The Dewey-Lippmann Debate Today: Communication Distortions, Reflective Agency, and Participatory Democracy*

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In this article, I introduce the Dewey-Lippmann democracy debate of the 1920s as a vehicle for considering how social theory can enhance the empirical viability of participatory democratic theory within the current context of advanced capitalism. I situate within this broad theoretical framework the theories of Habermas and Dewey. In the process, I argue (a) that while Dewey largely failed to reconcile his democratic ideal with the empirical constraint of large-scale organizations, Habermas, in particular his work on the public sphere, provides an important starting point for considering the state of public participation within the communication distortions of advanced capitalism; (b) that to fully understand the relation between communication distortions and public participation, social theorists must look beyond Habermas and return to Dewey to mobilize his bi-level view of habitual and reflective human agency; and, finally, (c) that the perspective of a Deweyan political theory of reflective agency best furthers our understanding of potential communication distortions and public participation, particularly in the empirical spaces of media centralization and intellectual property rights.

From Mosca (1939) and Weber (1946) to Schumpeter (1950) and Lipset (1994), social theorists and political sociologists have long articulated a modern vision of democracy explicitly designed to be compatible with complex, industrialized societies. This view of democracy emphasizes stability, bureaucratic decentralization, and the competitive election of elites, while minimizing the role of public participation in the political process. This theory of democracy, variously termed “democratic elitism” (Bachrach 1980) and “competitive elitism” (Held 1987), continues to enjoy a position of primacy, though not outright dominance, within empirically-based studies of democracy. While Pateman’s (1970) more than three-decade-old observation that democratic elitism represents an orthodox doctrine within democracy scholarship appears finally outdated in light of a surge of important work on civil society (cf. Alexander 1993, 1990) and the public sphere (Eliasoph 1996; Calhoun 1992), a thorough investigation of the empirical literature on democratization, as well as a quick perusal of the establishment quarterly *Journal of Democracy*, indicates that participatory models of democracy remain somewhat—though not entirely, as the cases cited above demonstrate—marginalized within...
mainstream empirical sociology. One significant reason for this marginalization is that Weber (1946), by way of his gloomy “iron cage” thesis of instrumental rationalism in modern society, has largely dictated the terms of the debate; participatory democracy, as a result, is often regarded as theoretically and, even more so, empirically unviable in the midst of the growing complexity and bureaucratic rationalism of advanced capitalist society.

How, then, can social theorists enhance the perceived legitimacy of participatory democratic theory, that is, make participatory democratic theory more empirically viable within the current context of advanced capitalism? This article neither attempts nor claims to definitively answer this question, but rather works within its framework to build upon the already existing evidence indicating that participatory democratic theory is enjoying a comeback. First, scholarly interest in John Dewey, an important early-20th-century theorist of participatory democracy, appears to be resurgent after remaining dormant for decades. Three major intellectual biographies of Dewey were written in the 1990s. Dewey’s views on democracy play pivotal roles in each of these biographies. For example, one of the biographers, Westbrook (1991), presents in some detail the public debate of the 1920s between Dewey and the journalist Walter Lippmann, an articulate spokesperson for the elitist model of democracy. Second, the return of participatory democratic theory is further evidenced and advanced by the work of Habermas (1987, 1984) and his attempt to counteract Weber’s gloom by constructing an alternative view of modern rationality. Contemporary social theorists, drawing upon Habermas’s theory of communicative rationality, have in recent decades begun to develop a theory of deliberative democracy that emphasizes the discursive elements of political legitimacy (Benhabib 1996; Dryzek 1990).

This article builds upon both Dewey and Habermas in its attempt to understand the contemporary potential for public participation in an advanced capitalist society characterized by large-scale organizations and corporate structures, specifically the communication distortions that arise in part from corporate control of information production and distribution. To do so, we shall proceed in three sections. In the first section, the Dewey-Lippmann debate of the 1920s is presented not as an over-and-done historical event in the way that Westbrook (1991) largely approaches it, but as a theoretical framework that will serve as a point of departure toward exploring the potential for public participation within the modern context of the growth of large-scale organizations. This objective leads us to critique and momentarily set aside the

1For works representative of the “democratization” literature, see Huntington (1991) and Diamond, Linz, and Lipset (1989). Many of the democratization scholars sit on the editorial board of the Journal of Democracy (2004), a privately-funded journal closely linked to the nonprofit, government-supported National Endowment for Democracy. One recent issue of the journal (October 2004) devoted seven valuable articles to debating the merits and limitations of a scholarly emphasis upon issues of democratic quality. However, the limitations of these articles, as well as the limitations of the more general literature on democratization, in exploring how to deepen the ways in which citizens experience democracy is revealed in the consistent and unwavering privilege these authors tend to grant two theoretical works—Schumpeter’s (1950) Capitalism, Socialism, and Democracy and Dahl’s (1971) Polyarchy: Participation and Opposition, particularly favored among the Journal authors—that together arguably serve as the theoretical foundation of democratic elitism. Tellingly, while participation as a democratic ideal is discussed at certain points, none of the seven articles on democratic quality references a participatory democratic theoretical or empirical work.

2Social scientists at the end of the 20th century have reacquainted themselves not just with Dewey, but with the American pragmatist perspective in general (Gross 2002; Caspary 2000; Sjoberg et al. 1997; Kloppenberg 1996; Diggins 1994; Joas 1993). This reawakening follows on the heels of five decades or so of disinterest in pragmatist thinking. As Westbrook (1991) and Gross (2002) point out, philosophy departments following World War II took a decidedly positivist and analytical turn. The professionalization and highly technical nature of philosophy were not conducive to pragmatism’s ethical and social concerns.
essentially normative approach of Dewey and engage with Habermas. In the second section, then, we turn to Habermas, though not to his recent work on communicative rationality. Instead, we examine primarily his much earlier investigation of public political life in *The Structural Transformation of the Public Sphere* (Habermas [1962] 1989). Seen as Habermas’s most empirical work to date (Calhoun 1992), *Structural Transformation* provides for us an invaluable first step in understanding the relation between social structural realities and public potential for democratic participation. Indeed, Habermas much more than Dewey furthers our empirical understanding of the social structural constraints under which democracy exists in advanced capitalism and in particular serves to introduce the problem of communication distortions. But despite the empirical focus of the book, its ability to enhance our social understanding of the relation between these distortions of communication and public participation is limited due to its narrow, closed-ended theoretical focus on consensus and rational-critical debate. In brief, I argue that rational-critical debate appears inherently susceptible to system-level manipulation resulting from distortions of communication and thus potentially contributes to the crisis of the public sphere as much as it presents us with a way to combat it.

Thus, in the third section, I posit that social theorists can best confront the constraints under which democracy lives in advanced capitalism not through a Habermasian focus on rationality and consensus, but by returning to Dewey and building upon his bi-level notion of human agency, consisting of *habitual* and *reflective* intelligence. In doing so, we begin the work of constructing a political theory of agency, in which the sociological concept governing the potential for broad public participation becomes neither rationality nor consensus, but reflective human agency. More specifically, seen this way the pivotal question regarding democracy’s ability to overcome communication distortions surrounds the social distribution of Dewey’s second level of agency, *intelligent and critical reflective thought*. In relation to the more or less reactionary nature of rational-critical debate, reflective agency is dynamic and open-ended and thus potentially more capable of resisting system-level manipulation and distortion.

