

Democracy, Design, and the Digital Public Sphere

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1. The -topias

The bloom is off the digital rose.²

Mobile technologies distract adults and depress kids. Twitter is “mostly a bad platform full of Nazi [sic] and assholes.”³ Facebook and Youtube blend cheerful upworthiness, pathological self-revelation, and malignant deceit, delivered to hyper-personalized, addictive filter bubbles optimized to capture attention for sale. The open web is a vast soul-sapping wasteland of sexual depravity and medical malpractice, and the internet of things an emerging panopticon. And behind all this good work lies the disruptive innovation of a small band of predatory, plutocrat-enriching monopolies, inspired by a toxic mix of swashbuckling ambition and moral preening.

This currently fashionable techno-dystopian caricature inverts its once-fashionable techno-utopian antecedents.

In 1999, Ira Magaziner, then Senior Advisor to President Clinton, described the internet as “a force for the promotion of democracy, because dictatorship depends upon the control of the flow of information. *The Internet makes this control much more difficult in*

¹ Apple University, UC Berkeley; Harvard University. Thanks for comments on earlier versions to Joseph Burgess, David Ruben, Noelle Stout, Richard Tedlow, Princeton Program in Ethics and Public Affairs.

² For some striking recent evidence, see <https://www.axios.com/america-sours-on-social-media-giants-1542234046-c48fb55b-48d6-4c96-9ea9-a36e80ab5deb.html>

³ Zach Beauchamp, tweet at 10:11AM on June 15, 2018.

the short run and impossible in the long run."⁴ It would "promote better understanding among nations," and be a "tremendous force for improving education." Magaziner's ambitious and technology-driven expectations were shared by others. Clinton compared Internet censorship to "trying to nail Jello to the wall."⁵ "The Internet," Nicholas Negroponte asserted, "cannot be regulated."⁶ George Bush asked us to "imagine if the Internet took hold in China. Imagine how freedom would spread." Rupert Murdoch said "Advances in the technology of telecommunications have proved an unambiguous threat to totalitarian regimes everywhere." "Censorship and content control are not only undesirable," Magaziner concluded, "but effectively impossible."⁷

Or maybe not so effectively. These early enthusiasms about democracy and digital technology likely owe in part to the historical moment in which they emerged: the immediate post-Cold War idea of democracy as the only political game in town, and the connection between American "democracy-promotion," the "internet freedom agenda,"⁸ and the dominant global role of American technology companies. But the enthusiasm also had a more analytical logic, with a technologically deterministic tone. Consider, for example, Ithiel Pool's *Technologies of Freedom* (1983): "electronic technology is conducive to freedom. The degree of diversity and plenitude of access that mature electronic

⁴ Ira Magaziner, "Creating a Framework for Global Electronic Commerce," <http://www.pff.org/issues-pubs/futureinsights/fi6.1globaleconomiccommerce.html>.

⁵ Goldsmith and Wu, p. 90.

⁶ Goldsmith and Wu [tk]

⁷ Magaziner begins his argument by invoking the importance of "humility" for "anyone working to develop policies for the Internet and electronic commerce, because no one really understands where we are headed. We are sailing at high speed into uncharted waters." "Creating a Framework for Global Electronic Commerce," <http://www.pff.org/issues-pubs/futureinsights/fi6.1globaleconomiccommerce.html>. Within a few paragraphs, he leaves the humility behind. Thomas Friedman popularized the conventional wisdom in *The Lexus and the Olive Tree* and *The World Is Flat*.

⁸ [Goldsmith ref on "The Internet Freedom Agenda"]

technology allows far exceed what is enjoyed today. Computerized information networks of the twenty-first century need not be any less free for all to use without hindrance than was the printing press. Only political errors might make them so.” Moreover, Pool concluded, “The easy access, low cost, and distributed intelligence of modern means of communication are a prime reason for hope.”⁹

The core of this optimistic argument was straightforward. With the wind of Moore’s law at their backs, digital technologies would drive the cost of bits to near zero, enabling low-friction flows of information and easy communication at a scale that eludes control. Low costs of acquiring information and expressing ideas would reduce the need for gatekeepers and moderators, which in turn would increase the diversity of perspectives in view and the opportunities for one-to-one and one-to-many persuasion.¹⁰ As a result, the technologies would vastly reduce the costs of building “communicative power”—the capacity of people to identify new public issues growing from their experience, arrive at common understandings of circumstances and ends, act together on those understandings, and contest—perhaps reshape—the political agenda.¹¹ Civil society, made newly nimble by “liberation technologies,” would have greater power to push back against polit-

⁹ Ithiel de Sola Pool, *Technologies of Freedom* (Cambridge: Harvard University Press, 1983), pp. 231, 251. Pool allows that politics might thwart the liberation promised by the new technologies. Still, the idea that the technology is “conducive to freedom” if you do not make a mess of it suggests a kind of techno-determinism. For critical discussion of some less prosaic versions of this line of thought, see Franklin Foer, *World Without Mind* [tk]; Goldsmith and Wu, chap. 2.

¹⁰ Thus Eugene Volokh in 1995: “The new technologies I outlined above will, I believe, both democratize the information marketplace—make it more accessible to comparatively poor speakers as well as rich ones—and diversify it.” In “Cheap Speech and What It Will Do,” 104 [Yale Law Journal](#) 1805 (1994-95).

¹¹ On communicative power, see Hannah Arendt and Juergen Habermas [tk].

ical and economic elites in democracies and gain the upper hand over sluggish autocrats.¹²

To be clear, techno-hopefulness did not need to be so technologically deterministic. In the internet's early days, Mitch Kapor—founder of Lotus and co-founder of the Electronic Frontier Foundation—argued that its democratic benefits depended on contingent design decisions, guided by values of openness and diversity. With the right choices—“high bandwidth, an open architecture, and distributed two-way switching”—users would be able to acquire information at low cost while also expressing and publishing their own ideas on a footing of equality.¹³

Some observers were less sanguine. Early critics—Ben Barber¹⁴ and the authors of the Communications Decency Act (1996)—were more impressed by proliferating pornography than communicative empowerment. Others observed the rapid dominance of flammers in unmoderated Usenet newsgroups: things could go very bad, even with easy entry, without heavy handed moderators or the pressure of large commercial interests.¹⁵ Worries arose about the dark side of Negroponte's “Daily Me”—the hyper-

¹² Larry Diamond, “Liberation Technology,” *Journal of Democracy*, 21, 3 (July 2010): 69-83. Joshua Cohen co-directed the Stanford Program on Liberation Technologies with Diamond and computer scientist Terry Winograd.

¹³ *Boston Review* (September-October 1993), pp. [tk], along with [November-December](#) (1993) responses from Vint Cerf, Nathan Myhrvold, Richard Stallman, and others. Kapor noted worries about the downside of diverse content, but was unmoved: “Some argue that diversity will lead to social fragmentation. Others say that most content will be junk. But print, the medium of the greatest diversity, reflects our culture rather than fragmenting it. And noise is the price we pay for signal. In fact, without junk, there is less of a chance for real quality to emerge. Today's noise is tomorrow's signal.” At the time, Joshua Cohen was editor of *Boston Review*. Aiming to contribute infrastructure to an emerging digitally-mediated public sphere—we started putting our issues online for free three years later, which we have done ever since. Archon Fung did the beta-testing, put the initial issues online, and served as the first webmaster.

¹⁴ Benjamin Barber, “Democracy and Cyber-Space: Response to Ira Magaziner” URL: http://web.mit.edu/m-i-t/articles/session4_b.html.

¹⁵ See, for example, the analysis of alt.abortion in Steven Schneider, “Expanding the public sphere through computer-mediated communication: political discussion about abortion in a Usenet newsgroup,” PhD dissertation, MIT Political Science, <https://dspace.mit.edu/handle/1721.1/10388>.

personalization of information and the fragmentation of communicative enclaves (either because of self-segregating user choices¹⁶ or the content served by platform algorithms to generate user engagement¹⁷) that, as Bill Gates said, “turned out to be more of a problem than I, or many others, would have expected.”¹⁸ Concerns also emerged about confusing mobilizational popups with genuine communicative power and concerted collective action.¹⁹ And non-democratic governments turned out to be much nimbler and more creative in deploying digital technologies to control communication and conduct than enthusiasts had anticipated.²⁰

Still, early in this decade—as blogging on the open web yielded prominence to social media platforms, and with Iran’s Green Movement, Tahrir Square, Gezi Park, Zucotti Park, and the Indignados—digital information and communication technologies still seemed to show considerable democratic promise. This promise seemed especially

¹⁶ Cass Sunstein, *Republic.com*.

¹⁷ Eli Pariser, *The Filter Bubble: How the New Personalized Web Is Changing What We Read and How We Think*.

¹⁸ Kevin Delaney, “Filter bubbles are a serious problem with news, says Bill Gates,” *Quartz*, 21 February 2017.

¹⁹ Zeynep Tufekci, *Twitter and Teargas*; Yochai Benkler, Robert Farris, and Hal Roberts, *Network Propaganda* (Oxford: Oxford University Press, 2018), p. 343 (“first failure mode”). Richie Etwaru of Hu-manity.co has proposed that blockchain-enabled collective-action contracts can enable groups of people to enforce better their blockchain-enabled property rights in their personal data, thus reducing hurdles to collective action, diminishing inequalities of power, and enabling more favorable agreements for people who are individually weak. “Marches and riots are of the past, we are entering the world of blockchain backed collective renegotiations to rebalance some of the imperfections in representative democracy.” *Decentralized Democracy: A Second Zero-to-One Invention on Blockchain*, <https://Hu-manity.science/white-papers/Decentralized-Democracy-Hu-manity.science.pdf>. According to the scheme described by Etwaru, Hu-manity.co plays an essential role in coordinating the efforts of the data-rights holders, thus eliminating the needs for marches and riots: “Hu-manity.co then assembles individuals into a large group to collectively notify the organization they are not in agreement with how they interpret HIPAA [for example].” It is difficult to see how this proposal eliminates the troubles identified by Tufekci.

