

1

The Daily Me

It is some time in the future. Technology has greatly increased people's ability to "filter" what they want to read, see, and hear. With the aid of the Internet, you are able to design your own newspapers and magazines. You can choose your own programming, with movies, game shows, sports, shopping, and news of your choice. You mix and match.

You need not come across topics and views that you have not sought out. Without any difficulty, you are able to see exactly what you want to see, no more and no less. You can easily find out what "people like you" tend to like and dislike. You avoid what they dislike. You take a close look at what they like.

Maybe you want to focus on sports all the time, and to avoid anything dealing with business or government. It is easy to do exactly that. Maybe you choose replays of your favorite tennis matches in the early evening, live baseball from New York at night, and professional football on the weekends. If you hate sports and want to learn about the Middle East in the evening from the perspective you find most congenial, you can do that too. If you care only about the United States and want to avoid international issues entirely, you can restrict yourself to material involving the United States. So too if you care only about Paris, or London, or Chicago, or Berlin, or Cape Town, or Beijing, or your hometown.

CHAPTER ONE

Perhaps you have no interest at all in “news.” Maybe you find “news” impossibly boring. If so, you need not see it at all. Maybe you select programs and stories involving only music and weather. Or perhaps your interests are more specialized still, concentrating on opera, or Beethoven, or Bob Dylan, or modern dance, or some subset of one or more of the above. (Maybe you like early Dylan and hate late Dylan.)

If you are interested in politics, you may want to restrict yourself to certain points of view by hearing only from people with whom you agree. In designing your preferred newspaper, you choose among conservatives, moderates, liberals, vegetarians, the religious right, and socialists. You have your favorite columnists and bloggers; perhaps you want to hear from them and from no one else. Maybe you know that you have a bias, or at least a distinctive set of tastes, and you want to hear from people with that bias or that taste. If so, that is entirely feasible. Or perhaps you are interested in only a few topics. If you believe that the most serious problem is gun control, or climate change, or terrorism, or ethnic and religious tension, or the latest war, you might spend most of your time reading about that problem—if you wish from the point of view that you like best.

Of course everyone else has the same freedom that you do. Many people choose to avoid news altogether. Many people restrict themselves to their own preferred points of view—liberals watching and reading mostly or only liberals; moderates, moderates; conservatives, conservatives; neo-Nazis or terrorist sympathizers, Neo-Nazis or terrorist sympathizers. People in different states and in different countries make predictably different choices. The citizens of Utah see and hear different topics, and different ideas, from the citizens of Massachusetts. The citizens of France see and hear entirely different perspectives from the citizens of China and the United

THE DAILY ME

States. And because it is so easy to learn about the choices of “people like you,” countless people make the same choices that are made by others like them.

The resulting divisions run along many lines—of religion, ethnicity, nationality, wealth, age, political conviction, and more. People who consider themselves left-of-center make very different selections from those made by people who consider themselves right-of-center. Most whites avoid news and entertainment options designed for African Americans. Many African Americans focus largely on options specifically designed for them. So too with Hispanics. With the reduced importance of the general-interest magazine and newspaper and the flowering of individual programming design, different groups make fundamentally different choices.

The market for news, entertainment, and information has finally been perfected. Consumers are able to see exactly what they want. When the power to filter is unlimited, people can decide, in advance and with perfect accuracy, what they will and will not encounter. They can design something very much like a communications universe of their own choosing. And if they have trouble designing it, it can be designed for them, again with perfect accuracy.

Personalization and Democracy

IN MANY RESPECTS, our communications market is rapidly moving in the direction of this apparently utopian picture. As of this writing, many newspapers, including the *Wall Street Journal*, allow readers to create “personalized” electronic editions, containing exactly what they want, and excluding what they do not want.

CHAPTER ONE

If you are interested in getting help with the design of an entirely individual paper, you can consult an ever-growing number of sites, including individual.com (helpfully named!) and crayon.com (a less helpful name, but evocative in its own way). Reddit.com “learns what you like as you vote on existing links or submit your own!” Findory.com will help you to personalize not only news, but also blogs, videos, and podcasts. In its own enthusiastic words, “The more articles you click on, the more personalized Findory will look. Our Personalization Technology adapts the website to show you interesting and relevant information based on your reading habits.”

If you put the words “personalized news” in any search engine, you will find vivid evidence of what is happening. Google News provides a case in point, with the appealing suggestion, “No one can read all the news that’s published every day, so why not set up your page to show you the stories that best represent your interests?” And that is only the tip of the iceberg. Consider TiVo, the television recording system, which is designed to give “you the ultimate control over your TV viewing.” TiVo will help you create “your personal TV lineup.” It will also learn your tastes, so that it can “suggest other shows that you may want to record and watch based on your preferences.” In reality, we are not so very far from complete personalization of the system of communications.