Finally, I conclude the article by outlining two structural spaces in which we can examine contemporary communication distortions—the expansion of intellectual property rights and the rapid growth of media conglomerates—to reframe future research of both around the extent to which they delimit the capabilities of citizens to engage in critical and reflective agency. I present these two illustrative cases as a means to (a) show the superiority of highlighting a Deweyan political theory of human agency in furthering our understanding of contemporary communication distortions and (b) suggest a possible framework for struggling with these two empirical issues that might further our understanding of the relationship between communication distortions and democracy and ultimately assist us in constructing an empirically viable theory of participatory democracy.

**LIPPMANN AND DEWEY**


Before we consider the differences, it is important to note that Lippman and Dewey shared some common ground. For one, both framed their arguments in opposition to the actual condition of democracy. Neither saw in American politics a particularly
Thriving democratic process. It is less in their critique, then, and more in their prescriptions that Dewey and Lippman departed. Second, Dewey thought highly of Lippman’s challenge, calling *Public Opinion* “the most effective indictment of democracy as currently conceived ever penned” ([1922] 1976:337). Dewey’s affinity probably stems from Lippmann’s own concern with philosophical problems similar to those with which Dewey struggled—namely, the problems of truth and knowledge within a reality that is socially constructed. Lippmann, then, challenged Dewey on Dewey’s own philosophical grounds. Hence, let us consider in some depth the Dewey-Lippmann debate while simultaneously paying attention to current discourse.

The Nature of Human Nature and the Nature of Democracy

In a fundamental sense, the debate between Dewey and Lippmann revolves around their opposing views of (a) the nature of human nature and (b) the nature of democracy and its social function. Lippmann viewed human nature as passive and basically irrational. In contrast, Dewey clung to a view of human nature that emphasized its active, experiential, and rational nature.

Likewise, Lippmann and Dewey held differing notions as to the nature of democracy itself. Whereas Lippmann saw democracy solely as a means to an end (primarily to a stable and peaceful political and social order), Dewey conceived democracy as both a means and an end, emphasizing its social psychological and normative implications. At this point, I wish to clarify these important differences by discussing separately and in more detail the key elements of Lippmann’s and Dewey’s respective democratic ideals.

Lippmann’s Compromise

In Chapter 1 of *Public Opinion*, titled “The World Outside and the Pictures in Our Heads,” Lippmann emphasized the disconnect between truth and the fictions we develop to represent this truth. Lippmann argued that this disconnect is inevitable due to two main causes. First, structural barriers—particularly the news media—prevent citizens from gaining access to the truth. Among these structural barriers, Lippmann cites “artificial censorships, the limitations of social contact, the comparatively meager time available in each day for paying attention to public affairs, the distortion arising because events have to be compressed into very short messages, [and] the difficulty of making a small vocabulary express a complicated world” (Lippmann [1922] 1965:30).

Second, even if these structural difficulties ceased to exist, the simple and limiting nature of the human mind would prevent a realistic representation of the truth. He writes: “[humans] are not equipped to deal with so much subtlety, so much variety, so many permutations and combinations. And although we have to act in that environment, we have to reconstruct it on a simpler model before we can manage with it” (1965:16). This reconstructed, simplified version of reality on which citizens base their actions Lippmann termed the “pseudo-environment.”

Throughout *Public Opinion*, Lippmann conceives of democratic communication primarily through the medium of vision. A democratic order is possible in so far as the masses are able to construct visual representations that approximate the truth. While Lippmann rejected this possibility out of hand, the metaphor of vision has important

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3My understanding of the metaphorical role of communication in the Dewey-Lippmann debate was greatly enhanced by Carey (1989).
implications for his view of democracy. By emphasizing vision, the democratic process for Lippmann becomes something in which citizens do not actively participate, but passively watch—they become spectators rather than participants. Who, then, are democracy’s participants? Lippmann ends the first chapter with the thesis that democracy will inevitably fail without the creation of a centralized body of experts to act as society’s intelligence. This body will function to distill the complex social problems of a given time into an intelligible form so that political decisionmakers can make informed, rational decisions.

Three years later in *The Phantom Public*, Lippmann builds upon this thesis by articulating more explicitly the limited role of citizens within a democracy. Similar to *Public Opinion*, he begins his study with an empirical observation; the first chapter, “The Disenchanted Man,” paints the picture of a politically alienated mass. Lippman, however, moves quickly from the empirical to the theoretical; he makes it clear that the present fragmented state of the masses is not a temporary condition but the inevitable result of the very limits of human agency. Repeating the central theme from *Public Opinion*, Lippman (1925:125) argues that the “random collections of bystanders who constitute a public could not, even if they had a mind to, intervene in all the problems of the day.” The ideal, then, is simply to “leave their proxies to a kind of professional public consisting of more or less eminent persons” (1925:125).

Lippmann does not entirely reject a role in the political process for the masses. Indeed, in times of relative discord between political parties (and here he assumes a simple two-party state with relatively little difference between them), Lippmann accepts that it is the role of the masses to break the tie.

To support the Ins when things are going well; to support the Outs when they seem to be going badly, this, in spite of all that has been said about tweedledum and tweedledee, is the essence of popular government. Even the most intelligent large public of which we have any experience must determine finally who shall wield the organized power of the state, its army and its police, by a choice between the Ins and Outs. (1925:126)

In sum, Lippmann contended that the masses were naturally and structurally unable to form intelligent, democratic publics. Lippmann thus advocated for the masses a basically passive role in the democratic process as spectators rather than participants, whose sole responsibility is to choose between one of two parties with few general differences. Thus, the crisis of democracy results, Lippmann argued, not from too little, but from too much democracy. The solution for this crisis, he argued, was to redistribute intelligence and the critical agency of political decisionmaking away from the masses and toward a centralized body of intelligent elites. Lippmann was a forceful and important forerunner of democratic elitism.

**Contemporary Democratic Elitism**

While Lippmann and others had been voicing the elitist position for decades earlier, it was not until the work of Schumpeter (1950) that the elitist definition came to hold its dominant position in democratic theory. Writing in opposition to the classical utilitarian account of democracy—bypassing any direct mention of Dewey—Schumpeter sought to detach studies of democracy from any semblance of normative idealism. He wished to redefine democracy down to a mere “method that can be discussed rationally like a steam engine or a disinfectant” (1950:266). The theoretical basis upon
which the classical theory was built, utilitarianism, he considered “dead.” Individuals, his argument went, are rational, but not uniformly so; different human beings, for different but still rational reasons, are bound to come to differing conclusions. He thus rejected the notion of the “common good” that was to result from the classical, utilitarian definition of democracy.

He stated his famous and widely-cited theory of democracy this way:

[W]e now take the view that the role of the people is to produce a government, or else an intermediate body which in turn will produce a national executive or government. And we define: the democratic method is that institutional arrangement for arriving at political decisions in which individuals acquire the power to decide by means of a competitive struggle for the people’s vote. (1950:269)

Following Schumpeter’s direction, one of the most important contributors to the elitist perspective has been Lipset (1994, 1963), who argued that studies of democracy must focus on both consensus and conflict. But he restricted these two conditions to elite-driven parties, who must not only adequately struggle over power (conflict) but also recognize the rights of the other (consensus). Without political parties run by elites engaging in these behaviors, there is no basis for democracy.

