Chapter II

The Public and Private Distinction

The idea that there is a clear distinction between 'public' and 'private', and that this distinction is of great and continuing philosophical and political significance, is not the preserve of a small number of philosophers, but is well entrenched even in everyday political discussions. Isaiah Berlin argued in his famous essay, 'Two Concepts of Liberty' that, 'a frontier must be drawn between the area of private life and that of public authority'. David Johnston (2000: 18), while identifying the institutional arrangements that liberal theorists advocate, identifies the existence of an institutionalised between public and private as one of the central features. Around this general distinction between the public and private a number of thoughts, institutional and everyday life practices have clustered.

Thus some have thought that the evaluative conceptions that are appropriate for the use in the public realm are different from those appropriate in the private realm. What is judged to be 'good', 'right', 'valuable' (and alternatively, 'bad', 'wrong', 'nuisance') in the public sphere is to be evaluated by very different standards from what is 'good', 'right' and 'valuable' in the private sector. The standards and procedures for justifying a particular course of action or choice, and the audience in whose eyes the justification must be convincing and can count, are often thought to differ depending on whether what is at issue is a 'private' act (e.g., individual purchase of food for ones own consumption)
or a public one (procurement of new trains for the municipal underground or new submarines for the navy). Finally, there is often thought to be a series of characteristic differences between the kinds of methods and the means that can be legitimately employed: in certain kinds of action in the public realm, duly constituted political authorities may use direct physical coercion (restraint, incarceration, execution etc), or the threat of such coercion to implement compliance with a directive in ways that would be unacceptable, if, used by individuals in private contexts.

One of the distinguishing features of modernity is an institutionalised distinction of public and private maintained by a system of rights. With its origin in Europe, public/private distinction is crucial in the reconstruction of a new modern identity of the people within the legitimate jurisdiction of the state. Nation as a modern representation of society is tied with the idea of sovereignty. With division of social space into public and private, sovereignty is divided through a system of rights. Sovereignty in the public sphere, in this scheme then passes to nation or state or nation-state, while private belongs to individuals. Constitutions are embodiment of such structured relations between the public power and private individuals on one hand, and among the different institutions of public power on the other. The institutionalised distinction between the public and the private is one of the central features of liberal democracy.

The distinction between public and private is primarily seen as an adequate empirical description of the major institutions of modern society, or as the one which provides normative justifications for their existence around which most of the people
make sense of themselves and their actions. When it comes to the distinction between public and private the difference between empirical description of everyday life, within and around, which people organise their life, and a normative justification of the existence of these categories is vague and unclear. Despite this vagueness and inadequacy, we are told that, we need to draw this distinction in some form both to understand and advance the interests of social life.

Does bringing the distinction between public and private to a context or an issue illuminate the case at our hand? Or is it the case that bringing the distinction tends to settle the case at hand in one side or the other of the divide, between public and private? The ambiguity of the distinction between public and private is not problematised through concrete, specific cases, rather more often than not by bringing this distinction to a difficult case; the division between them is reinforced. In other words, when we begin with what is private and public before hand to a specific case we do not problematise the division, when we come across empirical and normative divisions that tend to resist our understanding of public and private with which we begun. Bringing the division between them to decide, which side it will fall of the division or arguing that public or private is more important, sidetracks the difficulty of hard case. There is a tendency to put a hard case within the rubric of either the public or private, in effect, such an approach reinforce the distinction between them. To illustrate the significance of emphasizing one or the other part of this division between public and private, I will illustrate the significance of private in the writings of Irving Goffman\(^1\) and of the public in the writings of Habermas\(^2\).


Goffman’s writing leaves the impression that the real ‘reality’ is always offstage and behind closed doors. It is not that Goffman has little regard for public encounters but he tends to worry more about the abuses of enforced publicity than about the irregularities of private conduct. Goffman is concerned that too much public exposure can result in both unchecked public authority and private degradation. And hence he emphasizes ‘backstage’ regions, where one can skip from totalitarian potentialities of visibility. Goffman fears that the great terror of being in public is that in spite of all one’s efforts to control the presentation of self, one can still slip. We can never be fully in charge of all the impressions we give off, no matter how carefully we try to monitor them, unless we have frequent opportunities to retire backstage and collect ourselves and construct who we are. Goffman conveys a sense that our authenticity, if it is ever to be found in modern society is more likely to be formed, in the shadows, than in the sunlight.

This priority of private over public is reversed in the thought of Habermas. Even at the risk of simplification, there is a certain clear message that emerges out in the writings of Habermas that reveals a preference for the public world over the private. Habermas’s treatment of publicity unlike Goffman’s is not primarily concerned with visibility but with openness of deliberation and judgement through rational communication and critical discourse. Goffman’s total institution is entirely visible but is not marked by rational discussion and accountability. Thus, Goffman and Habermas differ over the normative value of the public and private in part because they differ over how they understand public and private. However, Goffman points towards the importance of backstage regions and its importance to individuals, which Habermas tends
to miss. Too great an emphasis on rational deliberation, so central to our public role as citizens, might work to the neglect of things we do with no particular purpose in mind.

Habermas insists that claims to truth that establishes the possibility of impression management, not the ability to manage impressions backstage, that constitutes the precondition for public performance. Both Goffman and Habermas give particular weight to one side or the other of the public/private distinction reminds us in process that both are central to human condition. Yet each in stressing one side, over the other of the dichotomy, seems to miss something important as well.

Goffman often glosses over the ways in which public and private selves reinforce each other. His backstage regions are closer to being identified as quasi-public and certainly as private at times, as theirs is a social world in which people are interacting with each other. Moreover, we often retreat to the backstage to provide a more effective front-stage performance, not just because our internal self demands it, but social life requires it. Individuals can use private spaces to do a variety of things and some of them indeed can have public consequences. No society can effectively accord a moral value to privacy without encouraging and protecting collective actions of certain kinds.

Habermas' model of public discourse guided by rational and universalisable standards, in turn, lacks certain realism, a feel for the nitty gritty of actual social
interactions, including the very features so emphasized by Goffman. Modern individuals require both a realm of private self-expression and intimacy buffered from the larger world of politics, and a sense of belonging to a larger community that expresses obligations to all its members, even if they are strangers. To take care of our public business we must recognize that we have private selves, and to appreciate our private selves we must understand ourselves as public creatures.

