do not preexist social institutions; they are formed and shaped by existing arrangements. Much of the time, people develop tastes for what they are used to seeing and experiencing. If you are used to seeing stories about the local sports team, your interest in the local sports team is likely to increase. If news programming deals with a certain topic-say, welfare reform, environmental protection, or a current threat of war-your taste for that topic is likely to be strengthened. If you learn that most people like a certain movie, or book, or political candidate, or idea, you will be more likely to like them too; and this effect is increased if the relevant people are "like you." Recall the experiment with music downloads, in which the success or failure of songs was largely a product of people's perceptions of what other people had done.

When people are deprived of opportunities, they are likely to adapt and to develop preferences and tastes for what little they have. We are entitled to say that the deprivation of opportunities is a deprivation of freedom-even if people have adapted to it and do not much want anything more.

Similar points hold for the world of communications. If people are deprived of access to competing views on public issues, and if as a result they lack a taste for those views, they lack freedom, whatever the nature of their preferences and choices. If people are exposed mostly to sensationalistic coverage of the lives of movie stars, or only to sports, or only to left-of-center views, and never to international issues, their preferences will develop accordingly. If people are mostly watching a conservative station-say, Fox News-they will inevitably be affected by what they see. Whatever one's political view, there is, in an important respect, a problem from the standpoint of freedom itself. This is so even if people are voluntarily choosing the limited fare.

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The general idea here-that preferences and beliefs are a product of existing institutions and practices, and that the result can be a form of unfreedom, one of the most serious of all-is hardly new. It is a longstanding theme in political and legal thought. Thus Tocqueville wrote of the effects of the institution of slavery on the desires of many slaves themselves: "Plunged in this abyss of wretchedness, the Negro hardly notices his ill fortune; he was reduced to slavery by violence, and the habit of servitude has given him the thoughts and ambitions of a slave; he admires his tyrants even more than he hates them and finds his joy and pride in servile imitation of his oppressors.'? In the same vein, John Dewey wrote that "social conditions may restrict, distort, and almost prevent the development of individuality."] He insisted that we should therefore "take an active interest in the working of social institutions that have a bearing, positive or negative' upon the growth of individuals." For Dewey, ajust society "is as much interested in the positive construction of favorable institutions, legal, political, and economic, as it is in the work of removing abuses and overt oppressions."

Robert Frank and Philip Cook have urged that in the communications market, existing "financial incentives strongly favor sensational, lurid and formulaic offerings," and that the resulting structure of rewards "is especially troubling in light of evidence that, beginning in infancy and continuing through life, the things we see and read profoundly alter the kinds of people we become.?"

Every tyrant knows that it is important, and sometimes possible, not only to constrain people's actions but also to manipulate their desires, partly by making people fearful, partly by putting certain options in an unfavorable light, partly by limiting information. And nontyrannical governments are hardly neutral with respect to preferences and desires. They hope to

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have citizens who are active rather than passive, curious rather than indifferent, engaged rather than inert. Indeed, the basic institutions of private property and freedom of contract-fundamental to free societies and indeed to freedom of speech-have important effects on the development of preferences themselves. Thus both private property and freedom of contract have long been defended, not on the ground that they are neutral with respect to preferences, but on the ground that they help to form good preferences-by producing an entrepreneurial spirit and by encouraging people to see one another, not as potential enemies or as members of different ethnic groups, but as potential trading partners." The right to free speech is itself best seen as part of the project of helping to produce an engaged, self-governing citizenry.

Limited Options: Of Foxes and Sour Grapes

When government imposes restrictions on people's opportunities and information, it is likely to undermine freedom not merely by affecting their choices but also by affecting their preferences and desires. Of course, this is what concerned Tocqueville and Dewey, and in unfree nations, we can find numerous examples in the area of communications and media policy, as official censorship prevents people from learning about a variety of ideas and possibilities. This was common practice in Communist nations in the Soviet bloc, and both China and Singapore have sought to reduce general access to the Internet, partly in an effort to shape both preferences and beliefs. When information is unavailable and when opportunities are shut off, and known to be shut off, people may not end up not wanting them at all.

