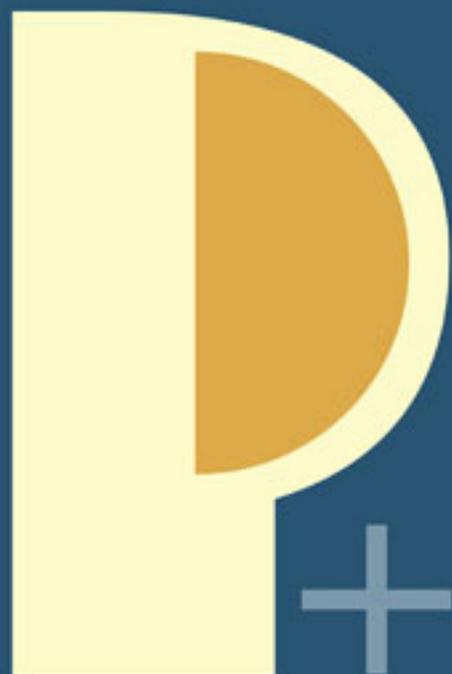


ECHO CHAMBERS

Bush v. Gore
Impeachment, and Beyond

CASS SUNSTEIN

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Echo Chambers:
Bush v. Gore,
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Cass Sunstein

PRINCETON UNIVERSITY PRESS
Princeton and Oxford

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Published by Princeton University Press, 41 William Street,
Princeton, New Jersey 08540
In the United Kingdom: Princeton University Press,
3 Market Place, Woodstock, Oxfordshire OX20 1SY

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ISBN: 1-4008-0905-3

www.pup.princeton.edu

The reactions of general readers and professional critics alike to *Republic.com* have been highly illuminating. The arguments in the book, and particularly the book's focus on the risk of fragmentation, have found both supporters and skeptics. In what follows, I seek to elaborate the book's concern about group polarization and consider the implications of polarization for two recent events: the 2000 presidential election and the impeachment of President Clinton. My hope is that an examination of these events will further underscore the book's emphasis on the preconditions for deliberative democracy and the relationship between the public sphere and a healthy republic.

From the standpoint of democracy, the Internet has countless wonderful features. In poor and wealthy countries alike, the Internet operates as a check on tyranny. Information is central to self-government, and it is now possible to find or disseminate information in a matter of seconds. Diversity of opinion is greater than ever; newspapers and broadcasters are supplemented by innumerable alternative sources. Freedom of association is dramatically increased. It is easy to find other people who are interested in the same topics as you are, and who share the same views. Discovering such people is not only self-affirming; it can also help fuel social change and broaden engagement in politics.

We can go much further. If you want to find information on specialized topics, or unusual points of view, the Internet is a terrific boon. Many people who might otherwise think of their own complaints as unusual or isolated are able to find like-minded individuals with whom they can share their common concerns. In this way, the Internet is a great friend of liberty. Television is in many respects a passive medium: people receive information without really exchanging ideas with others. By contrast, the Internet can be an active medium, allowing individuals to use e-mail, discussion groups, and even Web sites to engage with one another. Daily newspapers, weekly newsmagazines, radio talk show hosts, and anchors of the evening news have their own biases and limitations. To the extent that the Internet allows people to bypass these sources, it not only increases diversity of opinion but also, in an important sense, it promotes liberty. For people formerly limited to a few information sources, the Internet is a remarkable liberation.

In most ways, the system of communications is better now than it has ever been. But for all its virtues, the emerging system has vices as well. Many of these vices involve the risk of *fragmentation*, as the increased power of individual choice allows people to sort themselves into innumerable homogeneous groups, which often results in amplifying their preexisting views. Although millions of people are using the Internet to expand their horizons, many people are doing the opposite, creating a *Daily Me* that is specifically tailored to their own interests and prejudices. Whatever the exact numbers, it is important to realize that a well-functioning democracy—a republic—depends not just on freedom from censorship, but also on a set of common experiences and on unsought, unanticipated, and even unwanted exposures to diverse topics, people, and ideas. A system of “gated communities” is as unhealthy for cyberspace as it is for the real world.

This does not mean that people should be forced to have shared experiences, or to see things that they want to

avoid. Only a tyranny insists on controlling what individuals read or watch. But it does mean that there is something beneficial about a social architecture, of the sort embodied in parks and general-interest newspapers, that exposes people to topics and points of view that they have not specifically selected. On the Internet, we now have a world of endlessly diverse voices, which is all to the good. But a republic is unlikely to flourish if its citizens are exclusively reading countless issues of their *Daily Me*. To be worthy of the name, a republic needs far more than diversity.