Norberto Bobbio has designated public/private distinction as one of the 'grand dichotomies' of western thought, in the sense of a binary opposition that is used to subsume a wide range of other important distinctions, and that attempts to dichotomise the social universe, in a comprehensive and sharply demarcated way. Different versions of this distinction have attained renewed prominence in a wide range of disciplines and areas of inquiry from public choice economics and social history to feminist scholarship. Different set of people who employ the conceptual vocabulary of public and private mean very different things, and sometimes without quite realizing it, means several things at once. 'Public goods' in neo-classical economics is addressing quite a different subject from the 'public sphere' of discussion and political action, delineated by Habermas and Arendt, that is very distinct from 'public life' of sociability, charted by Philippe Aries.

What is common between the current debates of privatisation largely concerning whether government functions should be taken over by co-operations has to do with the

world explored by Aries and Duby's multi-volume *History of Private Life*—families, Sexuality, Modes Of Intimacy and Obligations—or with the way that 'privacy' has emerged as a central concept in the controversy over abortion rights? Widespread invocation of public and private as organizing categories is not usually informed by a careful consideration of the meanings and implications of the concepts themselves. In addition, those who draw on one or another version of the public/private distinction are rarely attentive to, or even clearly aware of, the wider range of alternative frameworks within which it is employed. For example, distinguishing public from private clearly changes, if public is equated to political or is conceived in terms of the administrative state or of the public sphere.

The distinction between public and private is also used as a conceptual framework for demarcating other important boundaries. Between the private worlds of intimacy and the family, and the public worlds of sociability or the market economy, or between the inner privacy of the individual self and associational order in public, the public/private distinction is not unitary but protean, and the discourse of public and private covers a variety of subjects that are analytically distinct and at the same time subtly, often confusingly, overlapping and intertwined. These different uses do not simply point to different phenomena; often they rest on different underlying assumptions and images of the social world, are driven by different concerns, generate different problematica, and raise very different issues. If the phenomena evoked by different uses and the issues they raise were entirely disconnected, then it might not be very difficult to sort them out.

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However, the issues at stake are much more complex than it is generally taken to be. What do these differences reveal, and what are the various sources of these differences and various usages of the distinction between public and private? Apart from variations in terminology, these differences reflect deeper differences in theoretical and ideological commitments, in sociological assumptions and socio-historical contexts in which the organizing categories of public and private are employed.

Before we identify some of the dominant organizing categories of the public/private distinction and how they crisscross each other. Any notion of ‘public and private’ makes sense as one element in the paired opposition, whether the contrast is being used as an analytical device or to address a specific problem or issue at hand or to articulate a comprehensive model of social structure. To understand what private or public stands for within a framework, we need to know what is being contrasted whether explicitly or implicitly and what is the axis/criteria around which the contrast is being drawn. More often than not, features of one of the paired opposition is identified and then, around an axis the other part of the paired opposition is identified in opposition and in contrast to the first one. Whenever, more emphasis is attached to the distinction or one set of the paired parts, be they public or private, and how they are different and separate and in opposition to each other, one tends to lose sight of the axis/criteria around which distinction is drawn.

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Weintraub argues that the criteria involved is irreducibly heterogeneous and still finds two basic 'imageries' which structure at the most general level various different norms that inform the application of public/private. Though these two basic images are analytically distinct they are fundamental to the distinction between public and private and he names them as 'visibility' and 'commonality'. What is hidden or withdrawn characterizes private and what is open, revealed or accessible is public, when the criteria of visibility distinguish the public and the private. What is individual or pertains only to an individual versus what is the collective or affects the interests of the collectivity of individuals, characterizes the private and the public respectively, when collectivity is used as an underlined criteria for the distinction between the public and the private. The two basic criteria may blur into each other and can also be combined in various ways but they remain analytically distinct.

An individual can pursue his private interest or a group may be pursuing a special interest, rather than the public interest, it is not necessary that the private and special interest have to be pursued in secret. If market exchange is considered a private act on the ground that in principle it is self-interested, non-governmental and unconcerned with collective outcomes, it does not ceases to be private, even if, it is carried out in public. Similarly, voting carried out in secret ballot does not necessarily ceases to be a public act. The privacy was famously designated by Brandies and Warren, as a 'right to be left alone'. The use of the term 'privacy' usually concerns things that we are able to or

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entitled to hide, shelter or keep withdrawn from others or, in other words, away from visibility. It is important to bear in mind that the association between state and public is based on the idea that state is responsible for the general interests and affairs of a politically organized collectivity as opposed to private that is merely particular interest. Similarly, there is no necessary connection between the notions of public and political. The public does not follow from political and vice versa.

It is often overlooked that many varieties of public/private distinctions has very little or nothing to do directly with politics or political. For example, Clifford Geertz insists that ‘human thought is both social and public’.

The language of post-Wittgensteinian analytical philosophy to express the idea that thought is essentially intersubjective, rather than something that happens entirely in the individual head, since it relies on collectively elaborated media, such as language and cultural symbolism. This quite significant conception of public, applies to politics, than no more to any other human activity.

By public we have three different senses, first the physical or social space in which one’s activities are visible to diverse others rather than kept hidden from view; second, that region of relatively impersonal sociability characteristic of modern urban life as opposed to the region of intensely personal concern; and, third, that domain which pertains to common interest and collective decision-making as opposed to that which is left to individual choice and selfish interest. The last version of public, which might be termed political, contains within itself a further distinction. Between the institutional

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domains associated with the application of the sovereign authority to matters of common interest and the metaphorical space of collective deliberation associated with the empowerment of a democratic community. Weintraub delineates four broad fields of discourse in which different notions of public and private are used descriptively and normatively to distinguish different kinds of human action which occur in different realms of social life or in different physical and social spaces:

1. The liberal-economist model dominant in public policy analysis that sees the public/private distinction primarily in terms of the distinction between state administration and the market economy.

