

CITIZENS

The authors of the US Constitution met behind closed doors in Philadelphia during summer 1787. When they completed their labors, the American public was, naturally enough, exceedingly curious about what they had done. A large crowd gathered around what is now known as Convention Hall. One of its members asked Benjamin Franklin, as he emerged from the building, “What have you given us?” Franklin’s answer was hopeful, or perhaps a challenge: “A republic, if you can keep it.” In fact, we should see Franklin’s remark as a reminder of a continuing obligation. The text of any founding document is likely to be far less important in maintaining a republic than the actions and commitments of the nation’s citizenry over time.

This suggestion raises questions of its own. What is the relationship between our choices and our freedom? Between citizens and consumers? And how do the answers relate to the questions of whether and how government should deal with people’s emerging power to filter speech content?

In this chapter, my basic claim is that we should evaluate communications technologies and social media by asking how they affect us as citizens, not only by asking how they affect us as consumers. A central question is whether emerging social practices, including consumption patterns, are promoting or compromising our own highest aspirations. More particularly I make two suggestions, designed to undermine from a new direction the idea that consumer sovereignty is the appropriate goal for communications policy.

The first is that people’s preferences do not come from nature or the sky. They are a product, at least in part, of social circumstances, including existing institutions, available options, social influences, and past choices. Prominent among the circumstances that create preferences are markets themselves. “Free marketeers have little to cheer about if all they can claim is that the market is efficient at filling desires that the market itself creates.”²¹ Unrestricted consumer choices are important—sometimes very important. They are a large part of freedom. But they do not exhaust that idea, and they should not be entirely equated with it.

The second point has to do with the fact that in their capacity as citizens, people sometimes seek policies and embrace goals that diverge from the choices they make in their capacity as consumers. If citizens seek to do this, there is no legitimate objection from the standpoint of freedom—at least if citizens are not disfavoring any particular point of view or otherwise violating rights. Often citizens attempt to promote their highest aspirations through democratic institutions. If the result is to produce a communications market that is different from what individual consumers would seek—if as citizens we produce a market, for example, that promotes exposure to serious issues and a range of shared experiences—freedom will be promoted, not undermined.

The two points are best taken together. Citizens are often aware that their private

choices under a system of limitless options may lead in unfortunate directions, both for them as individuals and society at large. They might believe that their own choices with respect to television and the Internet do not entirely promote their own well-being, or that of society as a whole. They might attempt to restructure alternatives and institutions so as to improve the situation.

At the same time, I will suggest that even insofar as we are consumers, new purchasing opportunities, made ever more available through the Internet, are far less wonderful than we like to think. The reason is that these opportunities are accelerating the “consumption treadmill,” in which we buy more and better goods, not because they make us happier or better off, but because they help us keep up with others. As citizens, we might well seek to slow down this treadmill, so as to ensure that social resources are devoted not to keeping up with one another but instead to goods and services that really improve our lives.

CHOICES AND CIRCUMSTANCES, AND CHINA

Many people seem to think that freedom consists of respect for consumption choices, whatever their origins and content. Indeed, this thought appears to underlie enthusiasm for the principle of consumer sovereignty itself. On this view, the central goal of a well-functioning system of free expression is to ensure unrestricted choice. A similar conception of freedom lies behind many of the celebrations of emerging communications markets.

It is obvious that a free society is generally respectful of people's choices. But freedom requires certain preconditions, ensuring not just respect for choices and the satisfaction of preferences, whatever they happen to be, but also the free formation of desires and beliefs. Most preferences and beliefs 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 programs deal with a certain topic—say, welfare reform, immigration, refugees, 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, book, 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.” (Donald Trump used this phenomenon to excellent effect in the 2016 campaign for the presidency.) 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 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. The problem is most serious, of course, in authoritarian societies, which engage in the defining evil of censorship. But it can arise also in a world

with a sea of choices.

Consider in this regard the behavior of the Chinese government on social media. In his great classic of behavioral science, *How to Win Friends and Influence People*, first published in 1936, Dale Carnegie contended that you can't really win an argument, so you shouldn't even try. "Nine times out of ten, an argument ends with each of the contestants more firmly convinced than ever that he is absolutely right."² In important respects, the Chinese government is taking Carnegie's advice to heart.

It has long been widely believed that China has been paying civilians a small fee (about 50¢ per post) to go online using pseudonyms to rebut the claims of those who are critical of the government and its policies. That kind of "reverse censorship," undertaken by a supposed "50c Party," has been thought to be one of the government's favorite strategies for combating dissent.