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The social theorist Ion Elster illustrates the point through the old tale of the fox and the sour grapes." The fox does not want the grapes because he believes them to be sour; but the fox believes them to be sour because they

are unavailable, and he adjusts his attitude toward the grapes in a way that takes account of their unavailability. The fox cannot have the grapes, and so he concludes that they are sour and that he doesn't want them. Elster says, quite rightly, that the unavailability of the grapes cannot be justified by reference to the preferences of the fox, when the unavailability of the grapes is the very reason for the preferences of the fox.

Elster's suggestion is that citizens who have been deprived of options may not want the things of which they have been deprived; and the deprivation cannot be justified by reference to the fact that citizens are not asking for these things, when they are not asking because they have been deprived of them. We can identify a problem with authoritarian systems in this light. Imagine that an authoritarian government ensures a system of few or dramatically limited options-including, for example, an official government news program, and nothing else. It is predictable that many citizens will despise that system, at least when they speak privately. But even if there is little or no public demand for more options, the system cannot reasonably be defended on the ground that most people do not object to it. The absence of the demand is likely to be a product of the deprivation. It does not justify the deprivation. This point holds with respect to television and radio stations as with everything else.

Thus far I have been making arguments for a range of opportunities, even in societies in which people, lacking such opportunities, are not asking for more. Of course the issue is very different in the communications universe that is the main topic of this book-one in which people have countless

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possibilities from which to choose. But here too social circumstances, including markets, affect preferences, not only the other way around. From the standpoint of citizenship, and freedom as well, problems can emerge when people are choosing alternatives that sharply limit their own horizons.

Preferences are a product not only of the number of options but also of what markets accentuate, of social influences, and of past choices, and those choices can impose constraints of their own. Suppose, for example, that one person's choices have been limited to sports, and lead him to learn little about political issues; that another person focuses only on national issues because she has no interest in what happens outside American borders; and that still another restricts himself to material that reaffirms his own political convictions. In different ways, each of these persons' choices constrains both citizenship and freedom, simply because it dramatically narrows their field of interests and concerns. This is not a claim that people should be required to see things that do not interest them; it is a more mundane point about how any existing market and our own choices can limit or expand our freedom.

Indeed people are often aware of this fact and make choices so as to

promote wider understanding and better formation of their own preferences. Sometimes we select radio and television programs, and Internet sites, from which we will learn something, even if the programs and the sites we choose are more challenging and less fun than the alternatives. And we may even lament the very choices that we make, on the ground that what we have done, as consumers, does not serve our long-term interests. Whether or not people actually lament their choices, they sometimes have good reason to do so, and they know this without admitting it.

These points underlie some of the most important functions of public forums and of general-interest intermediaries.

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Both of these produce unanticipated exposures that help promote the free formation of preferences, even in a world of numerous options. In this sense, they are continuous with the educational system. Indeed they provide a kind of continuing education for adults, something that a free society cannot do without. It does not matter whether the government is directly responsible for the institutions that perform this role. What matters is that they exist.

Democratic Institutions and Consumer Sovereignty

None of these points means that some abstraction called "government" should feel free to move preferences and beliefs in what it considers to be desirable directions. The central question is whether citizens in a democratic system, aware of the points made thus far, might want to make choices that diverge from those that they make in their capacity as private consumers. Sometimes this does appear to be their desire. What I am suggesting is that when this is the case, there is, in general, no legitimate objection if government responds. The public'S effort to counteract the adverse effects of consumer choices should not be disparaged as a form of government meddling or unacceptable paternalism, at least if the government is democratic, and reacting to the reflective judgments of the citizenry.