²⁰ In *Who Controls the Internet*, Jack Goldsmith and Tim Wu identified this issue very clearly in 2006. See especially chap. 6. For more recent discussion, see the analysis of porous and customized censorship through “friction and flooding” in Margaret Roberts, *Censored: Distraction and Diversion Inside China’s Great Firewall* (Princeton: Princeton University Press, 2018), esp. chaps. 5, 6.

strong to self-styled radical democrats²¹, focused on the potential of these technologies to foster a more participatory and deliberative public sphere, with free and equal persons more fully empowered to use their common reason in public, political engagement and debate.²²

Does this hopeful picture still have anything to recommend it? That is the question we will explore.

Three prefatory observations.

First, the bloom is off the democratic rose, too, owing to a combination of Gilded Age inequality, decaying mainstream political parties, affective polarization, so-called “populist” politics²³, often with an ethno-nationalist inflection, and widespread concerns about dysfunctional representative institutions. Even in the face of these “anxieties of democracy,” we think it is possible and indeed important to explore the democratic potentials of digitally mediated communication.²⁴ But we recognize—even if we do not explore in detail—the large shadow that those anxieties cast over our subject.

Second, discussions of digital technologies and democracy are filled with vast and confident assertions. In contrast with this confident mood, we are very impressed with how little is known.²⁵ Students of digital technologies and democracy are like epidemio-

²¹ See Joshua Cohen and Archon Fung, “Radical Democracy,” in *Swiss Journal of Political Science*.]

²² To be clear: in this domain, unlike particle physics, number theory, and chemistry, we have no basis for expecting convergence of judgment among people exercising their reason. We will not explore the sources of reasonable pluralism here, but simply assert it.

²³ Why “so-called”? See Jason Frank, “Populism Isn’t The Problem,” *Boston Review*, 15 August 2018 (<http://bostonreview.net/politics/jason-frank-populism-not-the-problem>).

²⁴ We take the phrase “anxieties of democracy” from the SSRC Project by that name: <https://www.ssrc.org/programs/view/anxieties-of-democracy/>.

²⁵ For instructive and helpfully chastened reviews of social-scientific literature, see Joshua A. Tucker, et al., “Social Media, Political Polarization, and Political Disinformation (Hewlett Foundation, March 2018); Kris-Stella Trump, et al., “Social Media and Democracy: Assessing the State of the Field and Identifying Unexplored Questions” (SSRC, April 2018).

logists exploring the impact of a public health intervention on a new disease of unknown etiology, in a migrant population with no medical records, living in a difficult environment with a high rate of viral mutation. So our tentativeness reflects our sense of the evidence.

Third, because of these fluidities and attendant uncertainties, we are not aiming to provide definitive conclusions about whether the hopeful picture is practically compelling, or what should be done to advance it. On the latter, we will offer some tentative ideas (in section 5). But our principal goal is to reach beyond the competing utopian and dystopian caricatures, provide some analytical structure for normative-democratic thought on these issues, and show how this structure can help to shape discussion by clarifying the values that are at stake and showing their practical relevance.

Thus we begin with those values. We sketch the main characteristics of an idealized democratic public sphere (section 2). Specifically, we describe in abstract terms a structure of rights and opportunities, as well as a set of individual norms and dispositions that characterize such a public sphere (for shorthand, we will say “rights and norms”). We intend these rights and norms to operate well above the level of specific technologies, whether printing press, television, or digital information and communication. The rights and norms are intended for both evaluative and prescriptive purposes. They can be used to assess the democratic achievements and limitations of a public sphere at some point in history, and, looking forward, to guide citizens, policy makers, and companies in their efforts to make the public sphere more democratic.

After developing these rights and norms, we present a contrast between two stylized models of democratic public spheres: one dominated by mass media and the other with

substantial digital communication (section 3). We then consider the strengths and weaknesses of these two models by reference to the characteristics of the idealized democratic public spheres (section 4). And then finally explore some ways that the digitally mediated public sphere might be improved on the dimensions of democracy that we delineate (section 5).

In considering possibilities for improvement, we try to think like designers, informed by critical histories of technology. Those histories often explore paths not taken. The purpose of these counterfactual histories—say, of urban transportation or mass media—is not to recast defeated options as newly live possibilities, nor simply to celebrate contingency in human affairs. Instead, they remind us that we **now** face morally consequential alternatives and if we are culturally forceful, politically strategic, and ethically resolute, we may be able to realize the better possibilities that new technologies afford.

This general lesson about design applies with great force to the topic of digital technologies and democracy. Looking forward, we appear to face a range of possible futures. We will never get to a better place if we yield yet again to tempting forms—whether utopian or dystopian—of commercial or technological determinism.

2. Democracy and the Public Sphere

Carl Schmitt said that deliberation belongs to the world of the parliament, not to mass democracy. You can have mass participation, or you can have public-political reasoning about common affairs on the merits, but not both. Mass participation leads to a plebisci-

tarian populism, with an imaginarily-homogenous people locked in tight spiritual, vertical bond with its leaders.²⁶

Resisting Schmitt's dilemma, we draw on a conception of democracy—assuming conditions of great institutional complexity, deep social pluralism, and unresolvable moral and religious disagreement—with commitments to:

- A democratic society, which means a society whose members are understood in the political culture as free and equal persons²⁷;
- A democratic political regime, which means a political arrangement with elections, rights of participation, and rights of association and expression essential to making participation informed and effective;
- A deliberative democracy, which means a political society in which fundamental political argument appeals to reasons that are suited to cooperation among free and equal persons with deep disagreements, and the authorization to exercise collective power traces to such argument.²⁸

Drawing these three elements together, we have the ideal of a political society of free and equal members using their common reason to argue about the substance of public issues. According to this conception, it is possible to marry broad participation by free and equal citizens with an engagement about public issues of their merits—mass de-

²⁶ Carl Schmitt, *The Crisis of Parliamentary Democracy*. Ellen Kennedy, trans. (MIT Press, 1988). Original publication: 1923, 2nd edn. 1926. On populism and anti-pluralist assertions about the unity of the true people, see Jan-Werner Mueller, *What Is Populism?* (Philadelphia: University of Pennsylvania Press, 2016).

²⁷ For a helpful sketch of the idea of a democratic society, see John Stuart Mill, "M. de Tocqueville on Democracy in America," in *John Stuart Mill on Politics and Society*, ed. Geraint L. Williams (Fontana/Collins: Glasgow, 1976), p. 191.

²⁸ Joshua Cohen, "Democracy and Liberty," in *Deliberative Democracy*, ed. Jon Elster (Cambridge University Press, 1998).

mocracy and public reasoning. To achieve that marriage, the public engagement that makes democracy real cannot be confined to episodes of voting or lobbying, or even the activities of organized groups. Instead, it spills into informal, open-ended, dispersed public discussions of matters of common concern—discussions that are often created, focused, and expanded in scope by texts and other forms of representation, and that in turn shape public opinion, civic activism, and ultimately the exercise of formal political power.²⁹

To bring these broad ideas to bear on our subject, we distinguish two tracks of a process of democratic decision-making.³⁰ Track One is the informal, dispersed, and unregulated exploration of issues in an unorganized, informal public sphere, founded on the rich associational life of civil society. Such exploration shapes public opinion(s), but does not produce authoritative collective decisions: public discussion decides nothing. Track Two is the formal political process, including elections and legislative decision-making, as well as agencies and courts. In that formal process, candidates and elected officials deliberate about issues, make authoritative decisions by translating the opinions formed in the informal sphere into legal regulations, and monitor the administrative execution of those decisions.

These two tracks are complementary. Informal communication in the public sphere provides—when it works well—a close-to-the-ground, locally-informed, dispersed arena

²⁹ The idea that reduced costs of communication have democratic potential does not require an aspiration for an e-democracy, with virtually-assembled citizens directly deciding on the substance of policy.

³⁰ Here, we follow Jürgen Habermas, *Between Facts and Norms* (Cambridge, MA: MIT Press, 1991), chap. 11. Though we draw on distinction between two tracks, our account of the democratic public sphere does not depend on the details of his formulation or broader ideas about democracy. Thus we find large areas of agreement with the account of democratic diarchy, with its distinction between opinion-formation and will-formation, in Nadia Urbinati's account of democratic proceduralism in *Democracy Disfigured* (Harvard University Press, 2014).

for detecting problems, bringing them to public view in a non-specialized language, suggesting ways to address those problems, and debating whether the problems are important and worth addressing. With a smooth flow of information and communication, problems can be identified more easily, and brought dramatically to common, public attention: think #MeToo or mobilization around gun regulation, #Occupy, Black Lives Matter, restrictions on abortion, color revolutions, or anti-immigrant activism. To be sure, in all these cases, a large role may be played by the mobilizing efforts of parties and public officials, thus limiting the autonomy of Track One.³¹ But there also is, arguably, a significant role for more independent, organized action that is neither prompted nor organized by formal political organizations or agencies, thus mass communicative engagement that is not dominated by the state, and that independently identifies needs, problems, and self-understandings in non-technical language.

Formal political processes—the elections, legislatures, agencies, and courts that happen now to be in an advanced state of decay—constitute the second track. If functional—no small “if”—they provide institutionally regulated ways to deliberate about proposals, evaluate solutions, and make authoritative decisions after due consideration, thus testing proposals that emerge from open-ended public discussion.

For the purposes of this paper, we put Track Two aside. Not for lack of interest and certainly not for lack of importance, but for the sake of focus. Democracy obviously depends integrating public discussion and formal decision-making, opinion-formation and will-formation, but we will focus here on the informal public sphere. Repairing the public sphere does not guarantee healthy formal political institutions, and a functional Track

³¹ Thus the familiar accusations of “astroturfing.”