Dewey’s Ideal

In contrast to Lippmann and the democratic elitists, Dewey held grander aspirations for democracy, which he argued fulfilled two important social functions. First, similar but not entirely congruent to Lippmann’s preoccupation with social stability, Dewey (1967:240) held that democracy is wholly capable of creating a unified, stable political order. This is its “means.” But more importantly, Dewey saw in democracy the opportunity for all citizens to achieve both “self-realization” and positive fraternal association. Democracy is not merely a means to an end, but an end as well—“the idea of community life itself” (Dewey [1927] 1954:148). To Dewey, the participatory model of democracy creates the conditions for the greatest realization of broad individual and collective capacities.

To a large degree, Dewey’s emphasis on democracy as an “end” results from his social-psychological perspective. Indeed, we can elucidate Dewey’s democratic ideal through consideration of two of his key social-psychological principles: the experiential act of participation; and, most important for our purposes, his bi-level view of human agency, including habitual and reflective intelligence and the social origin of each.

The Act of Participation. While Lippmann accentuated the metaphor of vision when expounding the role of the public in a democracy, Dewey emphasized the mediums of speaking and hearing. He argued that the act of communication is just that—activity. The difference between watching and speaking is the difference between being a spectator and a participant. According to Dewey, language does not magically represent the truth or even approximate it; rather, he argued, the function of communication is to involve humans in the act of constructing the truth. Thus, Dewey contended that Lippmann’s conception of representative democracy as based in the passivity of human nature was inherently flawed, for no more important reason than human beings are naturally active participants, not passive spectators.
Habitual and Reflective Human Agency. Dewey had a strong faith in the active and intelligent nature of the public. Why then did he find agreement with Lippmann concerning the alienation of the masses? Dewey fixes this disconnect through his use of habit. He defines habit as:

that kind of human activity which is influenced by prior activity and in that sense acquired; which contains within itself a certain ordering or systematization of minor elements of action; which is projective, dynamic in quality, ready for overt manifestation; and which is operative in some subdued subordinate form even when not obviously dominating activity. (Dewey [1922] 2002:40)

Habits have two fundamentally important qualities—they are (a) acquired socially and are thus (b) wholly alterable. As socialized and internalized conventions, habits shape the way in which humans express their nature. The social origin of habits allowed Dewey to be critical of the actual condition of the masses while still clinging to a faith in their theoretical capabilities. In other words, Dewey placed the responsibility for the “eclipse of the public” not on the public citizens themselves, but on the cultural habits and customs that grew out of the passively representative, rather than participatory, political process. He lamented that “perhaps our political ‘commonsense’ philosophy imputes a public only to support and substantiate the behavior of officials” (Dewey [1927] 1954:117).

In addition, Dewey was critical of the way in which the values and habits of science were being appropriated for the purposes of industrial capitalism. This tendency was especially disturbing to Dewey because he saw in science the potential for public, not just private, good. For Dewey, scientific inquiry was an ideal model of his second level of human agency—reflective intelligence. Dewey praised the tendency of science to promote the bedrock of reflective agency: critical curiosity, thoughtfulness, and tolerance to new ideas. Thus, Dewey sought to democratize the ability to think scientifically (or critically), for this ability was a potentially transformative habit, “capable of exercising the most revolutionary influence on other customs” (Dewey [1922] 2002:78).

Although Dewey saw habit and reflectivity as two levels of human agency, he did not seek to separate them completely. Reflectivity, Dewey wrote, is “the painful effort of disturbed habits to readjust themselves … [Moreover], the real opposition is not between reason and habit but between routine, unintelligent habit, and intelligent habit” ([1922] 2002:76–77). Habit and reflectivity share two important attributes. First, experience precedes both habit and reflectivity; that is, they each grow out of experience. Second, because experience occurs within the context of social interaction, both habitual and reflective intelligence arise through the social process. We have here Dewey’s own use of Mead’s ([1934] 1967) theoretical construction of the social mind. The social mind’s two levels become clear: intelligence is not only shaped by the social context from which it arises (habit), but maintains the ability to use thought and critical intelligence to shape the very social conditions within which it arose (reflectivity). Human beings are not merely and passively slaves to their habits and customs, but active agents able to reflect back on their past experiences and shape their future ones. Agency thus plays a central role in Dewey’s democratic theory, and we will explore the foundations Dewey provides for a political theory of agency more fully in later sections.

Dewey’s notion of habit runs along lines similar to Bourdieu’s notion of habitus. Bourdieu and Wacquant (1992) accepts that the “affinities and convergences [between habit and habitus] are quite striking . . . ” For an interesting historical discussion of theories of habit, see Camic (1986).
Contemporary Participatory Democrats

Despite the dominant position democratic elitism currently maintains in empirical sociology, its theoretical antithesis—participatory democratic theory—is far from dead. In fact, Westbrook (1991) argues that participatory democratic theory is enjoying a resurgence, submitting as evidence the conversion of Dahl (1977), a former theorist of democratic elitism turned skeptic of the elitist model. For all the optimism, however, it must be noted that Dahl, despite his turn, remains highly skeptical as to the reality of full democracy amidst, most notably, the hierarchical, large-scale corporate organizations of late-modern society.\(^5\)

Nonetheless, there exists a varied and growing amount of literature by theorists who seek to construct a theory of public participation built upon participatory democratic ideals. In recent decades, a theory of deliberative democracy has emerged that begins with the assumption that citizen participation, at least in levels greater than today, can potentially flourish in late-modern society (Benhabib 1996; Bohman 1996; Gutman and Thompson 1996). Deliberative democratic theory primarily concerns itself with constructing a political space in which citizens “[attain] legitimacy and rationality with regard to collective decision-making processes in a polity” (Benhabib 1996:69). For example, Fishkin (1991:1) advocates a form of deliberative democratic polling that would give more genuine power to the public by measuring precisely “what the public would think, if it had more adequate chance to think about [and discuss] the questions at issue.”

The empirical limits of deliberative democracy, however, can be seen by investigating the work of two theorists, whom I will present as more or less representative. Giddens’s (1994) theoretical construction of dialogic democracy acts as an example of an excessively theoretical approach to the problem of democracy.\(^6\) Giddens defines dialogic democracy as the “situation where there is developed autonomy of communication and where such communication forms a dialogue by means of which policies and activities are shaped” (1994:115). But nowhere in his discussion does Giddens empirically articulate what exactly he means by “autonomy of communication”—nor, more significantly, does he engage in a discussion of the barriers that might exist to block autonomous communication, or reflective agency.

Another example is the work of the political scientist Fishkin (1992), who argues that political legitimacy comes from consensual, voluntary, reflective dialogue. Similar to Giddens, Fishkin emphasizes that legitimate political dialogue must be “unmanipulated” (1992:146). He writes in great detail of conscious explicit manipulation by powerful interests but admits that structural manipulation as a barrier to legitimacy is often elusive and thus difficult to overcome. In the end, Fishkin’s ultimate proposal for deliberative polling, while a creative attempt to construct a more representative and dialogic democratic process, suffers from his admitted inability to come to grips with the way in which reflective agency is structurally suppressed. While the actors engaged in deliberative polling certainly gain expanded access to information (Fishkin envisions political elites being asked direct questions by the

\(^5\)See Dahl’s (1985) fairly obscure—relative to the rest of his work—book, *Controlling Nuclear Weapons* for an interesting exploration of large-scale organizations and the expert cultures that arise to meet the demands of late modernity. See also Lindblom (1977) for further examination of the way in which markets and powerful corporate organizations potentially undermine democratic ideals.