2. The republican-virtue or civic perspective [and classical] approach which sees the public realm in terms of political community and citizenship, analytically distinct from both the market and the administrative state. (Hannah Arendt, Tocqueville and even Habermas)

3. The approach exemplified by the work of Aris, which sees the work of public realm as a sphere of fluid and polymorphous sociability. (Rousseau, Sennet, Sruton, Scottish Enlightenment)

4. A tendency in many branches of feminist analysis to conceive the distinction between public and private in terms of the distinction between the family and the larger economic and political order in which market economy belongs to the public realm. (Carole Patmean, Susan Okin)
One example to show how the basket of the public and the private are so distinct in these uses of the public and the private, one can notice that in public policy analysis market economy belongs to the private, whereas, in some important strains of feminist thought market economy is public. Similarly, in the republican and civic perspective, public denotes political community and citizenship, which is analytically distinct, both from the market on one hand and administrative state on the other. These different dominant uses designate distinct kinds of human action as public and private. If we assume, for the time being, that various kinds of action can be ordered in a continuous mode from public to private, in these different models, even the inventory or catalogue of public and private of the spectrum differ. Moreover, the basket of the public and the private is distinct. So much so that what one model sees as public, another might as well see it as private.

In the liberal model, where a distinction is made between the market and the state revolve around the question of jurisdiction, especially demarcating the sphere of public authority of the state, from the sphere of formally voluntary relationships, between private individuals. The basic orientation of this framework, defines public and private issues of having to do with striking the balance between individuals and contractually created organizations on the one hand and state action on the other. They also address the problem of social order as posed by utilitarian liberalism. Locke and Adam Smith, on one side, and Hobbes and Bentham, on the other, can be seen as the most distinguished representatives of the two poles within the universe of this discourse. One side leads towards a 'natural' harmonization of selfish interests whose theoretical achievements is
the theory of the market, and the other who posits the need for a coercive agency standing above society, that maintains order by manipulating the structure of rewards and punishments within, which individual pursue their rational interests. In this model, it is not at all clear why and whether the ‘rational’ actors will engage in collective action.

The private/public dichotomy conceives the public as the sphere in which man acts morally in association with others in order to further the general interests of the community. Whereas in the ‘private’ sphere one acts according to his private interests and in this domain views others as limitation on his freedom to act according to his private interests. The liberal democratic conception of the political is based on the division of life into these two spheres and in the private they only have a passing interest in political life whereas in the political sphere where specially chosen representatives act to protect the life of the private sphere and arbitrate between its conflicting interests, making political decisions aimed at the benefit of the community as a whole, or the public interest. Liberal democratic theory presents the political as something abstracted from, as autonomous or separate from, the social relationships of everyday life. Standing over and above the inegalitarian and conflicting relationships of the private sphere of social life, the state and its representatives appear, as guardians of what is common to all members of the society.

In the second model public realm is the realm of political community based on citizenship and the process of active participation in collective decision-making lies at the heart of public life. In both perspectives, one and two, public means political but the
political has different meanings. For the first model, public or political authority means the administrative state; for the second, politics means a world of discussion, debate, deliberation, collective decision-making and action in concert with others.

In the classical antiquity for Aristotle, the good life was possible only through participation in the life of the polis, though all the associations aimed at some good, it was in the polis that the highest good was possible and in this realm only citizens can participate. Aristotle radically bifurcates the public (political) from private (apolitical) realms and since then, his typologies structures discussions about public and private realm and political personhood. Public persons are responsible, rational persons who share fully in both private life and the life of the polis and its integral elements. Whereas private persons are those who (for whatever reason) are not fully rational and those who can only share in the limited goodness appropriate to their spheres. They are confined to these spheres and as such form a necessary condition for the superior public realm. The life of lesser associations is inferior in nature, intent and purpose to that of the more inclusive associations.

The only shift about the controlling definition of the political realm occurred in the work of post-medieval theorists. Political realm was now seen as the arena in which force alone constituted the final political appeal whereas it was governed at least in parts by moral rules and considerations, if not fully. The new definition of politics as the exercise of force at the highest level and of the state as an organization of violence,

tempered by law reinforced Aristotelian distinctions between public and private persons and spheres.

In addition, this shift introduced an additional bifurcation not present in Aristotelian thought: the divorce of politics from moral considerations. What is moral in the public realm cannot be judged by the standards of private moral conduct; therefore public persons are judged one way for their capacity as public persons and another way in their existence as private persons. Implicit within this paradigm is the notion of an individual who is rational, responsible, makes choices, and is judged according to a known set of rules and standards, only those who hold dual statuses as both public and private persons are admitted in to the privileges of full personhood and it is denied to those individuals with a single private status.\textsuperscript{11}

The second understanding of political in modern times is exemplified in Arendt's\textsuperscript{12} powerful conception of public space as a distinctive field of action that can emerge whenever, human beings act and deliberate in concert. These two notions of public as political have historical roots and social contexts originally from classical antiquity. In the first one self-governing polis or republic hands us down a notion of politics as citizenship in which individuals in their capacity as citizens participate in an on-going process of conscious collective self-determination. The second meaning of public as political, originates in the Roman Empire from which we get the notion of


sovereignty of a centralized, unified, and omnipotent apparatus of rule that stands above society and governs through enactment and administration of the laws.

These two powerful underlying images of public as political have a significant presence in modern thought. The central image of political action in Aristotle is not domination and compliance but participation and collective self-determination. For Aristotle, a citizen is one who is capable both of ruling and of being ruled. Citizenship entails participation in a particular kind of community based on fundamental equality and resolution of public issues through collective decision-making.

A significant element in shaping of modernity has involved a gradual re-discovery of these notions and an attempt to realize and institutionalise them in various combinations. In liberalism the public/private distinction turns fundamentally on the separation between the administrative state and the civil society in which public realm is simultaneously, also seen as a realm of participatory self-determination, deliberation, and conscious cooperation among equals, the logic of which is distinct from those of civil society and administrative state.

Habermas, writes, the bourgeois public sphere may be conceived above all as the sphere of private people come together as a public; they soon claimed the public sphere regulated from above against the public authorities themselves, to engage them in a debate over the general rules governing relations in the basically privatised but publicly relevant sphere of commodity exchange and social labour. Habermasian public sphere
signify rational-critical argumentation and collective will formation regarding the paths along with which the state, economy and civil society are to develop.\(^{13}\)

It was principally the public sphere where, through print-capitalism-through the standardizations of language, social, moral and aesthetic norms, the homogenised forms of nation were imagined. Partha Chatterjee writes, the public sphere then was not only a domain that marked the distinction of state and civil society; by creating the cultural standards through which 'public opinion' could claim to speak on behalf of the nation, it also united state and civil society.\(^{14}\) Civil society now becomes the space for the diverse life of individuals in the nation; the state becomes the nation's singular representative embodiment, the only legitimate form of community.