Two may co-exist with a desiccated public sphere. They are related but separable democratic challenges.

Think of a well-functioning, informal public sphere, then, as a space for a textually (or, more broadly, representationally) mediated, distributed public discussion between and among free and equal persons. Such persons have different identities, capacities, social positions, and resources; they stand in complex relations of cultural, social, and political power; hold divergent conceptions of the good and competing comprehensive doctrines. But they also are, in part because of the textual and representational mediators, participants with equal standing in a common public discussions.

A well-functioning democratic public sphere requires some core rights and opportunities to ensure equal standing in public discussion:

1. **Rights:** Each person has rights to basic liberties, including liberties of expression and association. Focusing on expressive liberty: its central meaning comprises a strong presumption against viewpoint discrimination, both to protect the interests of speakers and to secure the independence of public discussion from official regulation.³² The right to expressive liberty is not designed simply to afford protection against censorship of individual speakers: it is also enabling. Protecting speech from viewpoint regulation helps to establish the conditions that enable citizens to form their views and to monitor and hold accountable the exercise of power: it serves the interests of audiences and bystand-

³² For helpful reflections on the nature and foundations of the presumption against viewpoint discrimination, set in the context of current debates about hate speech regulation, see Vincent Blasi, "[Hate Speech, Public Assurance, and the Civic Standing of Speakers and Victims](#)," October 2017.

ers, as well as speakers.³³ “The First Amendment,” Alexander Meiklejohn says, “does not protect a ‘freedom to speak.’ It protects the freedom of those activities of thought and communication by which we ‘govern.’ It is concerned, not with a private right, but with a public power, a governmental responsibility”—the responsibility of citizens, the true authority, to make political judgments.³⁴

2. **Expression:** Each person has good and equal chances to *express views on issues of public concern* to a public audience. If the Rights requirement is about the absence of viewpoint discrimination, the Expression requirement adds substance by requiring real opportunities to participate in public discussion by communicating views on matters of common concern to audiences beyond friends and personal acquaintances. The Expression requirement is to be understood as a matter of having fair opportunity to reach an audience given reasonable efforts, not as a right to have others listen or for your views to be taken seriously.
3. **Access:** Each person has good and equal *access to instructive information* on matters of public concern that comes from sources that are *reliable*.³⁵ The Access requirement is not an entitlement to be informed, which does not depend at all on the effort to be informed. Instead, it requires that information that

³³ On the enabling role of rights to expressive liberty, see Alexander Meiklejohn, *Free Speech and its Relation to Self-Government* [ref]; Owen Fiss, *The Irony of Free Speech*. On speaker, audience, and bystander interests, see TM Scanlon [1979 article on categories].

³⁴ Alexander Meiklejohn, “The First Amendment Is An Absolute,” *The Supreme Court Review* (1961).

³⁵ Dahl’s condition of “gaining enlightened understanding,” a defining feature of democracy, is about opportunities (or capabilities) not about achievement. See Robert Dahl, *On Political Equality* (New Haven: Yale University Press, 2006), p. 9.

comes from reliable sources—sources that are trustworthy and reasonable to trust—and is instructive—relevant to the issues under discussion and understandable without specialized training—lies within the reach of people who make reasonable efforts to acquire it. Think of this condition—as with Expression and the subsequent two—as a requirement on fair opportunities: in this case, a fair opportunity to acquire instructive information, as an essential requirement for having equal standing as a participant in public discussions.

4. **Diversity:** Each person has good and equal chances *to hear a wide range of views* on issues of public concern.³⁶ Unlike Access, Diversity is not simply about opportunity to acquire factual information. It is about reasonable access to competing views about public values—justice, fairness, equality, the common good—and the implications of those conceptions for matters of public concern. Access to information about the implications of tax changes for growth and distribution is important, for example, but so are reasonable chances to hear different and conflicting views about the fairness of the distributional changes. The rationale for Diversity is suggested by two arguments from Mill's *On Liberty*: that exposure to disagreement is important in understanding the meaning and justification of one's own views, even if those views

³⁶ For discussion, see Joshua Cohen, "Freedom of Expression," *Philosophy and Public Affairs* 22, 3 (Summer 1993): 228-29, on the deliberative interest; T.M. Scanlon, "Freedom of Expression and Categories of Expression," on audience interests; Michael Anany, *Networked Press Freedom: Creating Infrastructures for a Public Right to Hear*, esp. chap. 2.

are true; and that such exposure improves thinking and reasoning. Both Millian benefits arguably contribute to the quality of public discussion.³⁷

5. **Communicative Power:** Each person has good and equal chances to explore interests and ideas *together with others* with an eye to arriving at common understandings and advancing their common concerns.³⁸ Communicative power is a capacity for sustained joint (or collective) action, generated through such open-ended exploration and mutual understanding.

We have not identified these five elements of the structure of rights and opportunities required for a democratic public sphere by observation, but by reflection on the conditions required for marrying mass participation by members with equal standing with public reasoning. Meeting these five conditions may have far-reaching social implications. In her classic paper on “Rethinking the Public Sphere,” Nancy Fraser argues that “social equality” is required for the “participatory parity” that defines the public sphere as a structure of communication among people with equal standing: “an adequate conception of the public sphere requires not merely the bracketing, but rather the elimination, of social inequality.”³⁹ Though we are not sure what she means by *eliminating* social inequality, we agree with her essential point: that equal standing in public reasoning requires fa-

³⁷ Mill, *On Liberty*, chap. 2. These two considerations are independent from the more familiar Millian arguments about the benefits of disagreement in correcting errors and arriving at true beliefs.

³⁸ In *The Power Elite*, C. Wright Mills distinguished “public” communication from “mass” communication. The features we have noted here broadly fit with his conception of a public, which he defined in broadly process terms, not in terms of a common set of convictions or goals. See *The Power Elite*, pp. 303-4.

³⁹ [ref tk]

vorable social background conditions, including some limits on socio-economic inequality and the dependencies associated with it.⁴⁰

Assume now that these rights and opportunities are in place. Still, the marriage of participation with public reasoning might fail. A well-functioning democratic public sphere, which successfully marries participation by equals with public reasoning, is not simply a structure of rights and opportunities. It is doubly dependent on the norms and dispositions of participants in public discussion. It is dependent, first, because, those norms and dispositions shape the uses people make of their fundamental rights and opportunities. Thus, participants might be indifferent to public concerns, or to the truth of their utterances, or to the essential rights and opportunities; or so mistrusting that they lack confidence that others care about getting things right (especially others with whom they disagree); or are suffused with a cynicism that denies any need to get things right or to defend their views with public reasons. Moreover, second, a stable structure of rights and opportunities cannot simply be assumed. Sustaining this structure depends, too, on the norms and dispositions of participants.⁴¹ So a well-functioning democratic public sphere has a two-fold dependence on the norms and dispositions of participants: as sources of both substantive success and stability.

⁴⁰ See also Robert Dahl, *Democracy and Its Critics*, on the “essential prerequisites” for democracy; John Rawls, *A Theory of Justice*, on the background conditions required for fair equality of opportunity.

⁴¹ Habermas, *Faktizität und Geltung*, p. 447 [tk translated edition]. “actors who support the public sphere are distinguished by the dual orientation of their political engagement: with their programs, they directly influence the political system, but at the same time they are also reflexively concerned with revitalizing and enlarging civil society and the public sphere as well as with confirming their own identities and capacities to act.”

In particular, we suggest that three norms and dispositions play an important role both in constituting a well-functioning, democratic public sphere and in sustaining the enabling structure of rights and opportunities:

1. **Regard for Truth.** First, participants in the public sphere should acknowledge the importance of truth, which is the norm associated with assertion.⁴² That means not *deliberately misrepresenting* their beliefs (representing that they believe that p when they believe that not-p), nor showing *reckless disregard* for the truth or falsity of their assertions, nor—in cases in which they know that others are relying on their representations—showing *negligence* about the truth or falsity of their assertions.⁴³ Acknowledging the importance of truth is of course not the same as always or even most of the time getting things right: but it does require an effort to get them right, a recognition that it is often difficult to get things right (which means that disagreement is a normal feature of public discussion), and a willingness to correct errors in assertion.
2. **Common Good Orientation.** Second, they should be concerned about the **common good**, on some reasonable understanding of the common good, where “reasonable understandings” respect the equal standing of people entitled to participate in public discussion. A well-functioning public sphere does not depend on a shared view of justice or rightness or the common good. But

⁴² We are touching here on areas of vast complexity. In precisely what sense is truth a norm for assertion? And what is the role of assertion—presenting a proposition as true—as distinct from other forms of rhetorical engagement in public discussion? The surface form of assertion may mask deeper rhetorical purposes, perhaps evident from context. We cannot explore these issues here.

⁴³ On the notion of truth, and its role in public reasoning, see Joshua Cohen, “Truth and Public Reason,” *Philosophy and Public Affairs* 37, 1 (Winter 2009), pp. 2-42. The distinction between reckless disregard and negligence comes from the law of libel.

it does depend upon participants who want to persuade others that their views are founded on a reasonable conception of the *common* good—rather than rejecting their equal standing as interlocutors or discounting their interests.