\(^6\)While Giddens’s notion of *dialogic democracy* arguably falls short of being a major contribution to participatory democratic theory, his importance as a political theorist should not be undervalued, especially in light of his recent work developing a “third-way” political project that gets beyond “left and right” (1994). For a polemical response to Giddens and the third-way project, see Bourdieu and Wacquant (2001). For a theoretical critique, see Laclau and Mouffe’s ([1985] 2001) “Preface to the Second Edition” of their *Hegemony and Socialist Strategy*. 
deliberative participants), increased access to information alone does not lead to the habitual tendency for creative and reflective agency. Indeed, what experiences or habits do the citizens draw on to critically analyze the information they receive? The practice of deliberative polling would be important progress in that it would theoretically limit explicit manipulation but falls short of confronting the structural manipulation of the habits and customs that the participants bring to the deliberative poll.

The hesitation on the part of Giddens and Fishkin to situate their theoretical projects more fully in relation to structural communication distortions, as described briefly above, prefigures a central theme in this article, which we shall now begin to look at more closely.

THE GROWTH OF LARGE-SCALE ORGANIZATIONS: A CRITIQUE OF DEWEY

To this point, the theoretical framework of the Dewey-Lippmann debate, as well as important contemporary theorists working more or less broadly within each theoretical camp, has been presented normatively as two competing models of political organization and public participation. The normative orientation of this article, as a result, reflects both the underlying theoretical question of this research—How can social theorists make participatory democratic theory more empirically viable within the current context of advanced capitalism?—as well as the normative approaches of the theorists discussed.7 It is the goal of this article, however, to build upon the normative and to place participatory democracy in relation to empirical social structural realities. In this section, we will begin to do just that.

As suggested in the previous section, in relation to Lippmann and the democratic elitists, the normative orientation of Dewey’s participatory theory—and to a slightly lesser degree of the contemporary participatory theorists—leads him to argue that human beings themselves can and ought to be actively engaged in their own self-governance. But in terms of the organization of society, Dewey (similar to Giddens and Fishkin after him) only cursorily takes on the question of the social structural possibility of citizen participation. Unlike Lippmann, a journalist who understood well and up close the communication distortions of modern mass media structures, Dewey failed to place his theoretical democratic ideal directly within the context of the growth of large-scale organizations, the lack of a sustained engagement with which is particularly conspicuous in Dewey’s classic work in political theory, *The Public and its Problems* (Dewey [1927] 1954).8 Other researchers attempting to understand the recent upsurge in Deweyan scholarship have made similar critiques (see Sjoberg et al. 1997).9

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7Seymour Martin Lipset (1994), for example, writes in his ASA Presidential Address of 1993: “In discussing democracy, I want to clarify my biases and assumptions at the outset. I agree with the basic concerns of the founding fathers of the United States—that government, a powerful state, is to be feared…and that it is necessary to find means to control governments through checks and balances” (1994:2, emphasis added). Elsewhere in his article, Lipset makes clear that a similar fear of markets is not as necessary and, in fact, may harm democracy. I point this out only to accentuate Lipset’s highly normative, as well as empirical, approach. See also footnote 9.

8It is interesting and perhaps revealing to note that, to my knowledge, Dewey never in any of his writings engaged with Weber’s theses on bureaucratic rationality and mass democracy.

9Westbrook (1991) speculates that Dewey refrained from articulating an outspoken public critique of industrial capitalism at least in part due to the way in which Henry Carter Adams, a close friend of Dewey, was received after calling for the abandonment of the wage system, after which Adams suffered on the job market. Dewey wrote very little about the large-scale, capitalist organizations of his time (for an exception, see Dewey 1926). Westbrook points out that Dewey did, however, use the classroom to lecture to his students on the “incompatibility” of democracy and the division of labor in industrial capitalism. For evidence, Westbrook cites “Lecture Notes: Political Philosophy, 1892” p. 38 as found in the Dewey Papers, Special Collections, Morris Library, Southern Illinois University, Carbondale, IL.
Indeed, the failure to relate democracy and public participation to the growth of large-scale organizations is of great consequence. Since the time of Weber (1946) and Michels (1964), these organizations and the concomitant bureaucratization of society have been understood to hold grave implications for the possibility of a participatory democratic social and political order. Drawing upon social-psychological research that has documented the direct relationship between social structure, value formation, and attitude change (Schuman 1995), as well as Blumer’s (1969) theoretical argument that public opinion is more than the sum of its parts, we can argue that large-scale organizations, when organized bureaucratically and hierarchically, tend to centralize the means of intelligence while seeking to shape and manipulate public values into obedience for the system of authority. The communication distortions and manipulations that potentially arise as a result of these large-scale organizations, then, clearly problematize Dewey’s ideal—that is, the widespread distribution of critical thoughtfulness by which citizens arrive at their values and attitudes through active participation within and among a political public.

The growth of both corporate and governmental organizations and the centralization of knowledge within these hierarchies have only increased since Dewey’s time; thus any reformulation of the contemporary Dewey-Lippmann debate and the possibility for participatory forms of democracy must move beyond Dewey and engage with the empirical question: What social structural barriers exist that make participatory models of democracy less viable in an advanced capitalist society characterized by highly centralized, large-scale organizations? From this framework of the Dewey-Lippmann debate—or more generally, within the framework of the debate between the elitist and participatory models of democracy—we turn in the next section to Habermas and his important empirical exploration of communicative distortions, the public sphere, and the tenuous existence of democracy in advanced capitalism.

HABERMAS AND THE PUBLIC SPHERE: THE PROBLEM OF COMMUNICATION DISTORTIONS

As noted above, Dewey’s ([1927] 1954) *The Public and its Problems* largely ignored the practical existence of large-scale organizations and corporate structures. He associated the “eclipse of the public” not with the social structural realities of advanced capitalism but with the elitist representative state governed by officials. In contrast, Habermas’s ([1962] 1989:4–5) similar work in political theory, *The Structural Transformation of the Public Sphere*, undertakes a more concerted empirical effort to unlock “a historical understanding of the structures of [the public]” and in the process attain “not only a sociological clarification of the concept but a systematic comprehension of our own society from the perspective of one of its central categories.” The work has spawned much subsequent research on civil society and the public sphere, much of which builds directly from *Structural Transformation* (Ku 2000, 1998; Boggs 1997; Eliasoph 1996; Calhoun 1992; Alexander 1990). In one such work, Calhoun (1992:1) characterizes Habermas’s central empirical question this way: “[W]hen and under what conditions [could] the arguments of mixed companies . . . become authoritative bases for political action?” It is this empirical engagement on the part of Habermas that implicitly critiques and advances social understanding of the public beyond the limits of Dewey’s earlier work on the subject. In this section, we will first discuss the central constraints of the public sphere as Habermas outlined them, before moving on to detail Habermas’s more recent theoretical attempts to construct a way to combat the disintegration of the public.
Four Structural Constraints of the Public Sphere

Far from secretive in scholarship on Habermas are the dual influences of two radically different schools of social thought evidenced in his work: first, critical theory and, second, American pragmatism. In particular, many social theorists, notably McCarthy (1978) and Shalin (1992), have documented the crucial influence that Frankfurt School critical theorists have exerted on Habermas’s early work. Equally documented is the vital role that pragmatist theorists, especially Pierce and Mead, have played in Habermas’s more recent work on communicative rationality.10 But as Calhoun (1992) implicitly suggests, it seems apparent that if not the direct influence of the pragmatists, the pragmatist concern for democracy and public life plays a crucial role even in Habermas’s early work. In fact, as Calhoun points out, critical theorists Horkheimer and Adorno rejected Structural Transformation as “insufficiently critical of the illusions and dangerous tendencies of an enlightenment conception of democratic public life” (1992:4)—indeed, they might as well have condemned the work as overly pragmatist. In my view, the ultimate value of Structural Transformation lies in its successful unification, on one hand, of pragmatism’s particular optimistic-normative orientation and, on the other, critical theory’s harsh skepticism toward the actual structural barriers to true democracy, a doubt that can be seen as leading directly to Habermas’s empirical criticisms of the actual disintegration of the public sphere in advanced capitalism.