Tocqueville's conception of 'political society'\(^{15}\), Arendt's conception of the 'public realm', and Habermas's conception of the 'public sphere' represent some significant effort to characterize and theorize the public or political realm of social life. Though, the public realm cannot be reduced to the state and the realm of social life outside the state and its control cannot be simply identified as private, these three significant contributions emerge as attempts to use the public/private distinction as a dichotomous model to capture the overall pattern of social life. The limitations of the public/private dichotomy in this connection are reflected in Habermasian paradoxical formulation that 'the bourgeois public sphere may be conceived above all as the sphere


of private people come together as a public to discuss and debate matters of common concern'. Similarly, in Tocqueville, political society that coexists with both the civil society and the state is not reducible to either. A good deal of modern political thought reflects the tension between these two notions of the public and the two versions of the public/private distinction in which they are embedded. However, both these versions bypass the symbolic demarcation of interactional space as a key constitutive feature of social reality and alternative visions of public life that links it neither to the state nor to citizenship but to sociability.

Rousseau declared in The Social Contract that ‘the better constituted the state, the more public affairs outweigh private ones in the minds of citizens...in a well-conducted city everyone rushes to the assemblies. Under a bad government, no one cares to take even a step to attend them; no one takes an interest in what is done there, since it is predictable that the general will won’t prevail and so finally domestic concerns absorb everything’.\textsuperscript{16} Roger scruton has celebrated ‘a sphere of broad and largely unplanned encounter\textsuperscript{17} of fluid sociability amongst strangers and near strangers. In these formulations public life lies not in self-determination or collective action but in liveliness and in spontaneity arising from the intercourse of heterogeneous individuals and groups. Its function is not to generate solidarity but to make diversity agreeable or at least manageable. The public in this sense has nothing to do necessarily with collective decision-making or the state; its uniqueness lies in neither solidarity nor obligation but sociability.

Modern civil society represents not a private realm but a new sphere of public life; private realm is the realm of personal life or of domesticity attendant with voluntary associations and economic activity. The breakdown of the older public realm of polymorphous sociability and with it the sharpening polarization of social life between an increasingly ‘impersonal’ public realm (of the market, the modern state, the bureaucratic organization) and a private realm of increasingly intense intimacy and emotionality (the modern family, romantic love) characterize modern life. The contrast between the personal, emotionally intense and intimate domain of family, friendship and the primary group, and the impersonal, severely instrumental domain of the market and the formal institutions, is in fact widely experienced in both thought and practice in modern life. The sharpness of the split between them is one of the defining characteristics of modernity. Part of the solution of this sharp split may lie in complexification; in the existence and vitality in the sphere of public life which can mediate between the particularistic intimacies of private life and the extreme impersonality and instrumentalism of the market, formal institutions, and state craft.

The context of ethnic community probably provided the background conditions of basic trust, security, predictability, and a sense of shared conventions against which spontaneity of public life could have developed (sense of community in India). However, these ethnic contexts and sense of community have been disrupted by the modern transformations. Apart from the ethnic context and community, public life also requires a space where people can meet, discuss, and deliberate for instance, the neighbourhood or adda in Bengal’s culture. Public space of sociability emerges from a complex interplay of
spatial, social, cultural and infrastructural arrangements. The necessary and sufficient conditions have been dealt in Chapter I in more detail.

In the third model of public life and sociability, public is a space of heterogeneous coexistence, not of inclusive solidarity or of conscious collective action, of physical proximity coexisting with social distance, and not a space of discourse oriented to achieving rational consensus by communicative means to address common concerns. In the polis, political was an arena of deliberation and collective decision-making, however, in the public life and sociability public is not an arena of political deliberation.

The fourth model emerges out of the feminist engagement with the distinction between public and private. Carole Pateman writes, 'The dichotomy between the private and the public is central to almost two centuries of feminist writing and political struggle; it is, ultimately, what the feminist movement is about'. However, in the fourth model of the dominant uses of the public and private, family is treated as the paradigmatic 'private' realm and domestic/public is almost interchangeably used with private/public. In the first and second model primary interest is in public and its boundaries and private is treated as a residual category. In feminist writing private occupies the central place and private is often treated as a residual category. However, feminist writing focuses more on the private and the gender coding of the distinction between public and private. The central emphasis of feminist writing is that in all societies this division is asymmetric in gender terms and the domestic sphere is disproportionately attributed to women.

Feminist emphasise the ways in public/private is gender-linked in terms of structure and ideology. Their critique reveal, how domestic sphere is treated as trivial and how public and private is gender –linked in invidious ways. Moreover, by designating family as private, most frameworks shield abuse and domination in this realm from legal redress and political scrutiny. Once however, we treat family as private, where will we place civil society, as private? Pateman writes, ‘precisely as liberalism conceptualises civil society in abstraction from ascriptive domestic life, the latter remains ‘forgotten’ in theoretical discussions. The separation between public and private is thus re-established as a division within civil society itself, within the world of man.\(^\text{19}\)

As a result man claimed equality and agency in the modern world as independent actors and in civil society as citizens in the political community. In addition, the ideology of domesticity, confines women to private realm and views this realm as a realm of male authority and female subordination. Pateman’s analysis confronts the essential ambiguity of the public and private distinction and the importance of this ambiguity for perpetuation of women’s subjugation. Though it is important to bear in mind that ambiguity of distinction is more likely to lead to a sharper distinction being made between them and less likely to make ambiguity itself as problematic.

In the feminist analysis and in the experience of women larger political organization and economic production is designated as public in an undifferentiated garb subsuming all residual categories. Unlike the liberal-economist model, market economy has moved from the heart of private to heart of the public realm in feminist analysis. Conflating public by bringing the sense of market economy with public as a mode of citizenship and participation and an arena of polymorphous sociability, has many implications and they are largely un-attended in the feminist writing. Simply asking for eliminating the distinction between public/ and private is potentially dangerous and blatantly simplistic. The feminist critique and intervention in the debate about the distinction between public and private will be taken up in more detail in Chapter III.

Used as a comprehensive model of social life, binary frameworks like public and private will always prove inadequate both theoretically, empirically and normatively to the complexity of modern life and societies. If one still has to use binary categories like public and private, then they will be deployed and used in different ways and the public and private distinction is a testimony of these differences. Weintraub presents his schema in this form to suggest that the roots of different perspectives and their underlying imageries are socio-historical as well as theoretical and ideological.20 The schema has been presented in a diagram in table 1.