3. **Civility.** Third, participants should recognize the obligation—founded on the equal standing of persons and a recognition of deep and unresolvable disagreements on fundamentals—to justify proposals by reference to that conception. They should not view political argument as simply serving the purpose of affirming group membership and group identity. This obligation to justify we will call, following Rawls, the **duty of civility**. This duty is not a matter of politeness or respect for conventional norms, but of being prepared to explain to others why the laws and policies that we support can be supported by values and principles that lie on common ground—say, values of liberty, equality, and the general welfare—and being prepared to listen to others and be open to accommodating their views.⁴⁴

So we want to consider how a digitally mediated public sphere—in which search (aka google), news aggregators (say, Apple News, or open portals) and social media provide important informational and communicative infrastructure—bears on these conditions of

⁴⁴ On the duty of civility, see ; John Rawls, *Political Liberalism*, p. 217; Joshua Cohen, “Reflections on Civility,” Cornell Clayton, ed., *Civility and American Democracy* (Washington State University Press, 2013). On the idea of civility as politeness, see [George Washington](#)'s “rules of civility and decent behavior. For a remarkable exploration of the implications of a failure of the duty to listen, see Douglas Ahler and Gaurav Sood, “[The Parties in Our Heads: Misperceptions about Party Composition and Their Consequences.](#)” “For instance, people think that 32% of Democrats are LGBT (vs. 6% in reality) and 38% of Republicans earn over \$250,000 per year (vs. 2% in reality)...When provided information about the out-party’s actual composition, partisans come to see its supporters as less extreme and feel less socially distant from them.”

a well-functioning democratic public sphere. To clarify, by “social media,” we mainly mean Facebook, Twitter, and Youtube. But we also mean to include other social networks (LinkedIn, Hi5, Ning), (micro) blogging (wordpress, tumblr), photo, image, and video sharing (Instagram, Vimeo, Snapchat), discussion sites (Reddit, Digg, Whisper), app stores, and broadcasting (Periscope, Facebook Live).

Finally, when we evaluate the impact of digital technologies on democracy’s public sphere, we need to distinguish two kinds of assessments and keep track of which we are making. The first—a “baseline-regarding assessment”—evaluates changes relative to historical baselines. The second—an “ideal-regarding assessment”—evaluates by reference to an idealized conception of a democratic public sphere such as we have just specified, and asks what changes might improve matters relative to that ideal. We will do some of both, but with a particular focus on the latter.

3. Two Public Spheres

Against this backdrop, we develop the baseline-regarding account by sketching ultra-stylized descriptions of two contrasting public spheres. These two ways of producing and circulating mediating texts and other representations are the mass media public sphere (think US, mid 20th Century) and the digitally networked public sphere (think US, circa 2018). Our stylized sketches, which are intended to serve normative rather than empirical or historical purposes, have three basic dimensions: the industrial organization and technology of media; the dynamics of information production and flow across that media; and the socio-political context in which media operate. This characterization sets

the ground for exploring (in section 3) the democratic character of these different public spheres.

The mass media public sphere, then, was dominated (though hardly exhausted) by a small number of private, for-profit organizations—three network broadcasters in the United States (supplemented especially in the 1990s by a growing number of cable news providers), a handful of national news magazines, and a small number of newspapers and news services dominating national and international news—delivering content generated by self-consciously professional journalists to very large audiences. The 1947 *Hutchins Commission Report* powerfully defined the democratic challenges for the mass media, and its liberal-democratic project. Characterized by James Curran as “still perhaps the most cogent and elegant report on media policy ever published in the English language,”⁴⁵ the Report aimed to solve the following dilemma:

The modern press itself is a new phenomenon. Its typical unit is the great agency of mass communication. These agencies can facilitate thought and discussion. They can stifle it. They can advance progress of civilization or they can thwart it. They can debase and vulgarize mankind. They can endanger the peace of the world; they can do so accidentally, in a fit of absence of mind. They can play up or down the news and its significance, foster and feed emotions, create complacent fictions and blind spots, misuse the great words, and uphold empty slogans. Their scope and power are increasing every day as new instruments become available to them. These instruments can spread lies faster and further than our forefathers dreamed when they established the freedom of the press in the First Amendment to our Constitution.

... The press can be inflammatory, sensational, and irresponsible... On the other hand, the press can do its duty by the new world that is struggling to be

⁴⁵ James Curran, *Media and Democracy*. Taylor & Francis, 2011, p. 9. Baker calls it “The most important, semi-official, policy-oriented study of the mass media in U.S. history,” C. Edwin Baker, *Media Concentration and Democracy: Why Ownership Matters* (Cambridge: Cambridge University Press), p 2.

born. It can help create a new world community by giving men everywhere knowledge of the world and of one another, by promoting comprehension and appreciation of the goals of a free society that shall embrace all men.⁴⁶

While wrestling with this duty, the Hutchins Commission accurately foretold the basic organizational and technological features of the Mass Media public sphere. Major broadcast and major print media would be one-to-many communication technologies run by a few large, for-profit companies. The mass media public sphere thus has a *narrow aperture*, with a few, industrially-concentrated voices addressing large audiences, without much room for those in the audience to talk back, or develop new themes and topics amongst themselves: this was emphatically not a media system designed to foster communicative power, which is why C. Wright Mills called this the world of mass opinion, not public opinion.⁴⁷ Navigating between what Vincent Pickard calls “corporate libertarian” and “social-democratic” conceptions of the media, the Hutchins Commission argued for social responsibility through self-regulation.⁴⁸ Though the media could go wrong in many ways, governmental regulation was not the right way to ensure that outlets would fulfill their duties.

In its broad outlines, the mass media conformed to their vision and recommendations. Media corporations fulfilled their public responsibilities—to the extent that they did—through the work of professional journalists and editors, while acknowledging—at least in principle—the desirability of separating reporting, editorial, and commercial im-

⁴⁶ Commission on Freedom of the Press and Robert Devore Leigh, *A Free and Responsible Press: A General Report on Mass Communication: Newspapers, Radio, Motion Pictures, Magazines, and Books*. Chicago, IL: University of Chicago Press, 1947, pp. 3-4.

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⁴⁸ Vincent Pickard, *America’s Battle for Media Democracy: The Triumph of Corporate Libertarianism and the Future of Media Reform*, chaps. 5, 6.

peratives. Content was produced by professional journalists and editors guided by five norms: getting the truth; providing a representative picture of social groups; providing a forum for comment and criticism; clarifying public values; and offering comprehensive coverage. Professional journalists contributed to public discussion by bringing current events, political analysis, and investigative reporting to mass audiences. These journalists and media organizations were part of an epistemically coherent public sphere—professionalized and mutually correcting, with broadly shared standards of evidence, argument, and salience. This was a world in which Pizzagates and QAnons were not publicly visible. Perhaps part cause and part consequence, the relative coherence in the mass media public sphere—what Jay Rosen has characterized as “view from nowhere” journalism—“fit” the relatively low levels of popular, activist, and elite polarization in the last half of the 20th century.⁴⁹ Jonathan Ladd argues that relatively high public trust in the mass media, reflecting this fit, was produced by two structural factors:

First, low levels of economic competition enabled journalism to become highly professionalized. Journalists had the autonomy to enforce a professional norm of objectivity, greatly reducing salacious or explicitly partisan news coverage. Second, the lack of party polarization reduced political criticism of the institutional press.⁵⁰

But this narrow aperture world did not always serve democratic aims well. Journalists relied heavily on official sources, both because of professional and social proximity, and also from journalists’ desire to maintain access to those sources. Successful journalists and political officials were racially homogeneous, and often shared cultural experiences

⁴⁹ On the view from nowhere, see <http://pressthink.org/2010/11/the-view-from-nowhere-questions-and-answers/>.

⁵⁰ Ladd, Jonathan M. *Why Americans Hate the Media and How it Matters*. Princeton University Press, 2011: p. 6.

and educational background, as well as perspectives and assumptions about America's global role, the benefits of globalization, and the virtues of market economies.

Reporting on Iraq at the end of the mass media period was especially striking. Hayes and Guardino analyzed the 1,434 evening network news stories in the eight months before the invasion of 2003. They found that on balance, the "criticism of the media in the run-up to the Iraq War are justified: news coverage... was more favorable toward the Bush administration's rationale for war than its opponents' arguments against."⁵¹ Network news stories did feature opponents of the war. But they were not domestic U.S. voices: only 4% of the stories featured representatives of the Democratic Party and less than 1% were anti-war leaders. So which anti-war voices made it into the network news? The largest source of anti-war views on network news were Iraqi citizens and officials — who were denying that they possessed weapons of mass destruction—and that largest share of the Iraqi sources quoted belonged to Saddam Hussein himself.⁵²

But the execrable performance in 2003⁵³ was the general rule for the prior decades as well. Many studies have shown the decidedly pro-war (that is, pro-government policy) coverage of the Vietnam War, especially before 1968, conflicts in Central America, and others. In an aptly titled paper, "Government's Little Helper: US Press Coverage of Foreign Policy Crises," Zaller and Chiu argue that in foreign policy, mass media news reflect the views of political officials rather than independently evaluating or criticizing those views by showing that the content of news closely tracks the content of Congressional

⁵¹ Hayes, Danny, and Matt Guardino. "Whose Views Made the News? Media Coverage and the March to War in Iraq." *Political Communication* 27.1 (2010): 59-87.

⁵² Hayes and Guardino, p. 75. Just as a reminder: 23 Senators and 133 members of the House voted against the October 2002 Authorization for Use of Military Force Against Iraq.

<https://www.thoughtco.com/2002-iraq-war-vote-3325446>

⁵³ Large exception: Knight-Ridder reporting.

speeches and testimony.⁵⁴ “Reporters,” Zaller and Chiu say, “report the story that political authorities want to have reported.” They indexed heavily on official positions.

Domestic news was similar. Coverage of racial politics in major newspapers and broadcast media did not resemble what appeared in media within African-American communities. Ronald Jacobs, for example, shows how the narratives of civil unrest in Watts and the police beating of Rodney King in mainstream outlets such as the *Los Angeles Times* and the *New York Times* differed dramatically from coverage of those very same events in African-American media—what the Hutchins Commission called “Negro dailies and weeklies”—such as *Los Angeles Sentinel* and the *New York Amsterdam News*. Similarly for mass media coverage of work and organized labor. As *New York Daily News* columnist Juan Gonzalez put it, there is a “class divide between those who produce news and information and those who receive it.”⁵⁵ Writing in 1997 about “how the media undermine democracy,” James Fallows wrote that, “On economic issues—taxes, welfare, deficit control, trade policy, attitudes toward labor unions—elite reporters’ views have become far more conservative over the last generation, as their incomes have gone up. It is very rare for a major paper to publish an article or even op-ed piece that is enthusiastic about labor unions.”