What we think and what we want often depends on the social role in which we find ourselves, and the role of citizen is very different from the role of consumer. Citizens do not think and act as consumers. Indeed, most citizens have no difficulty in distinguishing between the two roles. Frequently a nation's political choices could not be understood if viewed only as a process of implementing people's desires in their

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capacity as consumers. For example, some people support efforts to promote serious coverage of public issues on television, even though their

own consumption patterns favor reality shows and situation comedies; they seek stringent laws protecting the environment or endangered species even though they do not use the public parks or derive material benefits from protection of such species; they approve of laws calling for social security and welfare even though they do not save or give to the poor; they support antidiscrimination laws even though their own behavior is hardly race- or gender-neutral. The choices people make as political participants seem systematically different from those they make as consumers.

Why is this? Is it a puzzle or a paradox? The most basic answer is that people's behavior as citizens reflects a variety of distinctive influences. In their role as citizens, people might seek to implement their highest aspirations when they do not do so in private consumption. They might aspire to a communications system of a particular kind, one that promotes democratic goals, and they might try to promote that aspiration through law. Acting in the fashion of Ulysses anticipating the sirens, people might "precornmit" themselves, in democratic processes, to a course of action that they consider to be in the general interest. And in their capacity as citizens, they might attempt to satisfy altruistic or other-regarding desires, which diverge from the self-interested preferences often characteristic of the behavior of consumers in markets.

In fact social and cultural norms can incline people to express aspirational or altruistic goals more often in political behavior than in markets. Of course it is true that selfish behavior is common in politics; but social norms sometimes press people, in their capacity as citizens, in the direction of a concern for others or for the public interest. Acting together

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as citizens, people can solve collective-action problems that prove intractable for consumers. For each of us, acting individually, it is nearly impossible to make any substantial contribution to the problem of air pollution or to the assistance of those who are suffering from the effects of a natural disaster. But if we are able to act collectively-perhaps through private institutions, perhaps through governmentwe might be able to do a great deal. As citizens, people might well attempt to promote democratic goals-by, for example, calling for free air time for candidates in the late stages of campaigns-even if they do little to promote those goals in their purely individual capacities.

Indeed, the deliberative aspects of politics, bringing additional information and perspectives to bear, often affects peopie's judgments as these are expressed through governmental processes. A principal function of a democratic system is to ensure that through representative or participatory processes, new or submerged voices, or novel depictions of where interests lie and what they in fact are, are heard and understood. If representatives or citizens are able to participate in a collective discussion of broadcasting or the appropriate uses of the Internet, they can generate a far fuller and richer picture of the central social goals, and of how they might be served, than

can be provided through individual decisions as registered in the market. It should hardly be surprising if preferences, values, and perceptions of what matters, to individuals and to societies, are changed as a result of that process.

Of course it cannot be denied that government officials have their own interests and biases, and that participants in politics might invoke public goals in order to serve their own private agendas. In the area of communications, not excluding the Internet, parochial pressures have often helped to die-

tate public policy. In the end, it is indispensable to preserve free markets against those pressures. But if citizens are attempting to promote their own aspirations, they might well be able to make those markets work better; and it is certainly important to listen to what they have to say.

Unanimity and Majority Rule

Arguments based on citizens' collective desires are irresistible if the measure at issue is adopted unanimously-if all citizens are for it. But more serious difficulties are produced if (as is usual) the law imposes on a minority what it regards as a burden rather than a benefit. Suppose, for example, that a majority wants to require free television time for candidates or to have three hours of educational programming for children each week-but that a minority objects, contending that it is indifferent to speech by candidates, and that it does not care if there is more educational programming for children. It might be thought that those who perceive a need to bind themselves to some obligation, or to a course of action of some kind, should not be permitted to do so if the consequence is to bind others who perceive no such need.

Any interference with the preferences of the minority is indeed unfortunate, and in the end it might be a decisive objection. But we need to investigate the context. In general, it is difficult to see what argument there might be for an across-the-board rule against modest democratic efforts to improve the communications market. If the majority is prohibited from promoting its aspirations or vindicating its considered judgments through legislation, people will be less able to engage in democratic self-government. The choice is between the considered judgments of the majority and the

preferences of the minority. I am not suggesting, of course, that the minority should be foreclosed where its rights are genuinely at risk.