Table 1: Four ways of Drawing the Distinction between Public and Private:

<table>
<thead>
<tr>
<th>Representative</th>
<th>Private</th>
<th>Public</th>
<th>Socio-historical point of Reference</th>
</tr>
</thead>
<tbody>
<tr>
<td>Aristotle</td>
<td>Household (Oikos)</td>
<td>Political Community</td>
<td>Polis</td>
</tr>
<tr>
<td>Aries and Duby</td>
<td>Domesticity</td>
<td>Sociability</td>
<td>Old Regime</td>
</tr>
<tr>
<td>Feminism</td>
<td>Family</td>
<td>Market Economy</td>
<td>Capitalism</td>
</tr>
<tr>
<td>Mainstream Economics</td>
<td>Market Economy</td>
<td>Government (administrative intervention)</td>
<td>Capitalism</td>
</tr>
</tbody>
</table>

Despite the richness and theoretical clarity of the analysis of Weintraub, there are certain features, which needs a more careful and critical analysis. The fundamental axis around which public and private is differentiated is identified as commonality and visibility. Visibility and commonality include a comprehensive area in which they overlap and can be seen as one. Considering this it is not clear how it can be used to distinguish between public and private, when there exists a realm and sphere, where visibility and commonality coexist. Those things that fall within such an overlapping realm and sphere, how can we designate something as public or private? Since no other independent criteria is used how can we analytically distinguish between public and
private, let alone their overlap in practices? Within the overlapping realm and sphere between commonality and visibility, separating the public from private will be arbitrary.

Moreover, commonality and visibility is a feature associated with the public dimension of social life. In this formulation, private comes across as the category that is merely contrasted to the public with no characteristic and unique feature of its own. Private in Weintraub's scheme is a realm that takes its form and shape by being opposite of public. Private is an arena with its own irreducible features with its own characteristic and unique features and interests that are not just a reflection of public. Public and private have their own defining features and qualities that are not a result of their contrast with each other. Such an epistemological and ontological priority of public has a tendency to lead to a moral and ethical priority of public over the private, which is troublesome. Private in this analysis then appears as a residual category of public or just a contrast to public with no intrinsic value of its own. The basket of private life is generated through it being contrasted with the public. Private in Weintraub's analysis is a shadow of public as commonality and visibility are features of public.

This overemphasis on public leads, Weintraub to present the model of sociability of old regimes as a separate, independent and credible alternative model of understanding the distinction between public and private, and informs his analysis. Behind this move lies the hope that only a new public can manage, accommodate and celebrate the complexity of modern life and its diversity. The private life is assigned a residual place and seen only as an instrument to invigorate the public life. Thus private is seen as a
dependent and static factor compared to the public that is seen as dynamic and significant for modern life.

However, within the liberal public/private distinction it is the private that is privileged over public. The precedence accorded to the private results in providing priority and independence to individual desires and interest. In liberalism, public life is the domain of deliberation and coercion needed to protect and preserve private life. The goal of state action is to further the ‘pursuit of happiness’ in private life. The role of rational discussion and deliberation has been assigned to civil society, whereas state is identified with coercion to further the liberal society. Social individuals need the state for their freedom. The central theme of liberal thought is its powerful public rationales for private liberty. If private life is so valuable and important, why does it need a public rationale and justification? Only by relating, with each other, not by disregarding or discounting, either of these domains can be more important, then the other one.

Conversely, civic republican view emphasises the notion of public good in terms of common action and common good. Civic republican idea advocates public-mindedness, civic activity and political participation within a community, and assigns a central role to a political community. Public/private distinction then introduces a separation between the realm of morality (private) and realm of politics. In effect public/private takes the form of individual and citizen distinction. This separation is a gain for individual freedom but has damaging consequences for politics. Consequently normative concerns have been relegated to the field of private morality and politics has
been stripped of its ethical components. The private is considered as the domain for pursuit of individual gain and interests and also for normative values.

It is common to encounter the claims that the public sphere viewed as a space of rational debate and participation is being ‘privatized’, the private is becoming oversized and all this hinders democratic life. The ‘colonization’ of the public sphere by private interests and the erosion of the public sphere imply decline in politics and collapse of democracy. The public spaces of cities have been overrun by ‘private cars, the private corporations have taken over public institutions of schools, hospitals, transportation, and even in terms of providing such basic amenities such as water. Bauman has argued that politics of confessional intimacy and shaming has invaded the arena of political debate and articulation of collective interests. However, from a neo-liberal view, public has extended its reach into affairs of our daily life that ought to belong to private interests and we must guard against it. What is the operating mechanism, which permits de-privatization and destruction of the public sphere to go hand in hand?

One would expect that despite the problems one encounter about the distinction between public and private at least there will be some clarity regarding what is public and private. Traditionally, home, property and body and thoughts and beliefs were considered to be the most important constituent of the private life. Twentieth century welfare-state idea, and consequent thrust for redistribution has challenged the idea that property is

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private. Feminist scholars have not only coined the phrase 'personal is political', but also made body a site for contestation about public issues. What then is left to the private life?

Some familiar conceptions of the public include ideas of public space, public sphere, public institutions, public culture, public sector, public roads, and the general public, and so on. If the different notions of the public rest on a separate basis, and presuppose a particular contrasting 'private', are these differences sufficiently recognised? Moreover, are these different presuppositions with respect to the private commensurable with each other? If there is no agreement about what constitutes private, then how do we make sense about public?

Meanwhile, one continuously encounters the claim that there is decline of public sphere and space, and an attempt to revise and energize them. In light of such developments it makes sense to re-examine the distinction between public and private. How and why is it possible to find fault with, and yet, its continued retention when it comes to this distinction. If categories colour interpretation, and interpretations change categories, what kind of conditions permit the distinction between public and private to be challenged and retained simultaneously? What are the operating mechanisms, which allow re-inscription of categories and concepts at the moment when they are being resisted and contested?

How public and private relate with each other internally? Public and private have features that are not irreducible to each other or an inventory that is not a result of
contrasting one with the other. Apart from this they also have a set of features that are related to each other. An account of the internal relations between publicness and privateness and the ways in which it is distinguished amounts to a semantic theory of publicness and privateness.

