1989

The Electronic Commonwealth: The Impact of New Media Technologies on Democratic Politics

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THE ELECTRONIC COMMONWEALTH: THE IMPACT OF NEW MEDIA
TECHNOLOGIES ON DEMOCRATIC POLITICS. By *Jeffrey B. Abramson,*
F. Christopher Arterton, and *Gary R. Orren.* New York: Basic Books.
1988. Pp. xvi, 331. $21.95.

The Information Age is upon us, and among the many familiar
things being transformed by communications technology is American
politics. *The Electronic Commonwealth,* by Jeffrey B. Abramson,[1] F.
Christopher Arterton,[2] and Gary R. Orren,[3] is the report of a three-
year study, sponsored by Harvard University's Institute of Politics,
that evaluates the effect of "new media technologies" on politics and
democracy in the United States.

Professors Abramson, Arterton, and Orren establish three goals
for their book: (1) to describe the ongoing technological transforma-
tion of our politics and government; (2) to evaluate the effect of these
changes on American democracy; and (3) to propose legislative and
regulatory reforms that would "reorient mass communications toward
more robust democratic service . . ." (p. 31). These goals are impor-
tant, but *The Electronic Commonwealth* falls short of satisfying them.
Although the book describes the technological changes at work, it fails
to analyze fully the implications of these changes or to offer a set of
policy recommendations to match its descriptive and normative con-
clusions. The book, however, undertakes a much-needed discussion
about the impact of communication technologies and how policymak-
ers can use communications policy to strengthen American
democracy.

The Electronic Commonwealth is brimming with anecdotes illus-
trating the many political uses of the new technologies, which include
satellite broadcasting and satellite relays, computerized data bases and
computer-generated mail, and campaign cable-casting.[4] This account
is interesting and informative, but just how widespread and how sig-
nificant are these developments? The book lacks statistical data, mak-

1. Associate Professor of Politics, Brandeis University. Professor Abramson is also the au-
thor of LIBERATION AND ITS LIMITS: THE MORAL AND POLITICAL THOUGHT OF FREUD
(1984).

2. Dean of the Graduate School of Political Management, New York City. Professor
Arterton has also written TELEDEMOCRACY: CAN TECHNOLOGY PROTECT DEMOCRACY?
(1987) and MEDIA POLITICS: THE NEWS STRATEGIES OF PRESIDENTIAL CAMPAIGNS (1984).

3. Associate Professor, John F. Kennedy School of Government, Harvard University, and
Associate Director of the Joan Shorenstein Center on Press, Politics, and Public Policy. His
other books include: MEDIA AND MOMENTUM: THE NEW HAMPSHIRE PRIMARY AND NOMI-
NATION POLITICS (G. Orren & N. Polsby eds. 1987) and G. ORREN & S. VERBA, EQUALITY IN
AMERICA: THE VIEW FROM THE TOP (1985).

4. The book also discusses video equipment, "pay" television, low-power television, VHF
"drop-in" stations, videotext, teletext, lasers, fiber optics, and other technologies.

ing it difficult for policymakers — clearly part of the book's intended audience — to evaluate the true significance of the changes.

The authors aim to do more than merely describe the new technologies, though; they strive to evaluate the effect of these technologies on democratic government. The book chronicles a "steady parallel" (p. 67) between technological change and political development in the United States. The authors conclude that television has contributed to the development of a political system where direct primary elections have largely supplanted political parties in selecting party nominees, where voters "increasingly behave like atomized individuals" (p. 87), and where political consultants use polling and direct mail to target voters and win support for candidates and special interest policies. These changes, they argue, have pushed the United States toward "electronic plebiscitary democracy."[5] Their fear of this perceived development drives their analysis throughout the book.

In the preface, the authors express a strong commitment to the current state of civil liberties in the United States, calling the achievement of these liberties "heroic, even epic" and "the distinctive American contribution to the meaning of liberty . . . whose importance cannot be overstated" (p. xiii). They strongly favor democratic pluralism over plebiscitary or communitarian democracy because they believe it best guarantees these liberties.[6] Pluralism, they assert, fosters group identities, but safeguards civil liberties better than the "crudely majoritarian" plebiscite and avoids the exclusionary aspects of communitarianism.[7]

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5. The phrase comes from an editorial in the *The New Republic,* which the authors quote at length:

> The most striking feature of . . . electronic plebiscitary democracy is direct, continuous, highly intense communication between Presidents (and would-be Presidents) at one end, and scores of millions of people at the other. The politicians reach the people via television; the people reach the politicians via polls. . . . The people act almost solely in their capacity as atomized individual television-watchers, and scarcely at all in their capacity as citizens of states and communities or members of political parties or other voluntary associations.