Unhappy Sovereigns: The Consumption Treadmill

Throughout the discussion I have assumed that insofar as people are indeed

acting as consumers, new communications technologies are an unambiguous boon. This is a widespread assumption, and it is easy to see why. If you want to buy anything at all, it has become much easier to do so. If you'd like a Toyota Camry, a Honda Accord, or a sports utility vehicle, many sites are available for the purpose; wallets, watches, and wristbands are easily found online; shirts and sweaters can be purchased in seconds. Nor is convenience the only point. As a result of the Internet, ordinary people have a much greater range of choices, and competitive pressures are, in a sense, far more intense for producers. lust to take one example, priceline.com allows you to "Name Your Own Price" for airline tickets, hotel rooms, groceries, new cars, mortgages, rental cars, sporting goods, strollers, swings, televisions, exercise equipment, and much more. Recall Anderson's celebration of "the long tail"; people with unusual tastes are now able to find what they want, overcoming the barriers of space that limit the options in bookstores, movie theaters, and much more.

Indeed the growth of options for consumers has been a prime engine behind the growth of the Internet. Consider a little history. In the early years, the list of the most popular sites was dominated by .edu domains. As late as 1996, no .com sites ranked among the top 15! By 1999-only three years later-the picture had fundamentally changed, to the point that the top-ranked .edu site (the University of Michigan)

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think, particularly to the extent that it accelerates the consumption treadmill without making life much better for consumers of most goods. If citizens are reflective about their practices and their lives, they are entirely aware of this fact. As citizens, we might well choose to slow down the treadmill, or to ensure that resources that now keep it moving will be devoted to better uses. And insofar as citizens are attempting to accomplish that worthy goal, the idea of liberty should hardly stand in the way.

Democracy and Preferences

When people's preferences are a product of excessively limited options, there is a problem from the standpoint of freedom, and we do freedom a grave disservice by insisting on respect for preferences. When options are plentiful, things are much better. But there is also a problem, from the standpoint of freedom, when people's past choices lead to the development of preferences that limit their own horizons and their capacity for citizenship.

Consumers are not citizens, and it is a large error to conflate the two. One reason for the disparity is that the process of democratic choice often elicits people's aspirations. When we are thinking about what we as a nation should do-rather than what each of us as consumers should buy-we are often led to think of our larger, long-term goals. We may therefore hope to promote a high-quality communications market even if, as consumers, we

seek "infotainment." Within the democratic process, we are also able to act as a group and not limited to our options as individuals. Acting as a group, we are thus in a position to solve various obstacles to dealing properly

with issues that we cannot, without great difficulty, solve on our own.

These points obviously bear on a number of questions outside of the area of communications, such as environmental protection and antidiscrimination law. In many contexts, people, acting in their capacity as citizens, favor measures that diverge from the choices they make in their capacity as consumers. Of course it is important to impose constraints, usually in the form ofrights, on what political majorities may do under this rationale. But if I am correct, one thing is clear: a system of limitless individual choices with respect to communications is not necessarily in the interest of citizenship and self-government, and efforts to reduce the resulting problems ought not to be rejected in freedom's name.

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Policies and Proposals

THERE IS a large difference between consumers and citizens, and a well-functioning democratic order would be compromised by a fragmented system of communications. Having urged these points, I do not intend to offer any kind of blueprint for the future; this is not a policy manual. Recall too that some problems lack solutions. But surely things can be made better rather than worse. In thinking about what might be done by either private or public institutions, it is important to have some sense of the problems that we aim to address, and of some possible ways of addressing them.

If the discussion thus far is correct, there are three fundamental concerns from the democratic point of view. These include:

• the need for attention to substantive questions of policy and principle, combined with a range of positions on such questions;

• the value of exposure to materials, topics, and positions that people would not have chosen in advance, or at least enough exposure to produce a degree of understanding and curiosity; and

• the importance of a range of common experiences.