In 1995, MIT technology specialist Nicholas Negroponte prophesied the emergence of “the Daily Me”—a communications package that is personally designed, with each component fully chosen in advance.¹ Negroponte’s prophecy was not nearly ambitious enough. As it turns out, you don’t need to create a Daily Me. Others can create it for you. If people know a little bit about you, they can discover, and tell you, what “people like you” tend to like—and they can create a Daily Me, just for you, in a matter of seconds.

THE DAILY ME

Many of us are applauding these developments, which obviously increase fun, convenience, and entertainment. But in the midst of the applause, we should insist on asking some questions. How will the increasing power of private control affect democracy? How will the Internet and the explosion of communications options alter the capacity of citizens to govern themselves? What are the social preconditions for a well-functioning system of democratic deliberation, or for individual freedom itself?

My purpose in this book is to cast some light on these questions. I do so by emphasizing the most striking power provided by emerging technologies, *the growing power of consumers to “filter” what they see*. In the process of discussing this power, I will attempt to provide a better understanding of the meaning of freedom of speech in a democratic society.

A large part of my aim is to explore what makes for a well-functioning system of free expression. Above all, I urge that in a diverse society, such a system requires far more than restraints on government censorship and respect for individual choices. For the last decades, this has been the preoccupation of American law and politics, and in fact the law and politics of many other nations as well, including, for example, Germany, France, England, Italy, Russia, and Israel. Censorship is indeed the largest threat to democracy and freedom. But an exclusive focus on government censorship produces serious blind spots. In particular, a well-functioning system of free expression must meet two distinctive requirements.

First, people should be exposed to materials that they would not have chosen in advance. Unplanned, unanticipated encounters are central to democracy itself. Such encounters often involve topics and points of view that people have not sought out and perhaps find quite irritating. They are important partly to ensure against fragmentation and ex-

CHAPTER ONE

tremism, which are predictable outcomes of any situation in which like-minded people speak only with themselves. I do not suggest that government should force people to see things that they wish to avoid. But I do contend that in a democracy deserving the name, lives should be structured so that people often come across views and topics that they have not specifically selected.

Second, many or most citizens should have a range of common experiences. Without shared experiences, a heterogeneous society will have a much more difficult time in addressing social problems. People may even find it hard to understand one another. Common experiences, emphatically including the common experiences made possible by the media, provide a form of social glue. A system of communications that radically diminishes the number of such experiences will create a number of problems, not least because of the increase in social fragmentation.

As preconditions for a well-functioning democracy, these requirements hold in any large country. They are especially important in a heterogeneous nation, one that faces an occasional risk of fragmentation. They have all the more importance as each nation becomes increasingly global and each citizen becomes, to a greater or lesser degree, a “citizen of the world.” Consider, for example, the risks of terrorism, climate change, and avian flu. A sensible perspective on these risks, and others like them, is impossible to obtain if people sort themselves into echo chambers of their own design.

An insistence on these two requirements should not be rooted in nostalgia for some supposedly idyllic past. With respect to communications, the past was hardly idyllic. Compared to any other period in human history, we are in the midst of many extraordinary gains, not least from the standpoint of democracy itself. For us, nostalgia is not only unpro-

THE DAILY ME

ductive but also senseless. Things are getting better, not worse. Nor should anything here be taken as a reason for “optimism” or “pessimism,” two potential obstacles to clear thinking about new technological developments. If we must choose between them, by all means let us choose optimism.² But in view of the many potential gains and losses inevitably associated with massive technological change, any attitude of optimism or pessimism is far too general to be helpful. What I mean to provide is not a basis for pessimism, but a lens through which we might understand, a bit better than before, what makes a system of freedom of expression successful in the first place. That improved understanding will equip us to understand a free nation’s own aspirations and thus help in evaluating continuing changes in the system of communications. It will also point the way toward a clearer understanding of the nature of citizenship and of its cultural prerequisites.

As we shall see, it is much too simple to say that any system of communications is desirable if and because it allows individuals to see and hear what they choose. Increased options are certainly good, and the rise of countless “niches” has many advantages. But unanticipated, unchosen exposures and shared experiences are important too.

Precursors and Intermediaries

Unlimited filtering may seem quite strange, perhaps even the stuff of science fiction. But in many ways, it is continuous with what has come before. Filtering is inevitable, a fact of life. It is as old as humanity itself. No one can see, hear, or read everything. In the course of any hour, let alone any day, every one of us engages in massive filtering, simply in order

CHAPTER ONE

to make life manageable and coherent. Attention is a scarce commodity, and people manage their own attention, sometimes unconsciously and sometimes deliberately, in order to ensure that they are not overwhelmed.