Should anything be done? In promoting exposure to diverse views, private action is to be greatly preferred over government regulation. Private responses are best because they involve less intrusion and coercion, and because they might well be more effective. But our concerns about government regulation should be pragmatic, not dogmatic. The Internet already faces extensive government regulation. The government creates and protects Web sites. The government also regulates the cyberspace analogs of such illegal activities as libel, conspiracy, fraud, child pornography, bribery, and threats. Government regulation is hardly objectionable as such. But any governmental regulation that responds to the problems I have been discussing should be cautious, limited, and unintrusive.

In *Republic.com*, I discussed some of the values served by public spaces that provide common experiences and make it likely that people will see the concerns of their fellow citizens. Although I focused on the Internet, my major concerns were the general aspirations of a republic—and the current and potential state of the American version. To illustrate those concerns in *Republic.com*, I used a thought experiment involving a situation in which each person has designed a truly personalized communications universe.

In this essay I leave the world of thought experiments and enter that of real-world events. My goal here is to illuminate the problem of fragmentation and the phenomenon

of group polarization, not by observing their manifestation on the Internet, but by considering their influence on two recent puzzles that involved a wide range of social forces, including the system of communications:

- In the remarkable struggle for the presidency in late 2000, Republicans generally believed that the Florida Supreme Court had not interpreted but instead changed Florida law, and that the U.S. Supreme Court had to do something about the situation. At the same time, Democrats generally believed that the Florida Supreme Court had merely interpreted Florida law, and that intervention by the U.S. Supreme Court was the height of partisanship. The issues involved in the legal controversy were largely technical ones on which few people were well informed. Why were so many people so confident of their position, indeed so dogmatic about it—and so suspicious of the motivations of their adversaries?
- The overwhelming majority of Republicans—representatives and citizens alike—enthusiastically supported the impeachment of President Clinton. The overwhelming majority of Democrats, inside and outside of Congress, opposed impeachment. Republicans generally believed that the constitutional standards for impeachment had clearly been met, whereas Democrats mostly believed that President Clinton's misconduct did not come close to being a "high crime or misdemeanor." The legal issues involved are highly technical, and there is no reason to think that Republicans and Democrats would disagree on the legal standard. Yet the disagreement fell strictly along partisan lines—and again was accompanied by great mutual suspicion. Why is this?

With respect to impeachment, the numbers are truly astonishing. In the House of Representatives, 223 of 228, or 98 percent of Republicans, voted for impeachment on at least one count, whereas 5 of 206 Democrats (2 percent)

voted for impeachment on at least one count. In the Senate, 51 of 55 Republicans (93 percent) voted to remove the president from office, whereas 0 of 45 Democrats voted to do so. Within the citizenry, there were also exceedingly sharp divisions, with the vast majority of Democrats believing that impeachment would be a mistake, and the vast majority of Republicans believing the opposite. (Independents typically opposed impeachment, and helped produce the large anti-impeachment numbers among the public as a whole.)

The same basic split seen during the Clinton impeachment can be found in people's views about the performance of the Florida and U.S. Supreme Courts in the contest between George W. Bush and Al Gore. In both cases, it is obvious that political partisanship was at work. But can we say more about what accounts for this difference of opinion? And can we relate this kind of split to the news media, including the Internet, and to our current institutions, both public and private? If we can, should we be concerned? Should we try to do something about it?

I ask these questions because I believe that the answers involve a general phenomenon, traced in *Republic.com*, that has implications for a wide range of issues in a diverse democracy. The phenomenon, sometimes called *group polarization*, involves the tendency of like-minded individuals engaged in discussion with one another to fortify their pre-existing views—and indeed to move toward more extreme points of view in the general direction in which they were already tending. If Republicans are talking only with Republicans, if Democrats are talking primarily with Democrats, if members of the religious right speak mostly to each other, and if radical feminists talk largely to radical feminists, there is a potential for the development of different forms of extremism, and for profound mutual misunderstandings with individuals outside the group. This phenomenon of group polarization plays a large part in the story of the Clinton impeachment and the contest between Bush and Gore.