Using a complex and ingenious empirical strategy, Harvard's Gary King and his colleagues find otherwise.³ They begin by analyzing in depth a large archive of e-mails leaked from the Internet Propaganda Office of Zhanggong, a district of Ganzhou City in Jiangxi Province. Extrapolating to the rest of China, and checking their numbers through multiple routes, they estimate that the government fabricates an astonishing number of social media posts per year: 448 million. But there is no 50c Party of ordinary citizens. The fabrications come mostly from government employees, contributing part time outside their regular jobs.

More important, the contents of those posts are not at all what people think (or what King and his colleagues themselves expected). The fabricated posts hardly ever engage in arguments with the government's critics. On the contrary, they ignore them. For the most part, they focus instead on the wonderful things that the government is supposedly doing. King and his colleagues call this "cheerleading," and it includes "expressions of patriotism, encouragement and motivation, inspirational slogans or quotes, gratefulness, discussions of aspirational figures, cultural references, or celebrations."⁴

The government's goal, then, is not to meet criticism on the merits but instead to distract people by redirecting their attention in its preferred direction. It follows a passive principle: *do not engage at all on controversial issues*. Hence the government makes no effort to confront social media posts that contain general grievances about the regime or its leaders. Nor does it censor such posts, at least as a general rule.

How come? King and his coauthors contend that China's government has no reason to respond or censor, because "numerous grievances of a population ruled autocratically by non-elected leaders are obvious and omnipresent."⁵ If citizens learn about one more grievance, officials have little reason for concern. But one class of social media posts does alarm the Chinese government: discussions that, in its view, have real potential to give rise to collective action. Such discussions include information about imminent protest activity or specific plans to initiate some kind of uprising.

Because the government sees these discussions as threatening, it responds in two ways. First, it engages in censorship. Second, it coordinates identifiable and timely "bursts" of cheerleading, designed to focus people on what's going well. In view of this pervasive pattern, King and his coauthors conclude that officials in the Chinese regime think that the main threat "is not military attacks from foreign enemies but rather uprisings from their own people."⁶

The behavior of the Chinese government is consistent with two general insights in

modern social science. The first is that if you want to win friends and influence people, you would do better to change the subject than to pick an argument. We have seen that in the political domain, substantive arguments can intensify people's commitment to their original beliefs. One reason is that those arguments focus people on the issues that most concern them. A lesson for politicians, employers, and spouses alike is that it is often smarter to change the subject.

The second insight is that information about current protest activities and collective action designed to spur rebellion can turn into sparks, ultimately creating big fires.⁷ When members of the public are widely dissatisfied, a seemingly small protest movement can sound a general alarm, informing citizens that others are dissatisfied too—and prepared to do something about it. And once people hear that alarm, things can spiral out of control. In the Arab Spring, that's exactly what happened.⁸ And that's exactly what Chinese officials want to avoid.

The Chinese government certainly has had many extraordinary achievements over the past decades, above all in terms of economic growth. But every nondemocratic system has a degree of fragility. The government's surprising behavior on social media attests to its keen awareness of that fact—and its evident belief that at least in the domain of politics, Carnegie had it right.

PREFERENCE FORMATION

These points about online attention and distraction—sometimes through cheerleading—have much broader implications, because they tell us something about how preferences are formed (or deformed). If people are exposed mostly to sensationalistic coverage of the lives of movie stars, 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—or if their Twitter feed consists of conservative views, they will inevitably be affected by what they see. If people are mostly exposed to material that celebrates the current government—whether it is China, Cuba, France, or the United States—their preferences might well be changed as a result. Whatever one's political views, 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.

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 long-standing theme in political and legal thought. Thus Alexis de Tocqueville wrote of the effects of the institution of slavery on the desires of many slaves themselves that “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.”⁹

In the same vein, 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, a just 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.⁴⁰ 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.”⁴¹

On social media, something very much like this happens every day. You may or may not be what you eat, but you can turn into what you read. If you read snark, you might well become snark. At least some people who read materials that promote terrorism will become terrorists. If you join an echo chamber, or turn your Facebook page into one, you might well end up changing your own values and even your own character.

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, and partly by limiting information. And nontyrannical governments are hardly neutral with respect to preferences and desires. They hope to 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 freedom of speech—have significant 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 instead because they help to form good preferences—by producing an entrepreneurial spirit and encouraging people to see one another, not as potential enemies or members of different ethnic groups, but as potential trading partners.⁴² 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

Whenever government imposes restrictions on people’s opportunities and information, it is likely to undermine freedom by affecting not merely their choices but also 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 some nations 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 end up not wanting them at all. To be sure, the opposite might happen: people might want things precisely *because* they are unavailable. But human beings are adaptive, and they don’t like to be miserable, and when things are unavailable, many people will lose interest or just not want them.