Pp. 90-91 (quoting *The Electronic Plebiscite,* THE NEW REPUBLIC, Oct. 29, 1981, at 8). Not surprisingly, *The New Republic* has praised *The Electronic Commonwealth. See Sound-Bite Democracy,* THE NEW REPUBLIC, Dec. 12, 1988, at 7, 8.

6. *See* pp. 19-31. The authors describe pluralism as democracy "based on the principle of free competition among groups" but without a "classical conception of the common good." P. 27. Communitarian democracy, which recalls the virtues of the New England town meeting, uses citizen participation, deliberation, and persuasion to reorient politics toward the "common good." Pp. 22-26. Plebiscitary democracy is essentially direct democracy, and is characterized by primaries and referenda, and, less officially, by public opinion polls. Pp. 19-22.

7. Pp. 22, 25-26. The authors presuppose a link between pluralism and representative government — "an arrangement," they candidly admit, "whereby elites 'acquire the power to decide by means of a competitive struggle for the people's vote.'" P. 19 (quoting Schumpeter, *Democracy as Elite Competition,* in FRONTIERS OF DEMOCRATIC THEORY 40 (H. Kariel ed. 1970)). *The Electronic Commonwealth* contains little discussion of the constitutional separation of powers and the role of the courts in safeguarding individual liberties from majorities. Thus, the role of these institutions in offsetting the troubling aspects of communitarian and plebiscitary democracy is not explored.

The authors, however, also feel that American politics suffers from selfishness and alienation. They believe in the existence of a "common good" that is something more than pluralism's "group warfare" (p. 27) or plebiscitary democracy's sum of atomized individual preferences. They finesse the conflict between individual freedom and the politics of community by defining the "public good" that unites us as nothing more than our joint commitment to democratic *process.* They call this vision of democracy "pluralism with a communitarian face" (p. 30), but it is a highly individualistic and implicitly elitist democracy, one with a razor-thin view of community.[8] This view limits both their diagnosis of what's wrong with our current democratic system and their proposals for policy reform.

Given their preferences, it is not surprising that the authors advocate more "civic education" along with efforts to increase citizen participation in government (pp. 210-14). Such "education" presumably would include teaching that many value choices are out-of-bounds for majoritarian decisionmaking because they infringe on individual liberties. The authors try to mask these elitist concerns, but their anxiety emerges clearly, as expressed in a quote from Ithiel de Sola Pool: "If citizens are brought, by effective personal participation, to the point of caring very deeply about political outcomes, then there had better not be too many important decisions, for every time one is made there are losers as well as winners."[9]

Direct participatory democracy — from primaries and referenda to polls and instant voting via television — is bad, the authors argue, because it promotes selfishness and alienation. One suspects, however, that lurking behind this opposition to plebiscites is a concern that direct forms of participation might be used to raise economic and social issues that cautious representative governments often avoid.[10] Kristin Luker's study of California pro-life activists,[11] cited in *The Electronic Commonwealth* (pp. 126-27, 160), suggests what its authors may have to fear. Luker reported that new and inexpensive technology enabled low- and middle-income women, groups with traditionally low partici-

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8. The ideal of democracy embraced by the authors has been criticized by other theorists. *See, e.g.,* A. MACINTYRE, AFTER VIRTUE (1981); M. SANDEL, LIBERALISM AND THE LIMITS OF JUSTICE (1982); *see also* B. BARBER, STRONG DEMOCRACY: PARTICIPATORY DEMOCRACY FOR A NEW AGE (1984).

9. P. 61 (quoting de Sola Pool, *Citizen Feedback in Political Philosophy,* in TALKING BACK: CITIZEN FEEDBACK AND CABLE TECHNOLOGY 244 (I. de Sola Pool ed. 1973)).

10. The ballot initiative has been used increasingly to place controversial social issues and populist economic proposals onto the public agenda. In 1988, for example, Michigan voters approved a referendum that would ban state funding of abortions except to save the life of the mother. In addition, California voters adopted a plan to reduce automobile insurance rates by 20 percent. A second California referendum, which failed, sought to require that doctors and hospitals report positive test results for the AIDS virus to state health officials. N.Y. Times, Nov. 10, 1988, § 1, at 13, col. 1.

11. K. LUKER, ABORTION AND THE POLITICS OF MOTHERHOOD (1984).

pation rates, to become more politically active in the pro-life movement.[12] The authors seem ambivalent about this greater involvement, perhaps because these new activists pressed for a rollback of one of the civil liberties they seem committed to preserving.