With respect to the world of communications, moreover, a free society gives people a great deal of power to filter out unwanted materials. Only tyrannies force people to read or to watch. In free nations, those who read newspapers do not read the same newspaper; many people do not read any newspaper at all. Every day, people make choices among magazines based on their tastes and their point of view. Sports enthusiasts choose sports magazines, and in many nations they can choose a magazine focused on the sport of their choice—*Basketball Weekly*, say, or the *Practical Horseman*. Conservatives can read *National Review* or the *Weekly Standard*; countless magazines are available for those who like cars; *Dog Fancy* is a popular item for canine enthusiasts; people whose political views are somewhat left of center might like the *American Prospect*; there is even a magazine called *Cigar Aficionado*.

These are simply contemporary illustrations of a long-standing fact of life in democratic countries: a diversity of communications options and a range of possible choices. But the emerging situation does contain large differences, stemming above all from a dramatic increase in available options, a simultaneous increase in individual control over content, and a corresponding decrease in the power of *general-interest intermediaries*.³ These include newspapers, magazines, and broadcasters. An appreciation of the social functions of general-interest intermediaries will play a large role in this book.

People who rely on such intermediaries have a range of chance encounters, involving shared experiences with di-

THE DAILY ME

verse others, and also exposure to materials and topics that they did not seek out in advance. You might, for example, read the city newspaper and in the process find a range of stories that you would not have selected if you had the power to do so. Your eyes might come across a story about ethnic tensions in Germany, or crime in Los Angeles, or innovative business practices in Tokyo, or a terrorist attack in India, or a hurricane in New Orleans, and you might read those stories although you would hardly have placed them in your Daily Me. You might watch a particular television channel—perhaps you prefer channel 4—and when your favorite program ends, you might see the beginning of another show, perhaps a drama or news special that you would not have chosen in advance but that somehow catches your eye. Reading *Time* or *Newsweek*, you might come across a discussion of endangered species in Madagascar or genocide in Darfur, and this discussion might interest you, even affect your behavior, maybe even change your life, although you would not have sought it out in the first instance. A system in which individuals lack control over the particular content that they see has a great deal in common with a public street, where you might encounter not only friends, but also a heterogeneous array of people engaged in a wide array of activities (including perhaps bank presidents, political protesters, and panhandlers).

Some people believe that the mass media is dying—that the whole idea of general-interest intermediaries providing shared experiences and exposure to diverse topics and ideas for millions was a short episode in the history of human communications. As a prediction, this view seems overstated; even on the Internet, the mass media continues to have a huge role. But certainly the significance of the mass media has been falling over time. We should not forget that from the standpoint of human history, even in industrialized societies,

CHAPTER ONE

general-interest intermediaries are relatively new, and far from inevitable. Newspapers, radio stations, and television broadcasters have particular histories with distinctive beginnings and possibly distinctive endings. In fact the twentieth century should be seen as the great era for the general-interest intermediary, which provided similar information and entertainment to millions of people.

The twenty-first century may well be altogether different on this score. Consider one small fact: in 1930, daily newspaper circulation was 1.3 per household, a rate that had fallen to less than 0.50 by 2003—even though the number of years of education, typically correlated with newspaper readership, rose sharply in that period. At the very least, the sheer volume of options and the power to customize are sharply diminishing the social role of the general-interest intermediary.

Politics, Freedom, and Filtering

In the course of the discussion, we will encounter many issues. Each will be treated in some detail, but for the sake of convenience, here is a quick catalogue:

- the large difference between pure populism, or direct democracy, and a democratic system that attempts to ensure deliberation and reflection as well as accountability;
- the intimate relationship between free-speech rights and social well-being, which such rights often serve;
- the pervasive risk that discussion among like-minded people will breed excessive confidence, extremism, contempt for others, and sometimes even violence;

THE DAILY ME

- the potentially dangerous role of social cascades, including “cybercascades,” in which information, whether true or false, spreads like wildfire;
- the enormous potential of the Internet and other communications technologies for promoting freedom in both poor and rich countries;
- the utterly implausible nature of the view that free speech is an “absolute”;
- the ways in which information provided to any one of us is likely to benefit many of us;
- the critical difference between our role as citizens and our role as consumers;
- the inevitability of regulation of speech, indeed the inevitability of speech regulation benefiting those who most claim to be opposed to “regulation”;
- the extent to which the extraordinary consumption opportunities created by the Internet might not really improve people’s lives because for many goods, those opportunities merely accelerate the “consumption treadmill”;
- the potentially destructive effects of intense market pressures on both culture and government.

