he continues to understate and under theorize the potential pro-active role of the media in the public sphere. He insists on media “self-regulation,” necessary he argues for it to play its neutral intermediary role between core and periphery. However, this conception is too modest, failing to imagine how the media—in league with anti-commercial reformist elements within the state—might help civil society avoid commercial colonization, or more positively, how it might act as a force for “communicative action” against instrumentalist domination.

THE MEDIA AND THE PUBLIC SPHERE

For Habermas (1984, 1987), a medium is an entity that enables social relations. He distinguishes between the steering media of money and power on the one hand and unmediated communicative action on the other hand. Niklas Luhmann (1995) in contrast to Habermas argues that all social systems are communication systems and organise their communication around specific media and binary codes such as money and paid/unpaid in the economy or power and in office/out of office in politics. Communication is a social relation, in which humans interact mutually with the help of symbols and thereby create meaning of each other and the world. It is a constitutive feature of society and all social systems. Communication requires and is not possible without media: storage media (information technologies) such as paper, tapes, film reels, computer hard disks, DVDs, web space; transport media (communication technologies) such as the telephone, television, radio, e-mail; and collaborative media (technologies of co-operation) such as wikis and online communities.

Whereas property (such as money and other commodities) and power can certainly be seen as media of social relations, a specific feature of the media and communication system is that it communicates content created or co-created by human beings that is stored, interpreted and re-interpreted in order to make meaning of the world. In modern society, the cultural system is not isolated, but culture is mediated by money in the culture industry and power in political communication. The cultural system has its own economy and politics.

Figure 1 has pointed out that civil society and the public sphere are interfaces that connect culture, the economy and politics through the socio-cultural, the socio-political and the socio-economic sphere. All information media circulate ideas in public to a broad

range of people. They are systems for publishing, i.e. the making-public of information. Media address people with information as private individuals in their cultural role, as members of communities of interests in the socio-cultural sphere, as citizens or politicians in the political realm, as activists in the socio-political sphere, as owners, managers or employees in the economic system, and as members of economic interest groups in the socio-economic realm. Confronted with content provided by the media, humans create, re-create and differentiate meanings of the world in various social roles. Figure 2 shows the interactions of the media systems with other parts of modern society. Media create public information (news, entertainment, user-generated content etc) that confronts humans in various social roles, in which they make meaning of the world based on this information. In order to create cultural content, workers in the media system rely to specific extent on humans in various social roles as information sources. These information sources tend to be asymmetrically distributed with politicians, governments, parties, celebrities, experts, companies and managers playing a significantly more important role than everyday citizens. The media system also requires inputs from the economic system (financing in the form of loans, money paid for content or audiences, subsidies, donations) and the political system (laws, regulation).

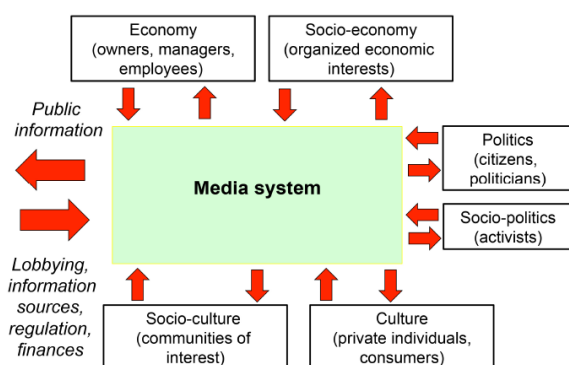


Figure 2: The media system in modern society

Information media are specifically cultural in that they enable the creation, co-creation, diffusion and interpretation of symbols, by which humans make meaning of the world. Raymond Williams has argued against cultural idealism and for cultural materialism: He opposes “the separation of ‘culture’ from material social life”. We “have to emphasise cultural practice as from the beginning social and material” (Williams 1989, 206). The production of culture is an economic activity of production that creates ideas and meanings as use values.

So culture is on the one hand always an economic process of production. On the other hand, culture is not the same as the economy, it is more than the sum of various acts of work, it has emergent qualities – it communicates meanings in society – that cannot be found in the economy alone. The economy is

preserved in culture: culture is not independent from work, production and physicality, but requires and incorporates all of them. Based on Williams we can therefore say that information media have a) their specific culture that stores and communicates information in public and helps producing meaning and b) a specific mode of economic organisation of culture, a political economy of culture, that enables the ownership, control, production, diffusion and consumption of information.

CONCLUSION

Liberal political theory assumes that it is possible to organise a democratic form of political life on the basis of socio-economic and socio-cultural structures that generate systemic inequalities. The institution or domain of public sphere is an offshoot of this thought process. Thus, socio-economic structures of the capitalist societies create boundaries for the functioning of public sphere as well. This is true even in case of public sphere in India.

There are signs of similar patterns in the Indian public sphere, where the mainstream media (the “Fourth Estate”) is increasingly using the Internet to connect with their audiences, seeking information and dissemination information via third party social media platforms. During the current elections, Indian politicians aimed to communicate with their followers directly, often tweeting messages, responses and opinions on Twitter, Facebook, Google hang-outs and YouTube video channels, bypassing the mainstream media. Similarly, journalists tapped into their audiences’ sentiments. The traditional Indian news media are aware of the increasing tendency of the Indian population, particularly the aspiring, middle and educated classes, to network and communicate via the social media platforms. There has been a shift of mass communication by the media to mass self-communication and interactive communication on social media and mobile platforms.

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