The authors' preoccupation with the dangers of more direct political participation[13] distracts them from thoughtful consideration of the very real problems with the current level and quality of participation in the United States. For example, they repeatedly attribute low rates of political participation to a lack of citizen interest in politics (pp. 41, 97). They never document this assertion, however, and even ignore some of their own hopeful evidence to the contrary.[14]

The authors also ignore contradictory evidence about the level of citizen interest in public affairs. They discount the value of local news programs (as much as three hours each weekday in many places) and ignore the boom both in talk shows built around news and social trends (many with call-in opportunities) and in entertainment-oriented news programs (often about controversial topics).[15] Such programs indicate greater public interest in current events than the authors' narrow definition of "public affairs" programming will admit. In their rush to blame the victim, the authors never consider the possibility that their vision of modern liberal democracy (essentially the American status quo) places *too many* value choices outside the bounds of majoritarian decisionmaking and thereby removes from the political sphere *too much* of what makes political participation meaningful to people.

The Electronic Commonwealth, finally, is a disappointing guide for policymakers. The authors decry the current state of American democracy, but they fail to recommend a set of policy reforms to match

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12. A "rollover" feature on the pro-life organization's telephone, which switched incoming calls to volunteers working at home, facilitated the group's activism. Home computers stored mail and telephone lists for generating letters to Congress. Arrangements with banks allowed donors to have $5 or $10 automatically transferred to the organization each month, providing the group with a stable financial base. The result of all this was that the women were able to participate primarily from home. They attended only four meetings a year, instead of ten, the average for this kind of group. Pp. 126-27 (citing K. LUKER, *supra* note 11).

13. The authors overreact to arguments made by advocates of more direct democracy, in particular futurists John Naisbitt and Alvin Toffler and democratic theorist Benjamin Barber. They give too much credence to the forecasts of Naisbitt and Toffler, who have declared representative government "obsolete." Pp. 164-65 (quoting J. NAISBITT, MEGATRENDS: TEN NEW DIRECTIONS TRANSFORMING OUR LIVES (1982) and A. TOFFLER, THE THIRD WAVE (1980)). While the authors draw on Barber's ideas, they do so selectively. *See* B. BARBER, *supra* note 8.

14. The book, for example, cites a study showing that, of homes receiving C-SPAN, the cable public affairs channel, five percent watched more than twenty hours per month. An additional thirteen percent of the homes watched between five and twenty hours per month, while another twenty percent watched between one and five hours per month. P. 143.

15. Contemporary affairs interviewers include Oprah Winfrey, Phil Donohue, and Sally Jessy Raphael. CNN has Sonya Friedman and Larry King. C-SPAN, meanwhile, devotes several hours daily to call-in interviews with newsmakers and journalists. *See generally* Scardino, *A Debate Heats Up: Is It News or Entertainment?,* N.Y. Times, Jan. 15, 1989, § 2, at 29, col. 1.

their diagnosis. The book offers few concrete proposals. Its policy chapters, furthermore, focus primarily on cable television and neglect the other "new media," which were the subject of much of the earlier discussion.

The authors explore the history of two competing first amendment values: autonomy and access (pp. 239-73). Press autonomy, the older of the two values, has been enshrined as the primary first amendment concern. Access, the newer value, has never received full protection because regulation would be needed to police such a right. Opponents of government regulation of the media raise the spectre of manipulation and censorship,[16] but regulation is not inherently evil. *The Electronic Commonwealth* makes this point nicely by analyzing two foreign media systems: Great Britain's government-owned and operated British Broadcasting Corporation (BBC) (pp. 198-202) and the less well-known Dutch system (pp. 202-08).

In the Netherlands, the government owns the transmitters, but private, independent groups produce eighty percent of the programming. These groups tend to be organized along religious and political lines. Air time is allocated by a government agency using a formula that measures group membership and audience size.[17] The Dutch model is reported as an example of how a broadcast system might be structured to reinforce pluralist diversity. The British model, in contrast, emphasizes citizen education and promotes communitarian democracy. Despite their shortcomings,[18] these two different broadcast systems demonstrate that government involvement can *promote* democratic values.