But the unifying issue throughout will be the various problems, for a democratic society, that might be created by the power of complete filtering. One question, which I answer in the affirmative, is whether individual choices, innocuous and perfectly reasonable in themselves, might produce a large set of social difficulties. Another question, which I also answer in the affirmative, is whether it is important to maintain the equivalent of “street corners” or “commons” where people are exposed to things quite involuntarily. More particularly, I seek to defend a particular conception of democracy—a delibera-

CHAPTER ONE

tive conception—and to evaluate, in its terms, the outcome of a system with perfect power of filtering. I also mean to defend a conception of freedom associated with the deliberative conception of democracy and to oppose it to a conception that sees consumption choices by individuals as the very embodiment or soul of freedom.

My claim is emphatically not that street corners and general-interest intermediaries will or would disappear in a world of perfect filtering. To what extent the market will produce them or their equivalents is an empirical issue. Many people like surprises; many of us are curious, and our searches reflect our curiosity. Some people have a strong taste for street corners and for their equivalent on television and the Internet. Indeed, the Internet holds out immense promise for allowing people to be exposed to materials that used to be too hard to find, including new topics and new points of view. If you would like to find out about different forms of cancer and different views about possible treatments, you can do so in less than a minute. If you are interested in learning about the risks associated with different automobiles, a quick search will tell you a great deal. If you would like to know about a particular foreign country, from its customs to its politics to its weather, you can do better with the Internet than you could have done with the best of encyclopedias. (The amazing *Wikipedia*, produced by thousands of volunteers on the Internet, is itself one of the best of encyclopedias.)

Many older people are stunned to see how easy all this is. From the standpoint of those concerned with ensuring access to more opinions and more topics, the new communications technologies can be a terrific boon. But it remains true that many apparent “street corners,” on the Internet in particular, are highly specialized, limited as they are to particular views. What I will argue is not that people lack curiosity or that street

THE DAILY ME

corners will disappear but instead that there is an insistent need for them, and that a system of freedom of expression should be viewed partly in light of that need. What I will also suggest is that there are serious dangers in a system in which individuals bypass general-interest intermediaries and restrict themselves to opinions and topics of their own choosing. In particular, I will emphasize the risks posed by any situation in which thousands or perhaps millions or even tens of millions of people are mainly listening to louder echoes of their own voices. A situation of this kind is likely to produce far worse than mere fragmentation.

What Is and What Isn't the Issue

Some clarifications, designed to narrow the issue, are now in order. I will be stressing problems on the “demand” side on the speech market. These are problems that stem not from the actions of *producers*, but instead from the choices and preferences of *consumers*. I am aware that on one view, the most important emerging problems come from large corporations, and not from the many millions, indeed billions, of individuals who make communications choices. In the long run, however, I believe that some of the most interesting questions, and certainly the most neglected ones, involve consumer behavior. This is not because consumers are usually confused, irrational, or malevolent. It is because choices that seem perfectly reasonable in isolation may, when taken together, badly disserve democratic goals.

Because of my focus on the consumers of information, I will not be discussing a wide range of issues that have engaged attention in the last decade. Many of these issues

CHAPTER ONE

involve the allegedly excessive power of large corporations or conglomerates.

- I will not deal with the feared disappearance of coverage of issues of interest to small or disadvantaged groups. That is decreasingly likely to be a problem. On the contrary, there has been a tremendous growth in “niche markets,” serving groups both large and small. With a decrease in scarcity, this trend will inevitably continue. Technological development is a great ally of small groups and minorities, however defined. People with unusual or specialized tastes are not likely to be frozen out of the emerging communications universe. The opposite is much more likely to be true; they will have easy access to their preferred fare—far easier than ever before.
- I will not be exploring the fascinating increase in people’s ability to participate in *creating* widely available information—through art, movies, books, science, and much more. With the Internet, any one of us might be able to make a picture, a story, or a video clip available to all of us; YouTube is merely one example. In this way, the Internet has a powerful democratizing function.⁴ Countless websites are now aggregating diverse knowledge. *Wikipedia*, for example, has thousands of authors, and the very form of the wiki allows people to contribute to the creation of a product from which they simultaneously benefit. For diverse products—books, movies, cars, doctors, and much more every day—it is easy to find sources that tell you what most people think, and it is easy as well to contribute to that collective knowledge. Prediction markets, for example, aggregate the judgments of numerous forecasters, and

THE DAILY ME

they are proving to be remarkably accurate. There is much to be said about the growing ability of consumers to be producers too.⁵ But that is not my topic here.