That was then. What about now?

Lets consider a comparably stylized picture of the digitally-mediated public sphere. We focus on two key differences. First, compared to the mass media public sphere, the

⁵⁴ Zaller, John, and Dennis Chiu. “Government’s Little Helper: Us Press Coverage of Foreign Policy Crisis, 1946–1999.” *Decisionmaking in a Glass House: Mass Media, Public Opinion, and American and European Foreign Policy in the 21st Century* (2000): 61-84.

⁵⁵ Bruno, Robert. “Evidence of Bias in the Chicago Tribune Coverage of Organized Labor: A Quantitative Study From 1991 to 2001.” *Labor Studies Journal* 34.3 (2009): 385-407.

digital public sphere offers easier access to a vastly wider range of information, narrative, and political perspective. Second, the emergence of the digital public sphere has been accompanied by, and some argue that it has caused—or, more plausibly, amplified—political polarization.

Technologically, a fundamental difference between the mass and digital era is the shift from broadcast (one-to-many) to networked (many-to-many) communication, with effectively zero marginal costs of information and communication. The digital infrastructure of the public sphere is defined by this distinctive flow of information in which there are (i) many more providers and distributors of content; (ii) consumers thus enjoy vastly greater choice among kinds and providers of content, and (iii) particular content can be directed (or targeted) by providers, advertisers, social media platform companies, or other actors to particular users or groups of users.

To be sure, the infrastructure of the digital public sphere is provided by a highly concentrated industry. Google dominates search (domestically and globally) and three sites—FaceBook (44% of US adults report getting news on FB), YouTube (10% of US adults), and Twitter (9% of US adults)—account for the vast share of users who get news on social media. Other social media platforms—such as Reddit, Linked-In, Instagram, Snapchat, and Tumbler—account for a very small portion of news.⁵⁶ And while many Americans get their news from local or national television, online sources are al-

⁵⁶ Pew Research Center, “News Use Across Social Media Platforms 2016.”

ready well ahead for 18-29 year olds. And in 2017, fully 55% of Americans over 50 report getting news on social media sites.⁵⁷

But while the news organizations of the mass media public sphere spoke with an editorial angle and voice, FaceBook, YouTube, and Twitter (as well as other social media) are platforms that enable users to distribute content, consume it, and connect with one another. To be sure, social media platforms are not simply laying information pipes. They are, as Gillespie emphasizes, in the curation and moderation business—as of course is Google in search. But the curation and moderation business is not the same as the editorial business of mass media.⁵⁸

And that is important. A digitally mediated public sphere includes a much wider array of perspectives. The shared sensibilities of journalists and editors, as well as professional norms, all narrowed the aperture of information and explanation that reached mass audiences. The digital public sphere is moderated, but—putting aside highly curated spaces such as Apple’s App Store—it removes these filters and opens the aperture, not least (though not only), because the sheer scale and scope means that lots of moderation happens *ex post* and depends on user feedback.

What sources of news and information actually make it to audiences? A recent Pew Research Center study examined links to news about immigration that were shared on Twitter during the first month of the Trump administration. Of nearly 10 million tweets,

⁵⁷ Mitchell, Amy, Jeffrey Gottfried et al. “The Modern News Consumer: News Attitudes and Practices in the Digital Era.” Pew Research Center Pew Research Center (2016). URL: http://assets.pewresearch.org/wp-content/uploads/sites/13/2016/07/07104931/PJ_2016.07.07_Modern-News-Consumer_FINAL.pdf; <http://www.pewresearch.org/fact-tank/2017/09/07/americans-online-news-use-vs-tv-news-use/>

⁵⁸ Kate Klonick, “[Facebook v. Sullivan](#)” (Knight, October 2018) discusses Facebook’s use of judgments of “newsworthiness.” This is an attenuated case of being in the editorial business: attenuated because the judgments of newsworthiness are used in the special case of deciding whether to delete posted messages that facially violate terms of service and thus would be deleted but for their newsworthiness.

roughly 50% more linked to legacy news and non-profits than to digital native news and commentary. But four million is a large number, and in part because the distribution mechanism is different, the range of voices is greater.

This widened aperture coincides with a sense of increasing political polarization, which provokes concerns about civility and an orientation to the common good. At the level of elected officials, the last time Republican and Democratic members of Congress have disagreed as much with one another—as measured by policy positions—was during the Civil War and Reconstruction. At the popular level, the dislike and fear of Democratic and Republican Americans have for one another—so-called “affective polarization”—also registers at all-time highs.⁵⁹ But while there is widespread perception of deepening polarization (especially among the political engaged, who are pretty clearly polarized), the facts of mass polarization—as distinct from elite polarization and partisan sorting—are contested.⁶⁰ Moreover, even those who agree that there is mass polarization are uncertain about causal relationships with digital communication. Boxell, Gentzkow, and Shapiro observe that, between 1996 and 2016, polarization—on nine different measures—grew most in the US among older Americans, the group least likely to spend time online. Drawing on data about recent engagement with media on Facebook, Twitter, and the open web, Benkler, Faris, and Roberts argue that media polarization, like elite political polarization, is asymmetric, that professional norms and concerns

⁵⁹ See Hetherington, Marc J. and Thomas J. Rudolph. *Why Washington Won't Work: Polarization, Political Trust, and the Governing Crisis* (Chicago Studies in American Politics). University Of Chicago Press, 2015; Pew Research Center. *Partisanship and Political Animosity*, 2016; Pew Research Center. *The Partisan Divide on Political Values Grow Even Wider*, 2017; Iyengar, Shanto, and Sean J. Westwood. 2015. Fear and Loathing across Party Lines: New Evidence on Group Polarization. *American Journal of Political Science* 59(3):690-707. [Abramowitz on racial and religious drivers of polarization.]

⁶⁰ For skepticism, see Morris P. Fiorina, *Unstable Majorities* (Stanford: Hoover Institution Press, 2017).

about getting things right remain important outside of the right (Breitbart, Fox, Zero Hedge, Free Beacon, InfoWars), and that the drivers of polarization are not Facebook algorithms, microtargeting, advertising business models, Russia, or new technology, but rather, “long-term changes in American politics.”⁶¹ And Guess argues that online diets are moderate in substance and broadly shared across partisan lines, in substantial measure because of popular reliance—especially for passive consumers of political information, as distinct from hyperactive partisans—on such mainstream portals as google.com, MSN.com, and aol.com).⁶²

Still, the coincidence and amplified polarization—especially affective polarization, which is widely acknowledged—are striking. And even skeptical arguments about causal effects of digital media on polarization suggest amplification. Social conditions of polarization and fragmentation combine with low barriers to content creation and high user choice to create an informational environment that is much more diverse, but in which users find it easier to cluster into—or find themselves algorithmically shepherded into—homogenous information spaces that share less epistemic common ground across different spaces compared to the mass media public sphere. To be sure, offline geographic, partisan, and associational sorting also produce information bubbles. Offline communication is hard to study, so it is difficult to know whether online is better or worse at reinforcing prior views. But in reality, we do not spend lots of offline time engaging with peo-

⁶¹ *Network Propaganda*.

⁶² Andrew M. Guess, “(Almost) Everything in Moderation: New Evidence on Americans’ Online Media Diets” (Unpublished, 2 July 2018).

ple we with disagree with, and there is some reason to think that online exposure is greater.⁶³

Perhaps what is most striking about online information sources, then, is not their causal effects on offline polarization, or that offline polarization is worse than it would have been in a counterfactual continuation of a mass media public sphere, but that online information and communication are so much less than they could be. They fall far short of their democratic potential for fostering diverse and inter-connected engagements.

These centrifugal forces are compounded by the role in the digital public sphere of sources of content that are shifting from professional journalists—whose professional norms prioritized truth-seeking—to a wider range of other digital media, advocacy organizations, and political campaigns who have other priorities. These other providers often have incentives to develop content that appeals to specific audiences by reinforcing rather than challenging their perspectives. Advocacy organizations and political campaigns seek to mobilize supporters by tailoring messages, arguments, and narratives that deepen their commitment and increase their activism. As media become more segmented and partisan, they seek to address communities that share their assumptions and perspectives.

⁶³ See Diana Mutz, *Hearing the Other Side*, on how unusual it is for people to engage offline with people with whom they disagree.

4. Consequences for A Democratic Public Sphere

Let's return now to the task of the normative, ideal-regarding, assessment. Consider how these two simplified models of public spheres fare with respect to the rights and norms of the idealized democratic public sphere that we sketched in section 1 above.

The digital public sphere, compared to the mass media public sphere, appears to show great and obvious gains on the standards of **Expression** and **Diversity**. News in the mass media public sphere was often generated by journalists and editors who worked within relatively narrow, liberal-elite ideological and social boundaries. The technological affordances of the digital public sphere enable many more people with many more perspectives to express themselves to public audiences. That expanded expression in turn generates much greater diversity in the sources of information and views that are easily available in the public sphere. Now, we have not just the *Wall Street Journal* and Fox News, but also the Drudge Report and Breitbart. We have not just National Public Radio, but Huffington Post and DailyKos. The enormous diversity of social media participants far exceeds even the expanded diversity of content from these web publishers.

Similarly, regarding **Access**. Digital technologies, including search, have enabled creation of and access to vast amounts of the world's information (and explanations) about politics, policy, and society: aside from Google search, think large portals (msn.com, aol.com, yahoo.com), or Wikipedia, PubMed, publications from the Bureau of Labor Statistics, and Our World in Data. In terms of opportunities to acquire reliable and relevant information: it is simply much easier for more people to learn much more about most anything.