The social theorist Jon Elster illustrates the point through the old tale of the fox and the sour grapes.⁴³ 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 responds to the fact 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 broader 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. People's preferences and even their values may be a result of what they have not been able to obtain. That is a deep objection to any effort to defend a status quo by pointing to what people currently "want."

We can specify 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. Imagine that such a government restricts access to social media. 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, radio stations, and social media 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 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, problems can emerge when people are voluntarily 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, social influences (especially in one's peer group), and one's own past choices, which can impose constraints of their own. Suppose, for instance, that one person's choices have been limited to sports and lead her to learn little about political issues; that another person focuses only on national issues because she has no interest in what happens outside US borders; and that still another restricts herself to material that reaffirms her own political convictions. In different ways, each of these person's choices constrains both citizenship and freedom, simply because it dramatically narrows their field of interests and concerns.

This is hardly 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, websites, and items on our Twitter feed from which we will learn something, even if what we choose is 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 general-interest intermediaries.

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. 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. 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 depend on the social role in which we find ourselves, and the role of citizen is quite different from that of consumer. Citizens do not think and act as consumers. 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 capacity as consumers. For example, some people 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 can be systematically different from those they make as consumers.

Why is this? Is it a puzzle or 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. So too, 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 “precommit” 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 frequently in political behavior than in markets.

It is certainly true that selfish behavior is common in politics. The whole field of public choice theory sees political action as a product of the efforts of self-interested individuals and institutions to move government in their preferred directions. There is

considerable truth in that account—though my own experience in the executive branch of the US government during the Obama administration suggests that public choice theorists wildly exaggerate the reality. At least within the executive branch, public officials usually try to do the right thing; they are hardly the tools of self-interested advocates.

No one should doubt that social norms sometimes press people, in their capacity as citizens, in the direction of a concern for others or the public interest. Acting together 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 the assistance of those who are suffering from the effects of a natural disaster. (Social media can be a real help here, of course.) If we are able to act collectively—perhaps through private institutions, perhaps through government—we might be able to do a great deal. As citizens, people might well attempt to promote democratic goals—by, say, calling for free airtime for candidates in the late stages of campaigns—even if they do little to promote those goals in their purely individual capacities.

The deliberative aspects of politics, bringing additional information and perspectives to bear, often affects people'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 how they might be served, than can be supplied through individual decisions as registered in the market. It should hardly be surprising if preferences, values, and perceptions of what matters, to individuals and 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 dictate 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' shared desires are irresistible if no one's rights are invaded and 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 some course of action 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 unfortunate, and in the end it might be a decisive objection, certainly if people's rights are being invaded. But if not, why should the minority have veto power? By hypothesis, the status quo does not have majority support; indeed, the majority rejects it. Why is the status quo sacrosanct, such that it can be changed only if support for change is unanimous, whereas even majority support for a change is not enough? Far too often, the status quo seems to have a kind of magnetic appeal, giving undue weight to minorities who like it.

Of course we need to investigate the context. But 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.

THE CONSUMPTION TREADMILL

Throughout the discussion here, I have assumed that insofar as people are acting as consumers, modern 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 an SUV, many sites are available for the purpose; wallets, watches, and wristbands are easily found online; and shirts, sweaters, and cell phones 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. 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.

To be sure, 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, .edu domains dominated the list of the most popular sites. As late as 1996, no .com sites ranked among the top 15 sites. By 1999—only three years later—the picture had fundamentally changed, to the point that the top-ranked .edu site (the University of Michigan) ranked number 92. Only 3 of the 15 top-ranked sites from January 1996 remained in the top rank three years later (AOL, Netscape, and Yahoo!). And by that time, commercial enterprises had a substantial presence on the list. They grew rapidly, to the point where there were nearly 25 million .com sites as early as 2000, as compared to 6 million .edu sites, and under 1 million .gov sites. The increase, in sheer numbers and proportions, has been remarkable since that time. As of April 2016, there were close to 125 million .com sites, and .edu sites were not even in the top 10 types of domains.⁴⁴ The Internet is dominated by .com sites.

Insofar as the number of .coms is constantly growing, it might seem clear that consumers, as consumers, are far better off as a result. On balance, they certainly are. But there is a qualification: extensive evidence shows that *our experience of many goods and services is largely a product of what other people have, and when there is a*

*general improvement in everyone's consumer goods, people's well-being is increased little or not at all.*¹⁵ Notwithstanding the impressive evidence on its behalf, this might seem to be a positively weird suggestion. Isn't it obvious that better consumer goods are good for consumers? Isn't it obvious that it's better to have a computer that is faster or lighter?