In both contexts, it is too simple to assume that the differences emerged because one group was right and the

other wrong. It simply defies belief to suggest that the observed pattern of judgments is what you would expect if each person, whether ordinary citizen or legislator, had consulted his or her conscience; such independent judgments would have led to far more defections from the party lines. This level of party solidarity, particularly on technical questions, suggests that individuals did not independently consult their consciences.

I believe that much of the explanation of why this puzzling pattern of judgments occurred lies in certain characteristics of collective deliberations—characteristics that tend to push group opinion in predictable directions. Above all, the pattern seems to be intimately linked to group polarization. An understanding of this phenomenon helps explain some alarming behavior by individuals in social settings, including those social settings that occur in cyberspace. Such an understanding also sheds some new light on party-line voting. It also raises a series of questions and doubts about processes of public deliberation, particularly in the context of such highly publicized controversies as may arise during the impeachment or election of a president.

These questions and doubts have everything to do with the nature of the mass media, and in particular with the growth of a fragmented, balkanized speech market. Suppose, for example, that a number of people are listening or talking primarily to people who agree with them. Discussion among a group of people believing that the Florida Supreme Court was trying to “steal” the election on Gore’s behalf will reinforce that belief among its members. The Internet, along with the growing number of increasingly specialized radio and television stations, makes like-minded discussions of this kind far easier; it also makes it more likely that opposing views will be caricatured and that questions will be constantly raised about the motivations of those who disagree. For this reason, situations like that observed in connection with the Clinton impeachment and *Bush v. Gore* are almost inevitable—and perhaps a harbinger of the future.

The problem does not lack solutions, some of them explored in *Republic.com*. But on television and radio, an increasingly popular way of presenting political disagreement—with simple, stylized “pro” and “con” views, often rendered by dogmatic extremists—is unlikely to make things much better and may make them worse. Psychological studies have established that individuals display “confirmation bias,” which means that if they hold an opinion about something, they will be fortified in that belief by partisan presentations of both sides. If viewers think that the death penalty is illegitimate, exposure to presentations both for and against the death penalty is likely to increase the viewers’ preexisting convictions. If radio or television programs show “pro” and “con” views expressed by people who distrust one another and attack each other’s motives, political polarization will be intensified, as viewers tend to identify with one side and caricature the opposing view.

A political process in which like-minded people talk primarily to one another poses a great danger for the future of a democracy. This kind of process can lead to unwarranted extremism. When various groups move in opposite directions to extreme positions, confusion, confrontation, accusation, and sometimes even violence may be the ultimate result.

Group Polarization

Although it has received little attention in law and political theory, group polarization is one of the robust findings in social psychology. The central point here is that the outcome of a group deliberation tends to be a more extreme version of the initial predisposition of group members. Deliberating groups thus move not toward the middle, but toward within-group extremes. For example, a group of people who tend to oppose affirmative action is likely, after discussion, to oppose affirmative action with more vehemence than before. Those inclined to support gun control will, after discussion, do so with greater enthusiasm. People who tend to

think well of an ongoing military build-up will more strongly favor a military build-up after discussing the problem with one another. Those who believe that President Clinton is perhaps a victim of a concerted right-wing attack are likely, after talking together, to think that this is undoubtedly the case. Those who fear that the president is a criminal and a liar who is protected by an indifferent public and an obsequious mass media may well, after talking together, come to believe that this is a very optimistic picture of the situation, one that is far too favorable to President Clinton.

There are two explanations for group polarization, involving two different mechanisms. Each mechanism plays a role in producing group polarization and, as we shall see, each of them played a role in the impeachment debate and the debate over *Bush v. Gore*. The first is based on *persuasive arguments*. Individuals respond to the arguments made by others, and the "argument pool," in a group with some initial disposition, will be strongly skewed in the direction of that disposition. Thus a group whose members tend to oppose affirmative action will hear a large number of arguments in favor of abolishing affirmative action, and comparatively fewer arguments for retaining it. Group members will have a stronger conviction along the same lines as their initial beliefs as a result of the group deliberation. If people believing that President Clinton's impeachment was a constitutional atrocity speak only to one another, they will be entrenched in this belief as a result of conversation together, simply because they will hear a range of arguments to this effect (and few good arguments the other way). There is considerable empirical support for the view that limiting the argument pool has this kind of effect on individual views.