But these gains for Access, and particularly for Expression and Diversity, require more careful examination. The wider aperture also expands opportunities for expression and communication that violate norms of truth-seeking, common-good orientation, and civility, and for amplifying political polarization. Despite apparent gains in Access, Diversity, and Expression, individuals and communities may end up with less ample information and communication diets than they had in the mass media public sphere.⁶⁴ A healthy public sphere offers relevant and reliable information, and connects different arguments and views and bring them into confrontation with one another. But with a large mix of irrelevant noise, bullshit, and expressions of hatred, and if views are segregated from one another and each segment works to deepen its own views in opposition to the others, then Diversity, Expression, and Access may be limited, despite the apparent gains.

Doxxing, swarming, and threatening, for example, are among the the digital manifestations of violations of Common Good and Civility norms. These behaviors are the ugly side of expanded expression. Just as technology has enhanced opportunities to engage in public discussion by making it easier to distribute messages that will be seen by other people, so, too, it has also enabled people to impose costs on those who bear messages they don't like through these forms of on-line distraction and harassment. While an earlier generation of work explored the potentially silencing effects of hate speech and pornography, here, the "silencing" works not only by the content of speech, but by its

⁶⁴ According to the 2017 Gallup/Knight Foundation *Survey on Trust, Media and Democracy*, "By 58% to 38%, Americans say it is harder rather than easier to be informed today due to the plethora of information and news sources available." In the same vein, "Half of U.S. adults feel confident there are enough sources to allow people to cut through bias to sort out the facts in the news—down from 66% a generation ago."

sheer volume. And the burdens of the new forms of silencing are not equally shared by all and so shrink the **Expression** for some, and so the **Access** of others to those points of view. At one limit, when on-line harassment spurs physical intimidation or violence, it threatens the **Right** to expression and association.

Our hesitations about gains on Expression, Access, and Diversity may seem conceptually puzzling. We emphasized earlier that these are all matters of *opportunity*, and people who have opportunities may of course not avail themselves of those opportunities. So why not say that the digitally mediated public sphere emphatically expands opportunities on each of these dimensions, but some people may choose—in the face of sustained hostility and harassment—not to avail themselves of those opportunities? Our response—to simplify an issue of vast complexity—is that any account of fair opportunity needs to take into account the costs that a reasonable person can be expected to bear to gain access to a good. A person subject to severe bullying at work, for example, lacks fair opportunity to advance on their job. Without aiming to settle the question here, we simply observe that the reduced costs of sending distracting and hostile messages may be increasing burdens in ways that bear on the opportunities themselves.

Thus, as part of their professional commitment to truth-seeking and common-good norms, journalists and editors of the mass media public sphere aimed to craft stories to direct audience attention to what they regarded as the most important public issues. By contrast, the digital public sphere includes considerable noise and distraction, as well as targeted hostility. Most of this noise is a by-product of widely expanded avenues for expression—what many people regard as important for them to say simply isn't that important for others to hear (everything has been said, but not everyone has said it). Some

of this distraction is intentional—such as the efforts of China’s 50-cent party.⁶⁵ One challenge to the value of **Access** to reliable and useful information, then, is that the “signal-to-noise” ratio of the digital public sphere seems lower than in the mass media era. Obtaining a reasonable range of reliable information in the digital public sphere may thus require greater effort—compared to watching carefully curated and produced evening news programs or paging through news-weeklies—to distinguish reliable and instructive information from propaganda, screeds, and bullshit. Obtaining information that reliably reflects relevant perspectives may, moreover, require shouldering the burden of venturing into the web’s most tiresomely nasty places,⁶⁶ distinguishing who is aiming to make a serious (even if fallible) contribution to the discussion, separating sheer repetition and intentional signal-boosting from novel contributions.

Misinformation, disinformation, and “fake news” pose an additional challenge for **Access** to reliable and useful information in the digital public sphere. Consider violations of the norm of truthfulness: assertions of propositions believed to be untrue, or displays of reckless disregard for or negligence about truth or falsity. The norms of professional journalism celebrated by the Hutchins Commission arguably made some difference in the mass media public sphere. While there was lots of incorrect reporting, burying officially unwelcome stories, and sheer negligence, professional journalists took pride and care in making sure that the stories they filed were true; journalists and their organizations were embarrassed and apologetic when they got it wrong. They were trying to get

⁶⁵ See Roberts, *Censored*.

⁶⁶ See gab.ai, for example.

it right (the norm of truth-seeking) and they were trying to get it right as a service to democracy and its citizens (the norm of common-good orientation).

Norms, resources, and organization are now very different. With some notable exceptions, many content providers in the digital public sphere lack the resources for being vigilant about truthfulness. Other content providers seek to mobilize support and so highlight partial truths that serve that end. And a few content providers, it seems, have little regard for the truth at all and inject false information to mobilize and foster solidarity.⁶⁷ The low costs of supplying “information,” together with the decentralization of its sources and the absence of professional norms create troubles that invite solution.

As a result of the fake news scandals surrounding the 2016 election cycle, some of the major social media platforms have become somewhat more sensitive to accusations that their platforms spread misinformation. As such, they may be investing more resources into detecting and stopping fake news. While laudable—and much better than disregarding the norm of truthfulness altogether—preventing fake news or retrospectively taking it down does not replace atrophied capacities to seek and publish truth. Many news organizations developed powerful capacities and commitments for common-good oriented truth seeking. They retained journalists and opinion writers who were trained to advance a particular conception of the common good and to seek truth through investigation and observation produced most of the content of the mass media public sphere. By contrast, the business model of social media platforms such as FaceBook, YouTube,

⁶⁷ Benkler, Faros, and Roberts claim that the “propaganda feedback loop” that characterizes right-wing media is founded on competition for “identity-confirmation” and polices deviations from such confirmation, which means that there are not incentives to correct misstatements of fact. See *Network Propaganda*, chap. 3.

and Twitter hinges very largely on capturing users' attention. Truth is at best a side constraint on this objective and the common good is thinned down to commitments to create connections, increase variety, and reduce costs of access.

Finally, consider **Communicative Power** — the capacity to act together with others to put forward information, arguments, narratives, values, and, especially importantly, normative considerations to a broader public. The mass media public sphere provided cramped affordances for the exercise of communicative power. Thus C. Wright Mills said, "The mass has no autonomy from institutions; on the contrary, agents of organized institutions penetrate this mass, reducing any autonomy it may have in the formation of opinion by discussion." Mills's assertion, which belongs to the mid-1950s, is surely exaggerated: consider the Civil Rights movement, Women's movement, and anti-war movement.

Still, with media companies and journalists as gate-keepers and officials as privileged sources, prominent officials and powerful private actors dominated public discussion. Dependent upon media gate-keepers for access to the public sphere, dissidents and activists struggled to generate communicative power by currying favor or making investments in making the kind of noise—through protests and other methods—that might be deemed newsworthy by professional journalists and editors.

The digital public sphere features many more venues for publishing content. Indeed, anyone can publish directly on blogs and social media and potentially reach very broad audiences. Though, of course, mere publication does not guarantee audience or attention. Because the digital public sphere enables many more citizens and activists to share

stories, make arguments, and act together, opportunities to exercise communicative power are more widely available in the digital public sphere.

At the same time, the benefits for communicative power have been vastly more limited than some had predicted and that some observers had celebrated in the time of Twitter Revolutions. To be sure, social media platforms such as Twitter and FaceBook ease mobilization by reducing information costs. But information is not persuasion, mobilization is not organization, and knowing where people are gathering is not communicative power. The promise of digital technology for communicative power can be deceptively seductive. Promises of revolution have delivered disappointing revolts. Digital technologies enable activists to mount large protests more easily than in the mass media public sphere, when that sort of collective action required efforts to build interpersonal trust and organizational infrastructure. But easy mobilization can be counterproductive for building communicative power.⁶⁸ Activists in the digitally mediated public sphere can achieve a short-term end (mass protest) without building the political, civic, and relational infrastructure that sustains collective action over the long term.

Moreover, it is simply not possible for us crookedly-timbered creatures to sustain the public presence and vigilance that democracy requires in a world in which our lives have the kind of transparency that results when our private information—phone logs, message logs, pictures, locational meta-data, search history, email—is open to view. Without better protections of private information, the costs of democratic presence and vigilance may often be unbearable.

⁶⁸ Tufekci, *Twitter and Tear Gas*.

5. Toward a More Ideal Public Sphere

Having identified some concerns about democracy and the digitally networked public sphere relative to the baseline of the mass media public sphere, we now ask: How might governments, companies, and citizens act to foster a more democratic public sphere? Democratizing the digital public sphere requires regulation, responsibility from media and technology firms, and civic action.

Let's start with firms. While we are skeptical about the effectiveness of private self-regulation, we believe that firms should do much more. They have important responsibilities that they are not now discharging. How might the handful of firms who now play such a large role in constructing the digital public sphere advance Rights, Expression, Access, Diversity, and Communicative Power, as well as foster norms of truth, common-good orientation, and civility?

Alongside essential efforts to address incitements to imminent violence, where the case for greater vigilance by companies seems clearest⁶⁹, we are sympathetic to efforts to address concerns about so-called “fake news.” Such efforts, which might help on Access and Diversity, need not raise the concerns about viewpoint regulation that are at the heart of the Rights requirement.⁷⁰ Part of the reason for our sympathy is that independent, journalistic fact-checking websites (including [opensources.co](https://www.opensources.co), which a recent Knight Foundation study uses, Politifact, [snopes.com](https://www.snopes.com), and FactCheck) can help to provide inputs for platform judgments (in some geographies).

⁶⁹ Expression with an intent to incite imminent violence can be legally regulated in the United States, consistent with current first amendment understandings. See *Brandenburg v. Ohio*, 395 U.S. 444.

⁷⁰ For skepticism about the importance of fake news in persuading and driving behavior, see Andrew Little, “Fake News, Propaganda, and Lies Can Be Pervasive Even If They Aren’t Persuasive.” <http://comparativenewsletter.com/>.