Actually it isn't so obvious. The reason is that people evaluate many goods by seeing how they compare to goods generally. If consumer goods as a whole are (say) 20 percent better, people are not going to be 20 percent happier, and they may not be happier at all.

To see the point, imagine that your current car is the average vehicle, in your preferred category, from ten years ago. Chances are good that ten years ago, that car was entirely fine, for you as for most other people. Chances are also good that if there had been no advances in cars, and if each of us had the same car, in terms of quality, as we had ten years ago, it would not be so terrible. But in light of the improvements in cars in the last decade, it would undoubtedly be disappointing to continue to use one from ten years before. In fact you might hate it. Partly this is because the frame of reference has been set by much more advanced cars; those cars set the standard by which you evaluate what you own.

This point need not depend on a claim that people are envious of their neighbors (though sometimes they are), or that people care a great deal about their status and how they are doing in comparison with others (though status is important). For many goods, the most important point, developed by the economist Robert Frank, is that *the frame of reference is set socially, not individually.*¹⁶ Our experience of what we have is determined by that frame of reference. What the Internet is doing is to alter the frame of reference, and by a large degree. This is not an unmixed blessing for consumers, even if it is a terrific development for many sellers.

To evaluate the Internet's effects on consumers, it is necessary only to see a simple point: when millions of consumers simultaneously find themselves with improved opportunities to find goods, they are certainly better off, but they are also likely to find themselves on a kind of "treadmill" in which each is continually trying to purchase more and better, simply in order to keep up with others and the ever-shifting frame of reference. Indeed, what is true for cars is all the more so for countless other goods, including most of the vast array of products available on the Internet, such as SUVs, tablets, and televisions.

Cars are evaluated socially, to be sure, but at least it can be said that safer, faster, and more fuel-efficient ones can genuinely improve our lives in many ways. But for many consumer goods, where the frame of reference is also provided socially, what really matters is how they compare to what other people have, and not how good they are in absolute terms. What would be a wonderful tablet or television in one time and place will seem ridiculously primitive in another.

In sum, the problem with the consumption treadmill, which is moving ever faster as a result of the Internet, is that despite growing expenditures and improved goods, the shift in the frame of reference means that consumers are unlikely to be much happier or better off. If the Internet is making it far easier for consumers to get better goods, or the same goods at a better price, they are certainly better off, perhaps even significantly so. But there is every reason to doubt that this is producing as much of an improvement in life, even for consumers, as we like to think.

This argument should not be misunderstood. Many goods actually do improve people's well-being, independently of shifts in the frame of reference. These goods tend to involve "inconspicuous consumption," from which people receive benefits apart from what other people have or do.⁴⁷ When people have more leisure time, when they have a chance to exercise and keep in shape, or when they are able to spend more time with family and friends, their lives are likely to be better, whatever other people are doing. But when what matters is the frame set for social comparison, a society focused on better consumer goods will face a serious problem: people will channel far too many resources into the consumption treadmill, and far too few resources into goods that are not subject to the treadmill effect or that would otherwise be far better for society (such as improved protection against crime, environmental pollution, or assistance for poor people).

It follows that the purchase of consumer goods and the opportunity to buy more and better do much less for people than they think—certainly not nothing, but much less. The emerging work on these topics raises many questions, and I do not attempt to answer them here. But insofar as consumers have an increasing range of purchasing options and can buy exactly what they want, it is far from clear that their lives are much better.

For present purposes, my conclusions are simple. The Internet unquestionably makes purchases easier and more convenient for consumers. We can get more and better goods, and we can get them in a hurry. To this extent, it is a genuine boon for most of us. But it is less of a boon than we usually think, particularly to the degree that it accelerates the consumption treadmill without making life much better for consumers of most goods. If citizens are reflective about their practices and lives, they are entirely aware of this fact. As citizens, we might well choose to slow down the treadmill, or 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 injustice or 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 from the standpoint of freedom, there is also a problem when people's past choices lead to the development of preferences that limit their own horizons and 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 frequently 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 are 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 the area of

communications, such as environmental protection, income inequality, 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 of rights, on what political majorities may do under this rationale. A system of limitless individual choices with respect to communications has countless advantages. But in some respects, it is not in the interest of citizenship and self-government, and efforts to reduce the resulting problems ought not to be rejected in freedom's name.