Such a semantic feature is specific to one culture. Embedded in a culture and its language are principles of or presuppositions that account for the continuity of the various senses of 'public' and 'private' over and above the conceptual gaps. This distinction is systematically related to form a complex-structured concept. These conceptual gaps are not only a function of theoretical considerations as the category between public and private regulate people's intuitions, practices, activities and aspirations. The distinction is part of conceptual framework that organizes action in social situations and conceptually and practically related with issues of self and identity. These connections are not purely logical, but often shot through with ideological orientations and considerations.

Benn and Gaus argue that features related with access, agency and interest together constitute the three dimensions around which the dimensions of publicness and privateness is organized to form a complex structure. A society that does not makes a distinction between pubic and private also requires some way to order its relations and activities in order to recognize, discuss, explain or justify the allocation of access to

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information, resources etc., the capacities in which agents enjoyed that access, and in whose interests it was used.\textsuperscript{23}

Benn and Gaus further subdivide the access dimension to physical access to space, access to activities and intercourse, access to information and access to resources and in all these dimensions the public and private mean different things. The control of access—whether it is public or private is more important in political discourse and is related with the question of agency. The public/private distinction organizes the ideas and practices around status of agents, whether the agent is acting privately i.e. on his account, or publicly as an officer of community or state. Public/private distinction identifies the standing of the agent as well as takes into account the significance of actions and decisions for the status of other people. For example, a public official can be asked to justify actions done in performance of duties of his special obligations and for the most part an adequate justification must relate to his capacity as an officer of the public and to the powers and duties of that office.

The interest dimensions of the public/private distinction is concerned with the status of the people who will be affected by the actions of the agent and who will be worse off or better off, whatever might be in question. Classical liberal economist argued that in a properly structured market the outcome of the pursuit of private agents would be of public advantage, even though no agent has a motive or duty to pursue it directly. This argument by classical liberals was not intended to blur the distinction between public and private; they believed that private interest could be used to promote public interests.

\textsuperscript{23} Ibid, P 7.
Publicness and privateness is not merely descriptive, they necessarily presuppose norms. Their application is related with contextually specific and particular norms. If a letter is called 'private' or a 'secret', then it is not a descriptive account of the features of the letter. Ideas and practices of a norm are entangled in the description of a letter as a private or secret one, which is also recognized by the agent, who identifies a letter as secret or private, attendant with the rights and duties. It does not follow that just because a concept has normative connotations it cannot also function descriptively. In addition to the descriptive and normative uses, it can also have a prescriptive use. The prescriptive dimension is closely related with, indeed tied with the normative uses of publicness and privateness.

The descriptive and prescriptive uses of public and private bears directly on whether, we treat the relation between them as dichotomous or continuous? It is perfectly adequate to assume that public and private constitute a continuum, along which particular instances can be ordered, ranging from the more public to the more private. Even when concepts are sharply defined to make every case determinable in principle, we may lack sufficient knowledge to make the distinction in practice. The concepts would then be consistent with the dichotomy, but the ascriptions would sometimes be doubtful. The uncertainty could arise not only from a lack of information but emanate from a fuzziness of the criteria itself. It dose not follow from this difficulty that there is no continuum, but only that the criteria cannot determine all the particular instances and cases. This kind of indeterminacy is a result of the multi-dimensionality of the criteria involved.

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24 Ibid, p 11.
We have agreed that the distinction between public and private may be at times continuous rather than discontinuous, but we have taken for granted that the continuum would be bi-polar. What are the presuppositions and grounds, to assume that the continuum has to be bi-polar? Why it cannot be multi-polar? We have seen that publicness and privateness, themselves are multidimensional, why then the criterion has to be bi-polar?

Moreover, new ideas and practices can emerge and contestation can take place for its ascription as public and private. These dimensions could involve emergence of new areas or fall in such cases where after the emergence of new aspects, a struggle ensues that attempts to contest the existing ascription of something as public or private (technological change is one example of such new spaces). It is also likely that old ordering might be challenged and the place of one particular instance being identified as public or private might witness contestation. This contestation could be ideological and practical and constitute the political, par excellence.

Liberalism exhibits strong theoretical pressures toward a bi-polar view of social life, tending to assimilate the deviant cases to one or the other of the two poles. Public life is often equated with political life, as the idea of political organizations exhausts the understanding of social whole\textsuperscript{26}. Does social exhausts the political or political is more then a manifestation of social, a particular instance of social? In liberalism itself there is this tendency to assimilate a great deal of non-personal, non-domestic activity to the private realm, and towards a rather broader conception of 'public life'. In many contexts

\textsuperscript{26} Ibid, p17.
opposite of public may be something other than private, and of private something other
than public. Liberals employs universally, structuring his conception of anyone's social
life. Are public and private then mutually exclusive in liberalism with an antithetical
relationship between them? Pateman's criticism of liberal theory attacks this
public/private antithesis and its asymmetrical division between males and females.

Some theorists argue that liberal conception of society is not bi-polar but tri
partite and the 'social' is presented as the third pole. Hannah Arendt, for example has
used the term 'social' for economic and commercial activities, that once were private
have now moved increasingly to the public realm, eroding the public/private distinction
and forcing a re-definition of the public realm. The contents of the two basic categories
change over time and this only means that basic bi-polarity is being redefined, it does not
follow that the bi-polar model is being abandoned in favour of a tripartite model or
perspective. It is also difficult to see how the third category of social can be contrasted to
public and private.

Benn and Gaus argue that no sort of access, agency and interest is social in any
very clear sense can be contrasted alongside the public and private. Society is not itself
a form of activity or an institution, nor does it constitute a perspicuous residual category
when these others are negated. What is social if the public and private is taken away form
the social? Though public and private can only be seen as enmeshed in social.

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28 See Benn and Gaus, n 27, p 18.
The liberal claim of universality and ubiquity about the distinction between public and private is not true. The liberal claim that no antithesis besides the public/private is a part of the structure of everyone’s social life would certainly not have been acceptable— even, perhaps intelligible — to Christens in the Middle Ages. Besides their life in polity and private life in families, all men and women were thought to participate in a religious or spiritual community. Relations between man and god mirrored the public/private structure of social life and its possible effects. In the republican Rome the public world was that of the civil pantheon, acknowledged in the performance of civic duties and one’s attendance at public rites. The family, on the other hand was the world of the household gods. In each of these the religious life is neither a third world, nor a world divided, as in Greece and Rome, nor apolitical world, as in Geneva nor a private world, as is the case in modern liberal cultures.