To Habermas, the ideal public sphere is one complete with the social conditions necessary for broad “rational-critical debate about public issues conducted by private persons willing to let arguments and not statuses determine decisions” (Calhoun 1992:1). Along this line, “a public sphere adequate to a democratic polity depends upon both quality of discourse and quantity of participation” (1992:1). Communicative interactions, in the form of rational-critical debate, are the central characteristics of Habermas’s public sphere. It is in particular the first criteria, low-quality discourse (resulting ironically from the existence of broader participation), that Habermas noted as endemic to modern constitutions of the public sphere. The quality of discourse, Habermas argued, was a result of system-level distortions of communication that infected the capabilities of citizens to engage in rational-critical debate. In structural transformation, Habermas outlined four structural spaces related to advanced capitalism that were highly detrimental to democratic communication. They are the manipulation on the part of mass media structures, expert cultures that alienate citizens from any connection to formal democratic processes of decisionmaking, massive bureaucratization and rationalization resulting from the rise of corporate organizations, and the increased economic reliance on consumerism (Shalin 1992:245).

Perhaps Habermas’s sharpest, and most historically grounded, critique regarded the mass media. “The world fashioned by the mass media,” Habermas wrote, “is a public sphere in appearance only” (Habermas [1962] 1989:171). Habermas documented the historical transformation of the media and noted that the newspaper trade was initially organized as a collection of “small handicraft business[es]” principled on a “modest maximization of profit” ([1962] 1989:181). Around the 1830s, the press was “released from the pressure to take sides ideologically; now it could abandon its polemical stance and concentrate on the profit opportunities for a commercial business” ([1962])

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10Habermas himself points out this influence: “I have for a long time identified myself with that radical democratic mentality which is present in the best American traditions and articulated in American pragmatism” (Habermas 1985, as quoted in Shalin 1992:238).
1989:184). The rise of a business ethic within the press inevitably compelled all competitors to conform to the models of business efficiency (1962 1989:185). Concomitantly, the rise of business advertising, formerly deemed disreputable, began to lay its stake as the chief financial concern of the mass media. Amidst their explosion, advertising agencies arose, however, not as neutral entities but as powerful private interests: “Within such a public sphere large-scale advertising almost always...assumed the quality of being more than just business advertising—if only by the fact that it represented per se the most important factor in the financial calculations of the papers and journals” (1962 1989:192).

Habermas, then, was starkly sober in his conclusions; while normatively committed to their political development, neither the public sphere nor the prospects for democracy amidst the rationalism of advanced capitalism were particularly heartening, chiefly due to distortions of communication that were infecting public capability for rational-critical debate. Where then was Habermas to go? Or as Shalin (1992:245) puts it, how was Habermas going to “salvage the project of modernity?” Upward of two decades later, again taking up albeit more abstractly the question of democratic public communication, Habermas’s answer came.

The Way Out: Communicative Rationality

In his two-volume book, *The Theory of Communicative Action*, Habermas (1987, 1984) seeks to lay the foundations necessary to invigorate public life and democratic communication. To begin with, Habermas develops a bi-level conceptual structure of society—that of system and lifeworld. The system-lifeworld dichotomy is a response to and dialogue with Weber’s theory of bureaucracy and the “iron cage” of rationalization. Following Weber, Habermas termed the type of rationality produced by modern bureaucratization *purposive-rational* (1987:306). Habermas believed that Weber accurately described the type of rationalization resulting from the Protestant ethic of the calling. But Weber was unable to understand the sometimes-irrational forms that the religious ethic embodied—for example, the religious ethic of neighborliness (1987:304). Weber remained unduly mired in a legal-positivistic view of rationality and a purposive-rational action theory behavior for both organizations and the public. Habermas presented a critique of restricting one’s analysis to purposive-rational action: “We may not assume, even in the cases of the capitalist economic organization and the modern state organization, any linear dependency of organizational rationality on the rationality of member’s actions” (1987:306).

That members (citizens) do not merely absorb the purposive rationality of the organization (system) has profound implications. Most important, it allows Habermas, by constructing an alternative form of rationality, to see a way out of Weber’s “iron cage” thesis. Habermas locates the boundaries between the system and lifeworld as such: the system, defined by *purposive* rationality, consists of the state and the economy; the lifeworld, characterized by *communicative* rationality, consists of the private spheres (family, neighborhood, voluntary and civic associations) and public sphere (citizen life). It is through the shared employment of communicative rationality at the level of the public sphere that reason can be used to solidify and enhance a democratic culture. The role of reason in facilitating consensus cannot be underplayed. The essential assumption is that “people can, in principle, agree on correct ways of proceeding and arguing. If we do accept and follow such procedural norms, we will then reach substantive agreement because the position of reason will win” (Wallace and Wolf 1999:178). Elsewhere, Habermas writes that within rational-critical debate, “[c]oming
to an understanding means that participants in communication reach an agreement concerning the validity of an utterance; agreement is the intersubjective recognition of the validity claim the speaker raises for it” (1987:120).

Critique of Habermas

In response to Habermas’s ambitious theoretical project, many social theorists have found problematic the overwhelming role that Habermas gives to consensus and rationality at the expense of conflict. Shalin (1992) suggests that Habermas “leaves hardly any room for the honest difference of opinion. A disagreement that refuses to go away is taken here as a failure, and a moral one at that” (1992:262). Feminist writers have criticized Habermas for failing to grasp the gendered implications of the public sphere as a space of exclusivity based on patriarchal distributions of power (Landes 1995). Mouffe (2000) has gone even further and taken Habermas to task for his failure to realize that conflict is more than an empirical obstacle for a public to overcome. Conflict, with its ability to grasp and confront unequal power relations, constitutes an essential basis for democratic relations. Without it, Mouffe argues, consensus is doomed in liberal-democratic societies to be the “expression of a hegemony and the crystallization of power relations” (2000:49).

While her notion of hegemony in this instance is left open-ended and vague, Mouffe’s critique leads us to question whether Habermas’s notion of rational-critical debate, with its focus on rationality and consensus, is particularly prone, in the terms of this article, to the manipulations and communication distortions that Habermas himself detailed and we discussed above. In fact, Habermas’s own data might be interpreted as exposing just such a tendency. Calhoun (1992:22–23) points out that while the public sphere was turning into a “sham” semblance of its former self, the “key tendency was to replace the shared, critical activity of public discourse by a more passive culture consumption on the one hand and apolitical sociability on the other.” Habermas (1989:161) puts it this way: “When the laws of the market governing the sphere of commodity exchange and of social labor also pervaded the sphere reserved for private people as a public, rational-critical debate had a tendency to be replaced by consumption, and the web of public communication unraveled into acts of individuated reception, however, uniform in mode” (emphasis added). Elsewhere, echoing a similar argument made by Mills (1956) a few years earlier, Habermas (1989:194) notes the co-optation of consensus on the part of actors engaged in public relations: “[C]onsensus concerning behavior required by the public interest...actually has certain features of a staged public opinion.” This manufactured public opinion “creates and not only solidifies the profile of the brand and a clientele of consumers but mobilizes for the firm or branch or for an entire system a quasi-political credit, a respect of the kind one displays toward public authority.”