Of course it would be ideal if citizens were demanding, and private providers were creating, a range of initiatives designed

to alleviate the underlying concerns. To some extent, they are; exceedingly promising experiments have been emerging in just this vein. Our emphasis should be on purely private solutions through a better understanding of what is en tailed by the notion of citizenship. The Internet and other communications technologies create extraordinary and ever-growing opportunities for exposure to diverse points of view, and indeed increased opportunities for shared experiences and substantive discussions of both policy and principle. It is certainly possible that private choices will lead to far more, not less, in the way of exposure to new topics and viewpoints, and also to more, not less, in the way of shared experiences. But to the extent that they fail to do so, it is worthwhile to consider how self-conscious efforts by private institutions, and to some extent public ones as well, might pick up the slack.

Any ideas about how to handle the situation require an understanding of how people are likely to react to topics and points of view that they have not chosen. If people cannot develop an interest in topics that they would not have chosen, then exposure to those topics is unlikely to be worthwhile. If people will never listen to points of view with which they disagree, there would be little point in exposing them to those points of view. If people would never learn from exposure to un chosen views and topics, we might as well build on the emerging capacity of companies to discern and predict tastes and just allow people to see, hear, and get what they already like. Recall collaborative filtering and technology'S amazing ability to predict what you'll like-simply by combining information about what you've chosen with information about what people who have chosen what you chose have also chosen .

But it seems far more realistic to say that many people-it would be silly to say exactly how many, but surely millionsare prepared to listen to points of view that they have not

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selected. Many people are fully prepared to develop an interest in topics that they have not selected and in fact know nothing about. To work well, a deliberative democracy had better have many such people. It cannot possibly function without them. And if many people are able to benefit from wider exposure, it is worthwhile to think about ways to improve the communications market to their, and our, advantage.

I briefly discuss several possibilities here, including:

• deliberative domains;

• disclosure of relevant conduct by networks and other large producers of communications;

• voluntary self-regulation;

• economic subsidies, including publicly subsidized programming and

websites,

• "must-carry" policies, designed to promote education and attention to public issues;

• the creative use of links to draw people's attention to multiple views.

Of course different proposals would work better for some communications outlets than for others, and I will emphasize these differences here. Disclosure of public-affairs programming is sensible for television and radio broadcasters, but not for websites. I will be exploring "must-carry" requirements for television stations, but with respect to the Internet, such requirements would be hard to justify-and would almost certainly be unconstitutional. I will be arguing for the creative use of links on the Internet, but I will not suggest, and do not believe, that the government should require any links. Most important, the goals of the proposals could be implemented through private action, which is the preferred approach by far.

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Deliberative Domains and the Internet

It would be extremely valuable to have several widely publicized deliberative domains on the Internet, ensuring opportunities for discussion among people with diverse views. In chapter 3, we encountered James Fishkin's deliberative opinion poll, attempting to describe public opinion not after telephone calls to people in their homes for unreflective responses, but as a result of extended discussions in groups of heterogeneous people. Fishkm has created a website with a great deal of valuable and fascinating material (see "The Center for Deliberative Democracy," http.y/cdd.stanford.edu/). Along with many others, Fishkin has been engaged in a process of creating deliberative opportunities on the Internetspaces where people with different views can meet and exchange reasons, and have a chance to understand, at least a bit, the point of view of those who disagree with them. The hope is that citizen engagement, mutual understanding, and better thinking will emerge as a result.

Imagine, a new website: deliberativedemocracy.com-or if you wish, deliberativedemocracy.org. (Neither name is yet taken; I've checked.) The site could easily be created by the private sector. When you come to the site, you might find a general description of goals and contents. Everyone would understand that this is a place where people of very different views are invited to listen and to speak. And once you're there, you would be able to read and (if you wish) participate in discussions of a topic of your choice, by clicking on icons representing, for example, national security, relevant wars, civil rights, the environment, unemployment, foreign affairs, poverty, the stock market, children, gun control, labor unions, and much more. Many of these topics might have icons with

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smaller subtopics-under environment, for example, there might be discussions of global warming, genetically engineered food, water pollution, and hazardous waste sites. Each topic and subtopic could provide brief descriptions of agreedupon facts and competing points of view as an introduction and frame for the discussion. Private creativity on the part of users would undoubtedly take things in boundless unanticipated directions. Private managers of such sites would have their own norms about how people should interact with one another; deliberativedemocracy .com, for example, might encourage norms of civility.