Given the different ways in which issues of access, agency and interest have been organized— both within and between the western culture and other cultures, how can we distinguish a conception of public and private that is different from the dominant liberal conception and therefore an alternative to it? If a conception is different from our own how can we say that it is a conception of publicness and privateness at all? These dilemmas, in turn, presume a radical separation between cultures and imagines different cultures existing with each other and yet with complete isolation and oblivious to each other’s existence. Such assumptions are belied by our existence, as much it is by the influence one cultural way of living has on another one. The world is not constituted by cultures that are floating in thin air, oblivious and independent of other cultures.
The domain of the public and private is conceived as the domain of social relations insofar as these are structured along the dimensions of access, agency and interest. One can hardly imagine, leave aside conceive existing society which does not construct its social relations and does not distinguishes different types of agency, access and interest and yet is able to reproduce itself over time. It might be possible that a society might organize life on these dimensions in ways, which cut across different ways, with which western world is familiar. If public private distinction is merely descriptive of other culture practices, that western society and its culture practices, does it follow that the normative and prescriptive ideas and practices also follow and are equally applicable? How far the prescriptive, normative even ideological, social function and uses, exist and are practiced in societies that we acknowledge and designate as 'the other'?

The fact that a concept functions a bit differently from western notions, ideas, practices and values permits us a great deal of latitude in choosing whether to treat it as the same concept or not. In addition there is a further danger in the refusal to acknowledge that concepts embedded in another culture could have anything in common with ours. This mistake makes any understanding of another culture impossible. The only way we can understand others concept is in relation to our own.

The liberal conception draws in both theory and practice on two divergent models each of which provides a systematic and internally consistent account of the complex structure of the publicness and privateness. They are based, nevertheless on quite
different and perhaps incompatible even incommensurable conception of individual in
society, namely an individualist and organic model of the public and private. In the
individualist model of Benn and Gaus the public and private is distinguished at four
levels.

The first level conceives privateness as privateness of a specific person and the
publicness as of none assignable. The private public distinction fundamentally depends
on the human capacity for self-identification and on the importance for personal action
that stems from our notion of a person as a self-aware project maker. The assignable
individual is thus the most basic, logically the most primitive subject of privateness and
the public private distinction is applicable to groups and institutions only by some logical
or ideological process by which they can be built from individuals. Correspondingly the
most basic publicness refers to the set of individual persons considered severely but
indiscriminately, not specifically to anybody, any person, anyone.

The methodological principle, which generates this model, is precisely the logical
primacy of the individual person. The transition in this model from the first to the second
level is effected by aggregation. At the second level the privateness of the group of a
specifiable person is contrasted to publicness of everyone. The first refers to a
distributive, first level publicness; the second to a level on what is public pertains not just
to anyone but also aggregative to everyone. The specification of a particular public
requires not only the notion of unspecified individuals but also boundary conditions.

See Benn and Gaus, The Liberal Conception of the Public and Private in S.J.Benn and G.F. Gauss (eds.),
Thus publics at this level are distinct on the one hand from sectional or vested interest groups and on the other from private groups. At the second level of the individualist model then, private things concern groups of specifiable individuals and things that are public concern every member of some set all members of which satisfy appropriate boundary conditions.

Institutionalising and treating the group as a corporate agent make the transition to the third level. According to liberal individualism, such institutionalised sets of individuals are vehicles or instrument through, which individuals pursue their own private interests. Though such entities may possess goals of their own, contributing to or reflecting the purposes of their members, but these goals and purposes can be quite legitimately opposed to the aims of others in the society. Publicness at this third level institutionalises ‘the everybody’ summed up in the roman notion of the *res publica* and its modern equivalent is the state. The liberal state thus purports to be the institutional embodiment of everyone, as opposed to the specific corporate person that is an individual writ large.

Over the years certain institutions has emerged, which straddle the public private divide, for example non-statutory bodies, which are not part of the state authority structure and therefore, qualify prima-facie as private but expand public fund in performing services for governments and thus are required to account for the expenditure to government (For instance, media as a public institution). Such bodies cannot be categorized clearly as public or private because of the multidimensionality of the state.
The difficulty in applying individualist model begins to emerge at this level. A notion of a public requires a boundary condition within which it applies to anyone or everyone. How then are we to formulate the boundary conditions for everyone the state is supposed to represent? What transforms an aggregation of unspecified individuals into a community capable of institutional personification as a public agency?

The controversy regarding head-dress in France that emerged recently and the position of Muslims in Britain and India points towards such a difficulty. The rise of Hindu nationalist movement feeds on such difficulties by excluding one set of community while drawing such a boundary condition that apparently includes everyone. The dominant culture provides the images through which the public agency works and in this process excludes other communities. What sort of an account can an individualist give of a political community? Which individual will be selected to personify the public agency?

From the very specificity of the private, develops a network of private relations in a number of abstract notions such as the private enterprise, the private sector or the market economy and even civil society emerges. What can the individualist model put on the side of publicness to correspond to civil society and how it is distinct from a simple aggregation of individuals? Contract Theory offers a solution of this problem. The contractual Theory of political obligation is a way of getting morally exacting publicness out of an individualist model of social relation in which life is basically private. But this emergence of polity from civil society merely transfers the boundary problem to civil
society. What forms the boundary of a civil society and why is it significant to publicness?

In the individualist liberalism, what was private, thus belong to civil society that may have coincided with the market economy. Nationalization of industries and socialization of welfare services have drawn within the ambit of public realm clearly, what were generally private activities. Since state finds itself as a contracting operator among operators, understanding its role and influence may not be greatly assisted by stressing the publicness of its authority in the individualist model.

The individualist model can be faulted on two accounts, the boundary requirement at the third and fourth level publicness could be met only by resorting to some notion of community with the model’s individualist methodological principle. Secondly, the individualist model fails to provide an adequate account of two important liberal sentiments, the moral claims of the public interest and the value of participation in public life. How can a public interest be articulated in such a manner that public interest is more than a net interest of everyone or is an interest common to and shared by everyone?