Why was rational-critical debate within a democratic public sphere, as Habermas’s data suggests, so particularly susceptible to manipulation and transformation in the face of communication distortions? One possible answer is suggested by Mouffe in her criticism that consensus, which as we have seen plays such a central role in the Habermasian model, must itself be viewed as a form of hegemony, or perhaps in our present terms, as a result of the power relations inherent in public communication. More specifically, Shalin (1992) suggests that we evaluate Habermas’s model through

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11See Laclau and Mouffe ([1985] 2001) for an excellent theoretical approach to the issues of hegemony and democracy.
the perspective of dissent. He argues that Habermas’s notion of rational-critical debate leaves little room for “the constructive properties of dissent” within the public sphere (1992:261). The crucial significance of dissent to democratic communication becomes clear: In a public sphere dominated by rational-critical debate, and in which “dissent must yield to rational consensus” (1992:262), who then are the social actors engaged in critical and adversarial relations not with but against the prevailing, or emerging, onslaught of communication distortions? In sum, Habermas’s own category of public political action, rational-critical debate, appears inherently susceptible to system-level manipulation resulting from distortions of communication and thus potentially contributes to the crisis of the public sphere as much as it presents us with a way to combat it. Social theorists concerned with participatory democracy must build on the empirical contributions of Habermas to consider new ways of theorizing human action within the public sphere that ultimately go beyond Habermas to place at the center of the model the key elements of conflict, dissent, and critical inquiry. In the next section, we will begin that process by again returning to Dewey.

TOWARD A DEWEYAN POLITICAL THEORY OF REFLECTIVE AGENCY

In this section, I begin (however sketchily) to weave the outline of a Deweyan political theory of agency. We draw most heavily from Dewey in this process, because in contrast to Habermas, whose conceptual framework highlights the tenets of rationality and consensus, Dewey consistently placed the dynamic, open-ended elements of conflict, dissent, and critical and reflective inquiry at the center of his democratic and social theory of human action. Building upon Dewey, we will then turn to the more recent pragmatist theorizing of Emirbayer and Mische (1998), who provide for us the template for understanding the socially contingent nature of human agency. It is this combination—the Deweyan emphasis on the dynamic, open-ended, and reflective nature of human agency, along with the socially embedded contingency of human action—that will serve as the outline of the theory of critical, reflective agency that will be presented here.

Conflict and Dissent

Conflict, we now know, plays a crucial role in Dewey’s democratic and social theory. Not always noted by past scholars, a greater understanding of the centrality of conflict to Dewey’s theoretical project has been an important breakthrough in recent Deweyan scholarship (Caspary 2000; Westbrook 1991). “The elimination of conflict,” Dewey ([1894] 1967:210) wrote, “is . . . a hopeless and self-contradictory ideal.” When we speak of conflict in Dewey’s theory, we do so meaning neither dialectical Hegelianism nor Marxian class relations, but rather generally emergent micro-sociological phenomenon that Dewey called “problematic situations” (cf. Dewey [1929] 1984:178). Problematic situations arise continually through practice and are positive corollaries of living a socially engaged, participatory life; constructive conflict, in other words, exists within action, rather than rational debate, and leads to individual actors using active, reflective processes of judgment to rectify and overcome the discord. Caspary (2000:21) writes:

[Problematic situations and conflict are] resolved by, if you will, paradigm shifts. These occur not through deductive reasoning based on given premises, or inductive
generalization from agreed-upon instances internal to paradigms, but through open-ended inquiry, leading to transformation of the situation and, correlative, the self. This is what sets Dewey’s approach to democratic discourse apart from the . . . “argumentative validation” [i.e., rational-critical debate] of Habermas.

Here again, the illustration of dissent might be a valuable tool to distinguish further between Habermas and Dewey and, more specifically, between rational-critical debate and reflective agency. In Dewey’s theoretical conception, the role of dissent becomes paramount. Whereas in the Habermasian model, dissent, as we have seen, exists primarily as a counterproductive force and is theorized as an empirical obstacle to consensus, Dewey considers dissent a wholly functional and necessary element of social interaction. Dissent, in the form of skepticism, leads to open-ended, reflective inquiry through a critical curiosity that questions, if not yet challenges, the existent status quo. Seen this way, the significance of dissent is that it is a form of social participation in itself; it is the public engaging in critical activity vis-à-vis system-level norms and procedures. In the Habermasian model, rational-critical debate, lacking a social space for dissent, occurs largely within the framework of a social environment “handed down” from above. Dewey’s concern for wide-scale dissent, in contrast, marks the normative existence of public participation in the very creation of the social environment. As his biographers show us, Dewey’s own practice embodied his concern for dissent, particularly in his outspoken criticisms of New Deal economic reforms during the Roosevelt Administration, policies that he saw as evolving potentially into a “more tightly organized form of state capitalism or even fascism” (Westbrook 1991:440). In sum, it is precisely in these opposing views on dissent that we can see most clearly the somewhat reactionary nature of rational-critical debate on the one hand and the dynamic, open-ended, and participatory nature of Deweyan reflective agency on the other.

Critical Inquiry

Closely associated with the notion of dissent is Dewey’s emphasis on critical, or scientific, inquiry. By scientific inquiry, Dewey meant not methodological positivism, but rather, to Dewey, science was essentially a “synonym for reason, intelligence, and reflective thought, a practice that did not manifest, as some have charged, an unduly narrow notion of the latter but rather a willingness to offer relatively relaxed entrance requirements to the house of science” (Westbrook 1991:141). As we discussed above, Dewey sought to democratize the public capacity for scientific reasoning, a capacity that he related intricately with questioning ingrained assumptions. To Dewey, “The scientific mind . . . [is] apparent whenever beliefs [are] not simply taken for granted but established as the conclusions of critical inquiry and testing” (1991:144). In a democracy, the scientific process should not be the domain of experts but the basis for public habits and customs of thought—most of all, critical curiosity, thoughtfulness, and tolerance to new ideas. Science, or rather the democratic social distribution of the scientific habits just named, in addition to the social capacity to engage in dissent and to thoughtfully confront conflict, thus forms the basis of Dewey’s second level of human agency, critical reflectivity.

\[12\] Another crucial component of Dewey’s view on science was his insistence that the empirical and normative orders are not to be seen as competing, or even complementary, but as “two sides of the same coin” (Sjoberg et al. 1997).
Social Contingencies of Critical Reflectivity