- I will provide little discussion of monopolistic behavior by suppliers or manipulative practices by them. That question has received considerable attention, above all in connection with the 1999—2000 antitrust litigation involving Microsoft. Undoubtedly some suppliers do try to monopolize, and some do try to manipulate; consider, for example, the fact that many browsers provide some automatic bookmarks designed to allow users to link with certain sites but not others. Every sensible producer of communications knows that a degree of filtering is a fact of life. Producers also know something equally important but less obvious: consumers' *attention* is the crucial (and scarce) commodity in the emerging market. Companies stand to gain a great deal if they can shift attention in one direction rather than another.

This is why many Internet sites provide information and entertainment to consumers for free. Consumers are actually a commodity, often “sold” to advertisers in return for money; it is therefore advertisers and not consumers who pay. This is pervasively true of radio and television.⁶ To a large degree, it is true of websites too. Consider, for example, the hilarious case of Netzero.com, which provides Internet access. A few years ago, Netzero.com described itself—indeed this was its motto—as “Defender of the Free World.” In an extensive advertising campaign, Netzero.com portrayed its founders as besieged witnesses before a legislative committee, defending basic liberty by protecting everyone's “right” to have access to the Internet. But is Netz-

CHAPTER ONE

ero.com really attempting to protect rights, or is it basically interested in earning profits? The truth is that Netzero.com is one of a number of for-profit companies giving inexpensive Internet access to consumers (a social benefit to be sure), but making money by promising advertisers that the consumers it services will see their commercials. There is nothing at all wrong with making money, but Netzero.com should hardly be seen as some dissident organization of altruistic patriots.

Especially in light of the overriding importance of attention, some private companies will attempt to manipulate consumers, and occasionally they will engage in monopolistic practices. Is this a problem? No unqualified answer would make sense. An important question is whether market forces will reduce the adverse effects of efforts at manipulation or monopoly. I believe that to a large extent, they will; but that is not my concern here. For a democracy, many of the most serious issues raised by the new technologies do not involve manipulation or monopolistic behavior by large companies.

- I will not be discussing private power over “code,” the structure and design of programs. In an illuminating and important book, Lawrence Lessig explored the risk that private code makers will control possibilities on the Internet, in a way that compromises privacy, the free circulation of ideas, and other important social values.⁷ As Lessig persuasively demonstrates, this is indeed a possible problem. But the problem should not be overstated, particularly in view of the continuing effects of extraordinary competitive forces. The movement for “open-source” software (above all Linux), in which people can contribute innovations to code, is flourishing, and in any case competitive pressures im-

THE DAILY ME

pose limits on the extent to which code makers may move in directions that consumers reject. Privacy guarantees, for example, are an emerging force on the Internet. Undoubtedly there is room, in some contexts, for a governmental role in ensuring against the abusive exercise of the private power over code. But that is not my concern here.

- In the same vein, I will put to one side the active debate over the uses of copyright law to limit the dissemination of material on the Internet and elsewhere. This is an exceedingly important debate, to be sure, but one that raises issues very different from those explored in this book.⁸
- I will not be discussing the “digital divide,” at least not as this term is ordinarily understood. People concerned about this problem emphasize the existing inequality in access to new communications technologies, an inequality that divides, for example, those with and those without access to the Internet. That is indeed an important issue, certainly domestically and even more so internationally, because it threatens to aggravate existing social inequalities, many of them unjust, at the same time that it deprives many millions (perhaps billions) of people of information and opportunities. But in both the domestic and the international context, that problem seems likely to diminish over time, as new technologies, above all the Internet, are made increasingly available to people regardless of their income or wealth.⁹

Of course we should do whatever we reasonably can to accelerate the process, which will provide benefits, not least for both freedom and health, for millions and even billions. But what I will describe will operate even

CHAPTER ONE

if everyone is on the right side of that divide, that is, even if everyone has access to the Internet. My focus, that is, will be on several other sorts of digital divides that are likely to emerge in the presence of universal access—on how reasonable choices by individual consumers might produce both individual and social harm. This point is emphatically connected with inequalities, but not in access to technologies; it does not depend in any way on inequalities there.

The digital divides that I will emphasize may or may not be a nightmare. But if I am right, there is all the reason in the world to reject the view that free markets, as embodied in the notion of “consumer sovereignty,” exhaust the concerns of those who seek to evaluate any system of communications. The imagined world of innumerable, diverse editions of the Daily Me is not a utopian dream, and it would create serious problems from the democratic point of view.