Many such experiments are now emerging, sometimes selfconsciously, sometimes through the kinds of spontaneous developments that occur on email and listserves. The Deliberative Democracy Consortium is especially noteworthy here: it offers a range of references, links, and materials (see http://www.deliberative-democracy.netj). For obvious reasons, there would be many advantages to a situation in which a few deliberative sites were especially prominent. If this were the case, deliberativedemocracy.com, for example, would have a special salience for many citizens, providing a forum in which hundreds of thousands, or even millions, could participate, if only through occasional reading. But we should hardly be alarmed if a large number of deliberative websites were to emerge and to compete with one anothera plausible description of what is starting to happen.

Perhaps some governments could provide a funding mechanism to subsidize the development of some such sites, with- . out having a managerial role (see below). But what is most important is general awareness of the importance of deliberation to a well-functioning democracy, and of deliberation among people who do not agree. If that awareness is wide-

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spread, sites of the sort that I am describing here will grow up and flourish entirely on their own.

Disclosure and Large Providers of Information:

Sunlight as Disinfectant

The last decades have seen an extraordinary growth in the use of a simple regulatory tool: the requirement that people disclose what they are doing. In the environmental area, this has been an exceptionally effective strategy. Probably the most striking example is the Emergency Planning and Community Right-to-Know Act (EPCRA). Under this statute, firms and individuals must report to state and local government the quantities of potentially hazardous chemicals that have been stored or released into the environment. This has been an amazing and unanticipated success story: mere disclosure, or threat of disclosure, has resulted in voluntary, lowcost

reductions in toxic releases.'

It should be no wonder that disclosure has become a popular approach to dealing with pollution. When polluters are required to disclose their actions, political pressures, or market pressures, will lead to reductions, without any need for actual government mandates. Ideally, of course, no requirements need to be imposed. People will disclose on their own, in part because of the public demand for relevant information. In the area of communications, voluntary disclosure should be preferred. But if it is not forthcoming, disclosure requirements might be imposed, certainly on large polluters, and perhaps on television and radio broadcasters too.

Suppose, for example, that certain programming might be harmful to children, and that certain other programming might be beneficial to .society. Is there a way to discourage

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different perspectives; they would also reflect a healthy degree of mutual respect.

I do not suggest or believe that government should require anything of this kind. Some constitutional questions are hard, but this one is easy: any such requirements would violate the First Amendment. If site owners and bloggers do not want to provide icons or links, they are entitled to refuse to do so. What is most important is that we could easily imagine a situation in which icons and links are more standard practices, in a way that would promote the goals of both consumers and citizens, and do so without compromising the legitimate interests of site owners.

them merely build on existing practices. What is especially important in the current era is that we retain a sense of the grounds on which we can evaluate them. To those skeptical of the proposals outlined here, it makes sense to ask: If we seek to enlist current technologies in the service of democratic ideals, what kinds of practices would be better?

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The Tyranny of the Status Quo

The tyranny of the status quo has many sources. Sometimes it is based on a fear of unintended consequences, as in the economists' plea, "the perfect is the enemy of the good"-a mantra of resignation to which we should respond, with John Dewey, that "the better is the enemy of the still better." Sometimes it is grounded in a belief, widespread though palpably false, that things cannot be different from what they now are. (Things were different yesterday, and they will be different tomorrow.) Sometimes proposed changes seem to be hopelessly utopian, far too much so to be realistic. And sometimes they seem small and incremental, even silly, and to do nothing

large enough to solve the underlying problems.

The suggestions I have offered here are modest and incremental. They are designed to give some glimpses of the possibilities, and also to do at least a little bit of good. Some of

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