Conflict, dissent, and inquiry—that is, reflective agency—while vital to critical social action, are best understood not as universal elements of human action, but as politically distributed, socially contingent entities of human activity. To universalize the nature of human action—to make a socio-historical claim that all human actors share the same general social capacity to engage in dissent and critical inquiry—would be to stop short of politicking the notion of reflective agency. Unfortunately, two leading theories of human action—Parsonsian systems theory and rational choice theory—tend to emphasize the universal nature of human action at the expense of its socially contingent character. In constructing a truly political theory of agency, then, we can build off the valuable works of Alexander (1988), who critiques Parsons’s failure to recognize the particularist and shifting character of human action, and Whitford (2002), whose confrontation with rational choice theory’s “paradigmatic privilege” resulted in a constructive reminder that all social actions are by definition situational and contingent upon context. While Alexander and Whitford provide important bases from which to engage with the social contingencies of critical reflectivity, I begin here by building off the recent theoretical work of Emirbayer and Mische (1998), who propose a three-dimensional conception of agency consisting of the iterational (habit), the projective (creative), and the practical-evaluative (critical and transformative action). By stressing a distinction between the three dimensions of human actions, they argue that agency cannot be reduced to general laws but is a historically variable phenomenon, embedded in changing theoretical and practical conceptions of time and action. Ours is not a universalistic perspective that assumes that all times, places, and persons are equally iterational, projective, or practical-evaluative. Rather, . . . changing conceptions of agentic possibility in relation to structural contexts profoundly influence how actors in different periods and places see their worlds as more or less responsive to human imagination, purpose, and effort. (1998:973)

While Emirbayer and Mische’s main contribution to social theory with this piece is their elucidation of the temporal aspects of human action, for present purposes, it is enough to focus on an underlying theme from their article; that is, they explicitly point us toward a theoretical conception of agency that is not only temporally embedded, but, more important for a political understanding of critical and reflective action, historically and thus politically contingent. In terms of political sociology, critical reflective agency can be seen neither as a historical universal nor a fixed element of human nature, but as a politically contingent, democratic ideal undemocratically distributed. Similar to habit, reflective intelligence is contingent upon the social structural processes in which it arises (or stays dormant). To emphasize its contingent nature, reflectivity can be seen in terms of habit—that is, the habitual tendency for citizens to engage in critical and reflective agency. I speak of reflective agency in terms of habit not to equate them, but to point out the social and political framework that governs the distribution of the ability to think and act reflectively.

To sum up, the Deweyan political theory of agency that I have begun to sketch here highlights (a) the central and necessary role of conflict and dissent within a participatory social order; (b) the crucial, dynamic function of reflective inquiry based on critical curiosity, thoughtfulness, and tolerance for new ideas; and, finally, (c) the historical, political, and social-structural contingencies of human action. The
importance of the latter element cannot be overemphasized. The democratic distribution of reflective agency is, to a large part, determined by the social-structural condition of our information environment—in other words, the social habits of communication.

STRUCTURAL SPACES OF COMMUNICATION DISTORTION: INTELLECTUAL PROPERTY AND MEDIA CONGLOMERATES

Habits, according to Dewey’s theoretical conception, are neither metaphysical nor biopsychological entities. The social character and origin of habits are paramount, and social theorists concerned with participatory democracy must come to understand the way in which the habits of discourse and public communication—especially the habitual tendency to engage in critical and reflective activity—are shaped by system-level laws and norms. It is the primary thesis of this article that our social understanding of, in particular, the relationship between communication distortions of advanced capitalism and participatory democracy has much to gain from viewing the former through the perspective of a Deweyan political theory of agency that highlights (a) participatory acts of information dissemination and (b) the habitual tendency for critical and reflective democratic communication.

Thus I shall now look closely at two system-level structural spaces that act as “means” for communication distortions and that potentially diminish the possibility for a citizen-level, participatory democracy by reducing citizen participation in the creation of their information environment and the habitual tendency for intelligent, critical, and deliberative communication within the public sphere. These two empirical problems are not meant to exhaust the list of structures that shape democracy and the public sphere but are chosen for the way in which they directly influence democratic communication through the centralization of knowledge and information, institutional legitimacy, and, as we shall see, critical and intelligent reflectivity. The two empirical issues are (1) the escalation of media consolidation under the control of fewer and fewer media conglomerates and (2) the steady expansion of intellectual property rights. The first is a point of focus we pick up in Habermas (1989); the latter is conspicuously underplayed in sociological literature. In either case, we will introduce them as separate illustrations of possible structural spaces our understanding of which might benefit from a more Deweyan approach from social theorists. Then, we end the section by combining the two and propose that scholars approach them within a fundamentally restructured theoretical framework. Rather than with a Habermasian emphasis on rationality, consensus, and representation, I propose that social theorists can further our understanding of communication distortions by investigating these two structural spaces through the lens of a Deweyan political theory of agency that highlights open-ended human action, conflict, and participation.

Media Conglomerates

The consolidation of media ownership is a well-documented trend at the turn of the century (Bagdikian 2000; Barnouw et al. 1997). General media discourse, too, has gained from increased attention. The popular debate on the media largely centers around whether the media suffer from a liberal bias (Goldberg 2002) or a conservative one (Alterman 2003). Scholarly media discourse, in contrast, largely mirrors the concerns of Habermas (1989:ch. 20) and examines chiefly the problem of mass media structures and their repressive effect on communication and representation.
within the public sphere. This brief discussion will argue that the current media discourse represents a focus too narrow to gain a proper grasp of the relationship between media structures, communication distortions, and participatory democracy.

Prevailing academic media discourse focuses on two widely cited consequences of the current trend in media centralization—namely, the commercialization of the media and the narrowing of representative ideas and perspectives that the media produce. As many scholars have pointed out, the commercialization of the mass media, and the concomitant emphasis on profit over service, has transformed the nature of news media in the United States from an institution that served the public need for information and knowledge, to one that offers entertainment and advertising to the public in exchange for increasingly high profits. For his part, Habermas points us toward a “transparent connection between the tendency toward capitalist big business . . . [and] the proverbial soap operas, that is, a flood of advertisement which pervades mass media” (1989:190). Contemporary studies have made similar conclusions. Washington Post editors Downie and Kaiser (2002:224) call this tendency the “rise of tabloid-style celebrity news.” As McChesney (1999:54) notes, news corporations increasingly reduce international news and in-depth domestic political coverage to make room for more profitable stories such as “celebrity lifestyle pieces, court cases, plane crashes, crime stories, and shootouts.” Second, media deregulation has made it more difficult for nonprofit organizations to develop local media outlets. In fact, McChesney observes that “one of the most striking developments of the past decade has been the decline of public service broadcasting systems everywhere in the world” (1999:226). In place of these local media, he says, are global media conglomerates motivated by profit and “supported by advertising” (1999:224).

It is thus perhaps axiomatic within this media studies literature that the commercialization of the media results in fewer ideas gaining access to institutional legitimacy as the ownership of the media grows narrower. To be sure, scholars such as McChesney (1999, 1997) have done well to uncover the ways in which commercial media narrow the range of voices and perspectives they represent. But while our understanding of media representation continues to be strong, there is less understanding of what impact current media trends have on citizen participation in the very creation of our information environment. Almost entirely missing from the literature are systematic investigations of the consequences of media conglomeration for human agency and citizen participation in the creation of our media environments. In Deweyan fashion, we can ask, who are the participants in the dissemination of the images that represent human beings—citizens or private interests? Systematic studies of the way in which media centralization diminishes the democratic distribution of critical and reflective agency in the form of media participation—as opposed to media representation—have for the most part yet to take place.