To say that something is in the public interest is to hold that it is the interest of everyone in his capacity as the member of the public. If the individualist dismisses the public interest as rhetoric for some identifiable interests, he needs to explain, why it is an effective rhetoric in liberal societies? J.S. Mill insists that everyone needs to concern oneself with the general affairs of our community, if we think ourselves as member of
the public. Why would an individualist seek unselfish sentiment of identification with the ‘public’ adhering to Mill’s formulation? The individualist model just does not seem to bear the weight of this idea of the public.

Liberal theory has been shaped not only by Hobbes, Locke but also by Rousseau and Hegel and Rousseau who infused into liberal thinking, the idea that societies or nations possess characteristic unity that separates them from mere aggregation of individuals. Liberal thought possess an organic strain and leading some to uphold that what liberalism says about publicness and privateness cannot be explained without resorting to an organic model. This second model sometimes deems private, what to the individualist is public. Rousseau and Bosanquet differentiate between an aggregation as a collection of private particular persons and one with one organic unity with a public or truly general aspects.

Benn and Gaus distinguished this organic model in which, the first mode contrast is between the publicness of wholes and the privateness of aggregation. The basic principle for differentiation for this model is between the public that pertains to the whole and the private that concerns groups and individuals in their particularity. For example an interest in personal luxury may mark each member of the community but relates to each in his particularity, it is not a truly general concern comparable to the interest in the economic well being of the society. Whereas, the individualist model takes the individual person as logically the most primitive notion, in the organic model the most primitive notion is social group.
Fundamental to the organic views is the Hegel's conviction that we cannot proceed atomistically and build a collectivity on the basis of single individuals. Organic model assert that publicness arises out of a certain bond between members of an organic and hence, can never be explained by an account stressing aggregation. For organic model collectivity is not merely an aggregation of individuals but hints at a bond that already binds individuals in one organic whole. It wants to reinstatethe individual into a community they already belong to.

In the second model the publicness of the state is contrasted with the privateness of civil society. The transition to this model from the first to the second is effected by an institutional realization of what exist as an abstract notion of an organic whole. The state has usually been thought necessary for the realization of the public for two reasons. Firstly, it helps provide the boundaries of the people and second a nation requires a state to give effect to its will. State’s boundaries may be especially important in delimiting the public, if its population is not as homogenous as the idea of people suggest. Within this distinction state is seen as the institutional realization of the group as a whole and civil society a system composed of private persons, who pursue their own interest.

In the third model public and private life is understood as two kinds of activities that is the practical realization as against the institutional realization of publicness and privateness. Public officials as agents of state and also those who do not participate formally in public life or state can be involved practically in public affairs or in participation in public life. In this model private activities is contrasted with public not in
the sense of political but of civic culture and participation. The component of civil society in the mode of public and private life has both general as well particular aspects. While the domestic life seems, paradigmatically private like the individualist model. When privateness is characteristic of aggregation of particulars we do not imply that the particular units are isolated individuals or aggregation of individuals, the particular units may be organic whole themselves. The crucial point is that particular units of an aggregation are not organised into an organic whole and thus do not share a common life. The family and domestic life is treated as a special case not as private but as a first lesson in organic life. After the first lesson, the family and the domestic life, as conceived within this model, must be transcended, if individuals are to take up their positions as members of the larger community.

In the fourth mode public and private aspects are seen as individualized realization of the public and the private. This notion of 'dual capacity' of citizen is fundamental to a great deal of liberal democratic theory. Each citizen is a private person free within the common limits to pursue his own ends and means and each one is also seen as an agent of the body politics. It is important to remember then, that this idea of all citizens having a dual capacity has not always been realized, in practice especially, with respect to women. In significant senses women have been private person par excellence, even in the organic model.

The individualist model has to search and strain for a useful and morally compelling conception of the public interest, though the organic model notion of the
public, readily lends an idea of the public interest. Many liberals are uncomfortable with the organic model because of the methodological principle of the model in which the social grouping is logically most primitive. For many, undermining the ontological priority of the individual over the group, inevitably leads to a parallel undermining of its ethical priorities.

Since the organic model does not begin with the central experience of an individual aware of himself as distinct centre of consciousness, it does not capture the importance of private life and privacy in liberalism. The idea of private life and personality implied by the organic analysis seeks to depart from traditional liberal position. In the individualist model, within the private we can put aside our many roles and concentrate on the life of the underlined self, which is not very important in the organic model.

Liberalism draws on two very different models of the public and the private, a dominant reliance on individualist model and a secondary organic model. While the individualist model appears unable to provide adequate account of the distinction between vested interest and the legitimate interest of sections of the public and a genuine public interest, and provides an ambiguous account of the role of sectional interest. Secondly, private and public rights are differently valued in these models. The classical liberal favours private rights because his is a world of private individuals and state and political rights are merely devices enabling individuals to efficiently and effectively pursue their private ends. For the organist, public rights and political participation is the
most important right. Thirdly, a theory of liberalism relied exclusively on individualist
model fails to account for the rhetorical effectiveness of the claim of the public interest.
This failure is noteworthy as many liberal values and judgments are based on invoking
public interest.

The manifestation of liberalism’s reliance upon both models points to a wider
issue that is one of the basic issues of liberal theory: the relation of individual to society.
There are two different pictures of men from which liberalism draws to offer a coherent
and systematic account of relationship between individual and society. The issue of
individual’s relationship with state is evoked and answered differently in the organic and
individual model.

The individualist model of Benn and Gaus begins with an abstract notion of
individual and ends up with an abstraction of the both public and private. However, it is
not clear how can we have a society which is merely an aggregation of individuals.
Second have there been ever societies strictly composed of individuals? Is it even
possible to conceive such a society? The organic model moves from an abstract notion to
an institutionalised realization and from them to a practical realization and then an
individualized realisation of organic individual that to begin with is conceived not a
society composed of individuals. Second the move from abstraction to institutionalisation
and from institutionalisation to practical is ahistorical. Analysis of this kind also
overlooks the fact that institutional and practical act upon each other, drawing and
shaping the abstract notion but in the process also feeding the abstract notion.
We need a much more dynamical account of these processes than the one Benn and Gaus offers. Moreover can we consider Hegel, Rousseau and Bosanquet within the liberal realm? Bringing them within the rubric of liberal realm will solve some problems that mark liberal thought but their inclusion raises more questions, then it answers for the liberal thought in general.