The United States, of course, has a very different system, "the most laissez-faire broadcasting in the world" (p. 197). The authors convincingly recite the negative effects on democracy of private ownership and control of the media. The desire to build a mass audience drives pri-

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16. *See, e.g.,* L. POWE, AMERICAN BROADCASTING AND THE FIRST AMENDMENT 121-41 (1988) (recounting President Richard Nixon's numerous efforts to intimidate and obtain more favorable coverage from the three major broadcast networks). Advocates of government intervention to reduce inequalities in access respond that Powe and others are overly concerned about the danger of government manipulation and give too little weight to the negative effects of commercial control on access and diversity. *See, e.g.,* Carter, *Technology, Democracy, and the Manipulation of Consent* (Book Review), 93 YALE L.J. 581 (1984); Fiss, *Why the State?,* 100 HARV. L. REV. 781, 787-90 (1987).

17. Pp. 202-08. The law allots 70 percent of broadcast time to organizations with membership of 150,000 or more. Ten percent of air time is distributed to minority groups, including charities and emerging political movements, and the final 20 percent is filled with government programming.

18. The BBC has been the target of some controversial government attempts at censorship, notably an effort in 1985 to ban a program that featured an interview with an Irish Republican Army spokesman. Pp. 230-31. The Dutch example shows that even public ownership and subsidized access will not entirely eliminate the incentive to maximize audience share with entertainment. New independent groups that emphasize entertainment are drawing an increasingly large audience share. Pp. 204, 221.

vate broadcasters to prefer entertainment over public affairs programming and to avoid political controversy.[19]

Private control of the media in the United States is entrenched, but the rise of cable has reopened the debate over the merits of greater public control. Cable has revived the push for broadcast deregulation because its multi-channel carrying capacity seems to deprive the current regulatory system of its original justification: channel scarcity. Yet as the authors recognize, even if the scarcity rationale fails,[20] the stifling effect of private ownership on the discussion of public issues will continue to justify some form of regulation.[21]

Paradoxically, given its almost unlimited carrying capacity, cable television raises new concerns about access and programming diversity. As an incentive to undertake the large economic investment needed to wire an entire community, municipalities grant cable operators near-total control over the programs they carry, requiring only the set-aside of a few channels for "public access." This arrangement has worked reasonably well, but the courts[22] and, more recently, the Federal Communications Commission (FCC) (pp. 261-62), have cast doubt on the ability of local communities to exact even such minimal concessions from cable franchisees.

The authors lean toward regulating cable operators as "common carriers," with channels sold on a nondiscriminatory basis to the highest bidders and with limits on the number of channels any owner can control (pp. 265-68). In 1984, Congress passed the Cable Communi-

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19. Pp. 284-90. These arguments are not new. *See, e.g.,* Fiss, *supra* note 16, at 788; *see also* CBS v. Democratic Natl. Comm., 412 U.S. 94, 187 (1973) (Brennan, J., dissenting) ("[I]n light of the strong interest of broadcasters in maximizing their audience, and therefore their profits, it seems almost naive to expect the majority of broadcasters to produce the variety and controversiality of material necessary to reflect a full spectrum of viewpoints.").

20. Scarcity probably never was the strongest argument for broadcast regulation. *See, e.g.,* L. POWE, *supra* note 16. For a response which argues that, despite cable and other new outlets, scarcity remains a valid justification for media regulation, see Carter, *supra* note 16, at 598.

21. Pp. 28-29. Here, again, the authors follow a large body of scholarship. *See, e.g.* Barron, *Access to the Press — A New First Amendment Right,* 80 HARV. L. REV. 1641 (1967); Bollinger, *Freedom of the Press and Public Access: Toward a Theory of Partial Regulation of the Mass Media,* 75 MICH. L. REV. 1 (1976); Carter, *supra* note 16; and Fiss *supra* note 16.

22. In FCC v. Midwest Video Corp., 440 U.S. 689 (1979), the Supreme Court struck down a Federal Communications Commission regulation requiring cable systems with more than 3,500 subscribers to set aside from one to four channels for educational, local government, and "public access" purposes. The Court skirted the constitutional question, but held that the FCC lacked statutory authority to impose such rules. In Home Box Office, Inc. v. FCC, 567 F.2d 9, 46 (D.C. Cir. 1977), *cert. denied,* 434 U.S. 829, the U.S. Court of Appeals for the District of Columbia rejected the scarcity rationale for regulation and struck down restrictions on cable pay programming on first amendment grounds, stating that "nothing in the record . . . suggest[s] a constitutional distinction between cable television and newspapers . . . ." If endorsed by the Supreme Court, this reasoning could sound the death-knell of cable "public access" requirements as well. *See* pp. 251-52 (discussing these cases); *see also* Quincy Cable TV, Inc. v. FCC, 768 F.2d 1434 (D.C. Cir. 1985), *cert. denied,* 476 U.S. 1169 (1986) (striking down on first amendment grounds "must-carry" rules, which required cable operators to transmit to subscribers all local over-the-air broadcast signals).