Intellectual Property Rights

Intellectual property law refers to the way in which the “creators” of intellectual and creative works—such as inventions, discoveries, expressions, and artistic creations—are granted property rights in the way of copyright, patents, trademarks, and trade secrets. However, in this brief section, I focus specifically on copyright by succinctly

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13See, for example, the recent empirical study by Martin (2004) detailing how corporate media manipulate public dialogue concerning labor relations by presenting information within a consumerist, rather than a worker, perspective.
touching on a few notable components of current copyright law—copyright duration, the Work for Hire Doctrine, and the fair use exception.

In January 2003, the U.S. Supreme Court upheld as constitutional a 1998 law that extended copyright terms by an additional 20 years, upholding the decision in *Eldred v. Ashcroft* to extend the duration of copyright to the life of the copyright holder plus 70 years (95 years for corporations). This substantial increase in the lawful duration of copyright claims follows two other recent attempts (one successful) to substantially alter copyright law. First, the 1976 Copyright Act codified the Work for Hire Doctrine, which handed over an unprecedented amount of copyright power to employers at the expense of employees and independent artists. Second, the Clinton Administration recently attempted unsuccessfully to undermine fair use exceptions to copyright, both in digital form and more broadly in the case of a copyright holder possessing a license (Samuelson 1997). Thus, in the cases of duration, ownership, and fair use, either copyright law has undergone major reform or the attempt has been made to do so.

Reflecting on these recent developments and others, Landes and Posner (2003:403), both supporters of broad intellectual property rights, observe that “[i]t should be apparent by now that intellectual property rights have undergone a significant expansion [since 1976].” But with few exceptions, American sociologists and other social scientists have yet to grapple with the problem of intellectual property, which has been the domain, in the United States, primarily of legal scholars (see Lessig 2002; Boyle 1996; Netanel 1996).

Lawrence Lessig, Stanford law scholar, lead counsel in the *Eldred* case, and author of *The Future of Ideas* (Lessig 2002), has been a leading figure in making the case that intellectual property laws shape in significant ways the nature of democracy. He remarks that a more democratic approach to technological advances “could enable a whole new generation to *create*… and then, through the infrastructure of the Internet, *share* that creativity with others” (2002:9). But he is quick to point out that current trends in intellectual property law tend strongly in a direction that will undermine the democratic possibilities of technology and information distribution. Along this line, Drahos and Braithwaite (2002:15) argue that copyright is fast becoming “an anti-innovation regime, used by establishment players like the music industry to suppress the threat of change that Napster-like innovations bring… The bulk of intellectual property rights are owned not by their initial creators but by corporations that acquire intellectual property portfolios through a process of buying and selling, merger and acquisition.”

Copyright and intellectual property, in sum, are characterized by a dynamic similar to that of the mass media—increased corporate control over the dissemination of information, knowledge, and ideas. To this point, legal scholars have examined intellectual property largely within the context of a key balance between access to information on the part of the public, on one hand, and the incentive to create information, on the other. This balance has long been a foundation of copyright law, and indeed scholars do well to examine within this balance whether the considerable expansion of copyright—including duration, the Work for Hire Doctrine, and the attempt to dismantle the fair use exception—pose a threat to the public sphere by way of increased corporate control over ideas and information. This approach dovetails neatly with the Habermasian emphasis on rational-critical debate, in which the central question is the production and dissemination of a broad spectrum of ideas. Similar to media scholarship, intellectual property’s work to this point is primarily characterized by a conceptual focus on citizen representation rather than participation.
In the next section, however, I draw from our Deweyan political theory of agency an alternative approach to intellectual property, mass media, and communication distortions, one that highlights information participation rather than representation.

**COMMUNICATION DISTORTIONS AND PARTICIPATION: “FROM CONSUMERS TO USERS”**

In the preceding sections, I have argued that the prevailing paradigm for understanding mass media and intellectual property—and more generally, communication distortions within the public sphere—stresses the democratic need for a wide-range of ideas and perspectives. The predominant concern, in other words, is with greater media representation. According to this Habermasian perspective, communication distortions within the public sphere result from a truncated spectrum of political and cultural voices handed down from media organization to publics and individuals. In general, this top-down paradigm of information representation tends to under-emphasize citizen participation in the very act of creating information, knowledge, and communication systems.

Thus in this brief concluding section, I want to introduce in some depth the work of Yochai Benkler (1999), a New York University intellectual property and communications scholar, who offers us a valuable starting point for theorizing a Deweyan participatory approach to the information environment. Benkler critiques the dominant representational approach to media studies. Contemporary media scholarship, such as media policy itself, largely takes “the basic structure of mass media markets as given” and examines whether “this basic structure deliver[s] somewhat more diverse content than it would if left to its own devices” (1999:562). But this focus on mere diversity of content neglects the participatory-democratic and reflective-agentic possibilities of media communication in advanced capitalism. Benkler writes:

> Technology now makes possible the attainment of decentralization and democratization by enabling small groups of constituents and individuals to become users—participants in the production of their information environment—rather than by lightly regulating concentrated commercial mass media to make them better serve individuals conceived as passive consumers. Structural media regulation must, in turn, focus on enabling a wide distribution of the capacity [i.e., the critical and reflective agency] to produce and disseminate information. (1999:562, italics in original, brackets added)

Benkler (1999) provides a framework for theorizing about information systems that can be viewed as an alternative to the dominant representation paradigm. Benkler emphasizes not the market balance of information availability and media representation, but the potential for media systems and intellectual property rights to enable the public to become reflective participants in the production of their information environment. He is interested in fostering the critical and reflective capacities of public citizens and moves us away from the traditional media representation model—in which the public is seen as passive consumers of a wide spectrum of information and ideas—toward a participatory democratic paradigm in which the range of ideas is not ignored but deemphasized to accentuate the critical, reflective agency of the democratic public as creators and users.
Moreover, just as it does in Dewey’s theory of human action, the existence of dissent and dissenting voices plays a crucial role in Benkler’s call for an approach to media regulation that turns citizens “from consumers to users.” Citing numerous instances of case law, including Supreme Court cases, Benkler reminds us that a central concern of media policy, at least in theory, has been the construction of an information environment composed of “diverse and antagonistic sources” (1999:561). Benkler argues that “antagonistic”—that is, dissenting—voices exist in greatest numbers when media policy switches from a paradigm of viewing citizens as consumers to one that conceptualizes individuals and groups as users. He writes: “the fundamental commitment of our democracy to secure ‘the widest possible dissemination of information from diverse and antagonistic sources,’ which has traditionally animated structural media regulation, should be on securing a significant component of the information environment for creative use by users” (1999:563). Then, making an explicit critique of the representational model, Benkler continues: “identifying and sustaining commons and securing access to communicative resources are more important focuses for information policy concerned with democracy than assuring that there are eight rather than three broadcast networks or that no two networks are under common ownership” (1999:563).

While Benkler refrains from entering such a debate, I interpret his work as making a strong case that rather than the Habermasian focus on the representation of a broad range of voices, Dewey’s reflective agency—with an emphasis upon conflict, dissent, and participation—best furthers our understanding of the public capacity to engage in the creation of information and to successfully overcome communication distortions of the sort that Habermas ([1962] 1989) himself so valuably revealed. By emphasizing not only the dissemination of a broad range of information but the active participation in the act of creating information, a Benklerian/Deweyan approach provides social theorists with a framework for investigating communication distortions from a perspective that highlights the critical and reflective agency of the public.

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