The responsibility for vigilance on fake news is easiest to see for platforms like Apple News that are both formally and functionally in the news business: formally, because they are in the business of certifying to users that they are concerned with veracity in the sources they provide access to; functionally, because they drive very substantial traffic to news sites. But similar reasoning applies to platforms that are formally in the search, blogging, or social network business, but that *function* as news providers—for example, Facebook, Twitter, and Youtube, as well as Google and other large portals.⁷¹ Because of their powerful role in providing the informational infrastructure of the informal public sphere, they have a responsibility to police fake news, even though their judgments are bound to be contentious (or at least contested) and even if the exercise of their responsibility comes at a cost of user engagement (less time on site and less advertising revenue). And such efforts may show some promise. In a recent analysis, Alcott, Gentzkow, and Yu argue that Facebook—by a mix of blocking, downgrading, and new user tools—cut engagements with fake news by 50% after the 2016 election, while Twitter shares have continued to rise.⁷² At the same time, a recent analysis of Twitter by Hindman and Barash argues that “most fake news on Twitter links to a few established conspiracy and propaganda sites,” so that deliberate action directed to a relatively small number of sites

⁷¹ On the importance to the public sphere of being functionally in the news business, even if not formally in the business of editing, see Robert Post, “Data Privacy and Dignitary Privacy: Google Spain, the Right to be Forgotten, and the Construction of the Public Sphere,” *Duke Law Journal* 67 (2018): 981-1072. For an effort to provide First Amendment protections for search engines for their editorial role, see *Jian Zhang v. Baidu. com Inc.*, 10 F. Supp. 3d 433 - Dist. Court, SD New York 2014. 342 (1989): “the First Amendment protects Baidu's right to advocate for systems of government other than democracy (in China or elsewhere) just as surely as it protects Plaintiffs' rights to advocate for democracy.”

⁷² Hunt Alcott, Matthew Gentzkow, and Chuan Yu, “Trends in the Diffusion of Misinformation on Social Media,” SIEPR Working Paper 18-029, September 2018.

could “greatly reduce the amount of fake news people see.”⁷³ (Twitter’s decision to release content, including 10 million tweets and 2 million images, GIFs, videos, and Periscope broadcasts, associated with 4600 accounts involved in information operations is the kind of action that could be helpful here.⁷⁴)

But we also need to be cautious. Though there are now several independent sources that identify fake news (sites), the categories are fluid, their judgments are contested, and the disagreements provoke concerns about viewpoint regulation (as has happened with hate-speech enforcement under Germany’s NetzDG⁷⁵). Moreover, platform regulation, especially by large, market-dominating players, may jeopardize Expression, Diversity, and Communicative Power, reproducing the deficiencies of the mass media’s narrow aperture world. Some views and some people—typically, if past is precedent, people with less power—are likely to bear the brunt of the regulations.⁷⁶ Moreover, the sheer scale of searching and messaging is so great that private censorship may be overwhelmed, thus executed arbitrarily. But there may be effective measures short of private censorship that foster greater regard for civility and promote it. Firms have begun experimenting with labelling sources as more or less reliable. They can promote stories and posts that they judge to be more truthful or publicly important and demote those those that have less reliable.

⁷³ Matthew Hindman and Vlad Barash, “Disinformation, ‘Fake News,’ and Influence Campaigns on Twitter,” Knight Foundation, Oct. 2018.

⁷⁴ https://blog.twitter.com/official/en_us/topics/company/2018/enabling-further-research-of-information-operations-on-twitter.html

⁷⁵ <https://law.yale.edu/mfia/case-disclosed/germanys-netzdg-and-threat-online-free-speech>

⁷⁶ Nadine Strossen, *Hate* [tk]; Corynne McSherry, Jillian York, and Cindy Cohn, “Private Censorship Is Not the Best Way to Fight Hate or Defend Democracy: Here Are Some Better Ideas,” <https://www.eff.org/deeplinks/2018/01/private-censorship-not-best-way-fight-hate-or-defend-democracy-here-are-some>.

Some have argued that efforts to encourage more democracy-enhancing behavior by companies is doomed by the political-economy of the digital public sphere; rhetoric aside, these companies have no particular interest in fostering a more participatory and deliberative democracy, and are simply too big to impose on. Bigness not only stifles innovation, drives mark-ups, and increases inequality⁷⁷; it also leads to out-sized political power that enables these large firms to resist measures (that might be advanced by users, legislators, or regulators) that would require them to help build a more democratic public sphere. Public policy, then, might involve neo-Brandeisian moves to revive competition policy, including greater efforts to police vertical integration, extending to retrospective merger review (think Facebook/Instagram).⁷⁸ In the face of increased market concentration and market power, such a revival makes good sense for a variety of reasons, including concerns about political influence and economic inequality, which would improve the background conditions for a democratic public sphere.

But would making the large social-media enterprises smaller—and invigorating competition—help *more specifically to democratize the digitally mediated* public sphere? Maybe. On the positive side: large platforms have extraordinary gatekeeping powers. In the United States, they operate under, and have defended, a regulatory regime that does not obligate them to provide First Amendment speech protections, while freeing

⁷⁷ Jan De Loecker and Jan Eeckhout, “The Rise of Market Power,” 24 August 2017; German Gutierrez and Thomas Philippon, “How EU Markets Became More Competitive Than US Markets,” <http://www.nber.org/papers/w24700>; Federico J. Díez, Daniel Leigh, and Suchanan Tambunlertchai, “Global Market Power and its Macroeconomic Implications,” IMF Working Paper WP/18/137; but see Carl Shapiro, “Antitrust Populism” [tk].

⁷⁸ For discussion, see Lina Khan [ref]; Sabeel Rahman, “Monopoly Men,” *Boston Review*; Tim Wu, *The Curse of Bigness: Antitrust in the New Gilded Age* (New York: Columbia Global Reports, 2018); Jonathan Tepper with Denise Hearn, *The Myth of Capitalism* (Hoboken: Wiley, 2019), esp. Conclusion.

them from intermediary liability under CDA 230.⁷⁹ That gives them enormous power to define, interpret, and enforce terms of service that users need to comply with on pain of exclusion. A larger number and variety of social media companies may improve Rights (by reducing concerns about viewpoint regulation) and increase Diversity. Looking forward, reducing the political influence of these large media companies might reduce the resource-backed lobbying and interest group hurdles to a broader regulatory project aimed at democratizing the digital public sphere.

But maybe not. Larger firms may be better able to pay the costs of stronger privacy rules (as under the GDPR⁸⁰), provide more easily identifiable targets for activists aiming to hold platforms accountable for bad behavior on the platform, and be better able to bear the costs of monitoring conduct on their sites. Contra Brandeis, bigness is not only a curse. Consider, for example, the application of retrospective merger review to Facebook's 2014 acquisition of WhatsApp. WhatsApp, which tripled its active user base to 1.5 billion users after the acquisition, has been implicated in troubling distribution of destructive lies in a variety of settings (despite the absence of all the features that Facebook critics point to as the source of trouble, end-to-end encryption, no News Feed, and no advertising).⁸¹ When the stories appeared about the distribution of lies through WhatsApp, Facebook made some efforts to address the problem by reducing message-forwarding from 250 people to 20 people. A separate WhatsApp—less visible after a

⁷⁹ For an argument in favor of modifying the blanket immunity provided by current interpretations of Section 230, see Danielle Keats Citron and Benjamin Wittes, [“The Internet Will Not Break: Denying Bad Samaritans Section 230 Immunity.”](#)

⁸⁰ For discussion of large and small firm compliance, see Craig McAllister, “What About Small Businesses The GDPR and Its Consequences for Small US-Based Companies,” *Brooklyn Journal of Corporate, Financial and Commercial Law*, 12, 1 (December 2017): 187-211.

⁸¹ <https://www.wired.com/story/why-whatsapp-became-a-hotbed-for-rumors-and-lies-in-brazil/>

breakup—may have been less likely to change the settings. Even more so if WhatsApp had been itself broken up into a dozen baby WhatsApp's.

Neo-Brandeisians might reasonably respond that each of these baby WhatsApps would have had many fewer users and so would have reduced the capacity for Truthfulness and Civility-destroying epistemic pollution in the first place.

On balance, we see promise in revived antitrust, mostly for its impact on the background conditions that create equal standing in public reasoning (see above, p.4). But think the jury is out on more direct effects on the digitally mediated public sphere.

Efforts by firms and regulators could also help democratize the digital public sphere by increasing users' privacy and security. Such measures would foster Expression by helping to protect speakers from suffering some actual and potential sanctions for holding unpopular views. They might increase Access and Diversity by reducing the power of data-driven algorithms to micro-target audiences and reinforce filter bubbles. As we indicated earlier, increasing user privacy and data security can also protect the public vigilance needed for building **communicative power**.

Here we think Apple sets a pretty high standard that social media companies could aspire to, with its policies of *data minimization*⁸²; *on-device processing*; *differential privacy*⁸³; *end-to-end encryption* (for iMessage and FaceTime); *information siloing*; and *re-*

⁸² Data minimization is also a GDPR requirement. See [Commission Regulation 2016/679, 2016 O.J. \(L 119\)](#), at para. 156: “[S]afeguards should ensure that technical and organisational measures are in place in order to ensure, in particular, the principle of data minimisation.”

⁸³ For an informal statement of Apple's differential privacy approach, see https://www.apple.com/privacy/docs/Differential_Privacy_Overview.pdf. For a more formal version, see <https://machinelearning.apple.com/docs/learning-with-privacy-at-scale/appliedifferentialprivacysystem.pdf>. For critical reflections, see <https://arxiv.org/pdf/1709.02753.pdf>.

*leasing upon request all user data.*⁸⁴ GDPR-type data-privacy regulations may help, but as Robert Post has argued,⁸⁵ the regulations of data privacy under Article 8 of the Charter cut pretty deeply into free expression and the availability of information relevant for public discussion. Moreover, they will arguably consolidate the power of large private firms.