cations Policy Act,[23] which imposed some common carrier require-
ments on cable operators. Cablecasters, however, claim that these
requirements are constitutionally invalid, and the federal courts seem
sympathetic to this argument.[24]

Ironically, the American liberal dedication to press autonomy and
private control provides much of the intellectual materiel for profit-
minded media programmers seeking to shrug off government regula-
tion. The authors of *The Electronic Commonwealth* are not insensitive
to this irony, stating:

> Praise of press autonomy can degenerate into a rather flippant identifica-
> tion of the First Amendment with the politics of deregulation. Nowhere
> is this flippancy more apparent than in the self-serving invocations of the
> First Amendment and the autonomy tradition made by cable operators
> in defense of their right to control each and every one of their system's
> channels. [p. 273]

In retreat from their early, unqualified endorsement of strong individ-
ual civil liberties, the authors thus argue: "[T]he First Amendment
must make its peace with government regulation of programming con-
tent. . . . Nothing in the new technology itself convinces us that the
need for government oversight of the prerogatives of private corporate
power is now magically at an end" (p. 273). Yet the extent of cable
regulation allowed by the first amendment is uncertain, and the au-
thors note that a Supreme Court ruling would do much to "clarify
expectations" (p. 268).

Abramson, Arterton, and Orren argue that an exclusive focus on
press autonomy produces too little discussion of important public is-
sues. They believe that some government regulation of the new media
is needed to modulate the forces of the market and to promote such
discussion. Whatever the problems with the current regulatory struc-
ture, they state, *de*regulation is not the answer.

The outlook for reform, however, is bleaker than the authors rec-
ognize. The market forces they identify will work against efforts to
regulate or otherwise increase public control of the "new media."
And the authors fail to consider a second key obstacle: the self-inter-
est of elected officials, who stand to lose from more vigorous debate of
public issues and increased coverage of political challengers.[25] The
stake that incumbents have in political coverage justifies a healthy
skepticism about media reform proposals that gain support in Con-

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23. Pub. L. No. 98-549, 98 Stat. 2779 (codified as amended at scattered sections of 15, 18, 46, 47, and 50 U.S.C.); *see* pp. 267-68.

24. *See supra* note 22.

25. In 1988, 98.5 percent (402 of 408) of the House incumbents who ran for reelection won. In the Senate races, 85 percent (23 of 27) of those who sought reelection won. N.Y. Times, Nov. 10, 1988, § 2, at 7, col. 1. These figures point to a troubling lack of competition in congressional elections.

gress.[26] It may also help explain Congress's opposition to eliminating the Fairness Doctrine, which theoretically promotes public discussion, but which, in practice, probably stifles it.[27]

Since self-interest is at work not only in the private sector, but in Congress as well, the obstacles to pressing the new media into "more robust democratic service" (p. 31) are substantial. Nevertheless, would-be reformers have little choice but to work through elected officials. The FCC, which unilaterally abandoned the Fairness Doctrine in 1987, favors deregulation. And the courts, even were they more sympathetic to the problem of access, lack the expertise and institutional structure needed to enact and oversee access-promoting reforms.

The solutions that Abramson, Arterton, and Orren propose are neither specific enough, nor strong enough, to solve the problems they identify. *The Electronic Commonwealth,* however, performs a valuable task. It may not provide all the answers, or even the right answers, but it nonetheless addresses a vitally important question: "[I]n an age of media giants of the ilk of CBS or *Time,* does the end value of a rich and robust public debate require government today to play an active role in legislating public access to the media" (p. 241)?

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26. A classic example is the "Clean Campaign Act," first introduced in 1985, when it was sponsored by a bipartisan group that included U.S. Senators Ernest Hollings (D-S.C.), Barry Goldwater (R-Ariz.), Paul Simon (D-Ill.), and John Danforth (R-Mo.). The proposal sought to require that political candidates appear *in person* when running advertisements that refer to their opponent. Purportedly, the plan was aimed at promoting more meaningful discussion, but it is no coincidence that it would have largely prohibited short, "negative" political spots, one of the few truly effective weapons in the challenger's campaign arsenal. *See* Simonian, *FCC Watch: Hatchet Ads on the Block,* CAMPAIGNS & ELECTIONS, Summer 1985, at 61.

27. *See* pp. 245-47 (discussing the FCC's repeal of the Fairness Doctrine in 1987 and the congressional opposition it triggered).