The democratic qualities of the mass media public sphere relied largely on democratically responsible government action, the organization of large media companies, and the professional journalists who worked in them. Looking forward, much more of the burden of democratizing the digital public sphere, we think, must lie with users themselves (individually and in coordinated action). When professional journalists and editors dominated content production, they could (sometimes did) make the public sphere truth-regarding, common-good oriented, and civil in a workable if flawed and partial way. By dramatically reducing the costs of transmitting messages, the digital public sphere has opened the aperture of information and communication by expanding the universe of content producers from professional journalists to potentially everyone. Consequently, in the absence of efforts to impose significant frictions on access to information⁸⁶, the digital public sphere imposes greater burdens on individuals to distinguish information from manipulation, exercise greater restraint in deciding what to communicate, and greater willingness to sanction others who abuse these norms. This shift in burden of advancing the norms of the public sphere from professionals to citizens comes with the territory of

⁸⁴ Arguments about how an ad-driven business model put such efforts out of reach for some companies seem quite weak. Subscription business benefit from personal information and ad businesses can manage reasonably well with some restraint.

⁸⁵ Post, "Data Privacy and Dignitary Privacy."

⁸⁶ On frictions, see Roberts, *Censored*.

flatter communication at an unprecedentedly large scale, when a one-in-a-million event happens every few minutes. The technology does not determine our response, but it does create a large new challenge.

While firms (whether old or new media, or platforms that are functionally in the news business) can and should help users to behave as citizens in the public sphere, we will need bottom-up efforts that elicit the right kind of engagement and content-generation from users, rather than trying to achieve those results directly by either states or private companies determining which content is NSFD (Not Safe For Democracy). This apparently is a widespread view: a 2017 Gallup/Knight Foundation Survey found that “the public divides evenly on the question of who is primarily responsible for ensuring people have an accurate and politically balanced understanding of the news—48% say the news media and 48% say individuals themselves.”⁸⁷

Meeting this challenge, if it can be done at all, will be hard. To be sure, the digital public sphere is new, and part of what we are observing is not intrinsic to the new technologies, but a normal lag of social change (including norm change) to technological change. We have yet to articulate or adopt the intellectual and behavioral norms needed to engage constructively in this new, rapidly mutating medium, which was designed to generate advertising revenue and foster expression of all manner of direct communication, not as a forum for accurate news and political discussion.

Consider, for example, the concern we noted earlier about people understandably confusing quick mobilization and lasting collective power. This observation points to an occasion for learning. It takes time to learn how to operate effectively in a new techno-

⁸⁷ <https://knightfoundation.org/reports/american-views-trust-media-and-democracy>

logical environment: in this case, you have to learn how to extract the right signal from large mobilizations that take place quickly. The signal is not the same as in a world in which large mobilizations require greater advanced effort. But large, fast mobilizations are, after all, not all noise. The right conclusion is not that technologically-expanded opportunities are somehow hobbling the potential for collective action and contestation.

Other lessons are harder.

First, we need a better understanding of the kinds of communicative behavior that are appropriate for the digitally mediated public sphere, both in giving it real substance and in sustaining it. We sketched three very abstractly defined requirements, concerning truth, civility, and the common good. What do these norms imply for communicative responsibilities? In both the mass media and digital public spheres, truth-seeking requires citizens—who are now consumers, producers, and amplifiers—to be media-literate in the sense that they can distinguish information from propaganda.⁸⁸ The proliferation of sources and content—many of dubious quality and pedigree—make that task more challenging, and also more important. Aiding others' opportunities for Access to reliable information requires making some effort to check on the veracity of stories before liking or forwarding them.

In both the mass media public sphere and now, civility requires citizens to be open to contrary arguments and views and, if need be, to seek out dissonant perspectives. The norm of civility demands more from citizens now. Because of the interactive nature of the digital public sphere, citizens are more likely to be actually called upon to justify their

⁸⁸ For a useful synthesis of materials on media literacy, see Monica Bulger and Patrick Davison, "The Promises, Challenges, and Futures of Media Literacy," *Data and Society*, February 2018; for hesitations, see Danah Boyd, ["You Think You Want Media Literacy...Do You?"](#) March 2018.

views in suitable ways. Civility does not require being gentle or polite, but it does require a willingness to give reasons.

What about the commitment to the common-good? Though citizens will often disagree about what justice requires or the ends that society ought to pursue, a commitment to the common good means that citizens acknowledge that they have reasons to resolve these differences on a basis that respects the equal importance of others. This commitment entails that citizens support perspectives and policies that they believe will advance the common-good of all, not just a particular religion, interest group, class, profession, or political party.

Projecting this broad commitment into the digital public sphere, a common-good orientation will often require citizens to avoid narrow news diets.⁸⁹ It is insufficient to consume only the information that favors one's own views. A common-good orientation requires citizens to be attentive to a broader array of information in order to be able to form views and make judgements about what will be good for all society, not just good for one's self. Doing that, in turn, requires learning about the interests, perspectives, and pain of others. For example, as Richard Rorty argued, we should seek out information that reveals the cruelty that both social practices and our own behaviors cause to others.⁹⁰ The commitment to common-good thus requires citizens to inhabit parts of the digital public sphere that are common in the sense that they encounter information from diverse perspectives. Citizens should help create these common spaces by putting forth views and perspectives that appeal to each-other rather than to narrow interests and

⁸⁹ Many people already do not have narrow diets. Guess, "(Almost) Everything in Moderation."

⁹⁰ Richard Rorty, *Contingency, Irony, and Solidarity* (Cambridge; New York: Cambridge University Press), 1989.

commitments. Broad adherence to such common good orientated behaviors would foster greater Access, Expression, and perhaps Diversity in the digital public sphere.

These norms are not self-generating or self-sustaining. And even individuals who are committed to truthfulness, civility, and the common good might not have the capacities to act effectively on those commitments, especially in a world of flatter communication at an unprecedentedly large scale, or the motivations, particularly if they do not expect comparable efforts by others. Educators and students of information and communication could help by developing updated methods (standard operating procedures) that enable citizens to better discern reliability and relevance in the digital environment. Formal and popular education could help spread those methods widely. Second, such normative and prescriptive accounts ought to be part of *civic education and socialization*. Just as many people learn how to treat one another decently and engage politically in families, clubs, and classrooms, so they should learn how to engage democratically in the digital public sphere. Democratic norms should be part of digital literacy. Whether people act on those norms will depend on social sanctions and inducements. But clear rules of thumb and expectations would help individuals direct their own attention and offer them an important ethical dimension of judgement and guide their expressions of approval or disapproval. Moreover, third party organizations—analogue to independent organizations that have emerged around fake news and open educational resources—might call-out content or users that violate norms or demote the priority of such posts on news feeds.

Companies could also design platforms and offer tools to help citizens acquire the communicative norms described above.

First, platform operators and third parties could provide tools to help *users* understand their on-line behavior. What is the quality and veracity of their information diet (insofar as that can be reasonably assessed)? Do the articles and posts they view conform to—or largely depart from—norms of truthfulness, common-good, and civility? How much do users’ own posts, likes, and rebroadcasts conform to those norms? How can they use the vast amounts of high-quality information on the internet to cross-check and verify stories that are novel, suspect, or too good to be true (or too bad to be false)? Without limiting expression, such tools would help citizens understand and manage their communicative choices.

Second, platform providers and others should seek to support sources (including journalists and journalism) that prove themselves to be reliable and informative. The most obvious form of support is financial—by creating better ways for good professional and citizen journalists to monetize their work, perhaps through subscription bundling. But support can also come in the form of recognition, tools to help users identify and reward reliable sources, and incorporating reliability and other measures of quality into newsfeed algorithms.

Third, filter-bubbles, homophily in social networks, and confirmation-bias reinforcing newsfeed algorithms all exacerbate the in-group loyalties and out-group hostilities that undermine civility. Users may prefer to view information that confirms views and providing such confirmation may maximize user “engagement.” Still, platform architects should seek to expose users to ideas that lie outside their familiar territory, and to content that is visibly common (like Apple News’ Top Stories). Such exposure, we hope, would foster important components of civility such as explanation, understanding, and reasoning.

6. Final Thoughts

We have examined the implications for a demanding conception of a democratic public sphere of digital information and communication technologies (and the social, economic, organizational framework in which they have evolved). We have been exploring whether and how those demanding democratic commitments provide guidance in thinking about how to make the effects of those technologies less democratically destructive, and, more ambitiously, how to make them deliver more constructively on their erstwhile democratic promise.

In service of that inquiry, we have tried to clear away some gauzy romanticism about the mass media public sphere. But baseline-relative comparison is not where the real action is. And on the ideal-regarding assessment, our thinking is (as is evident) unsettled. Resisting techno-dystopian defeatism, we have said a few things—in a designer’s spirit—about what might help to advance a democratic promise by fostering the rights, opportunities, norms, and dispositions of a democratic public sphere. Much more needs to be said. But when all is said, what is needed may not be possible, at least not now, with vast inequality, deep social fragmentation, highly concentrated new media, and representative democracies of uncertain functionality. So perhaps we have not landed in an especially hopeful place, but rather in Kafka’s place:

‘I remember,’ Max Brod writes, ‘a conversation with Kafka which began with present-day Europe and the decline of the human race. “We are nihilistic thoughts, suicidal thoughts that come into God’s head,” Kafka said. This reminded me at first of the Gnostic view of life: God as the evil demiurge, the world as his Fall. “Oh no,” said

Kafka, “our world is only a bad mood of God, a bad day of his.” “Then there is hope outside this manifestation of the world that we know.” He smiled. “Oh, plenty of hope, an infinite amount of hope—but not for us.”⁹¹

⁹¹ Walter Benjamin, *Illuminations*, p. 115.