The second mechanism has to do with *social influence*: individuals have a certain conception of themselves and a corresponding sense of how they would like to be perceived by others. Most of us like to think of ourselves as unique and gifted with good judgment. If you think of yourself as a person who opposes gun control more than most people do (because, say, you think that you are unusually

disposed to reject liberal homilies), you might become more extreme in your opinion in the presence of individuals who very strongly oppose gun control. If you maintained your original opinion, you might seem less strong in your opposition to gun control, and this may be disconcerting, thus causing a shift. Or if you believe that you have a comparatively favorable attitude toward affirmative action, discussion with a group whose members are at least as favorable as you are might well push you in the direction of greater enthusiasm for it. Having heard group members, you might move your stated position, simply to maintain a certain self-conception and reputation, as one who likes affirmative action a bit more than most people do. If you want to be seen as unfavorably disposed to President Clinton, you may support impeachment in a group that does the same, not because you have a considered judgment in favor of impeachment, but because you do not want to be seen by the group as a defender of President Clinton. There is a great deal of evidence that social influence is an independent factor behind group polarization; in particular, mere exposure to the views of others can have this effect, even without the occurrence of any persuasive discussion.

These points raise many questions about the value of deliberation and the whole ideal of deliberative democracy, which lies at the heart of our constitutional order. Of course we cannot say, from the mere fact of polarization, that there has been a movement in the wrong direction; perhaps the more extreme view is the better view. But if social influences rather than a full appreciation of relevant reasons incline people to shift their beliefs in a certain direction, the shifts may have very little to do with the merits of the opinions held. Those who believe in deliberation are likely to be pleased to find that arguments and reasons have an impact. But if the impact is a product of a skewed argument pool, then the resulting changes in judgment may be a product of happenstance and distortion, rather than of careful reasoning. I will return shortly to the relationship between the impeachment vote and group polarization.

Cascades

As discussed in *Republic.com*, the empirical findings on group polarization are closely related to theoretical work on social “cascades.” The question here is why social groups sometimes move quite rapidly in some direction or another—and why groups of like-minded people may move rapidly toward or against an extreme outcome.

When individuals lack independent sources of information, they often rely on information provided by the statements or actions of others around them. If A does not know whether abandoned toxic waste dumps are hazardous, he may become fearful if B seems to think that fear is justified. If A and B believe that fear is justified, C may end up thinking so too, at least if she lacks independent information to the contrary. If A, B, and C believe that abandoned hazardous waste dumps are hazardous, D will have to have a good deal of confidence to reject their shared conclusion. The result of this process is a cascade effect, in which large numbers of individuals end up believing something—even something that is false—simply because other people seem to believe it too.

We can see the effects of this phenomenon on public discussions of political, legal, and moral questions: there can be global-warming cascades, racism cascades, religion cascades, even pro-impeachment and anti-impeachment cascades. The same process may work for political candidates, as a fad develops in favor of one or another candidate—a cascade “up” or “down,” with victory-producing or ruinous consequences. Sometimes people are not entirely sure whether affirmative action is a good idea, whether capital punishment should be imposed, whether the Constitution protects the right to have an abortion, whether it is wrong to litter or to smoke, whether God exists, or whether perjury counts as a high crime or misdemeanor. Many people lacking firm convictions of their own may end up believing what other influential people seem to believe. There is an obvious analogy here to the “persuasive arguments” account of

group polarization—although for the cascade process the salient feature is the mere existence of a belief and not its rationale.

If the risk of social cascades is real, both the Bush campaign and the Clinton White House were correct to be worried about any small shift in public judgment. The Bush campaign feared that if people started to think that Gore really had won Florida, there might have been a cascade effect, ultimately handing the presidency to Gore. In every news media outlet, including the Internet, the Bush campaign worked very hard to prevent such a cascade. The same holds true for the Clinton administration's handling of the impeachment. If, as I suspect, many ordinary citizens were not really sure if President Clinton's misconduct met the legal standards that would warrant his removal from office, the large percentage opposed to removal was fragile. A small shift in the direction of pro-impeachment sentiment—from 70 percent against to, say, 58 percent against and falling—could have started a cascade effect, if what people thought was dependent on what they believed others thought. President Clinton and his administration were well aware of this point, and used the news media to try to prevent a cascade.

Thus far, the discussion has been concerned with informational pressures and informational cascades. When informational pressures are involved, people care about what other people think because they do not know what to think themselves, and they rely on the opinions of others to guide them. But there can be reputational pressures and reputational cascades as well.¹ Here people are influenced by what others say and do, not because they think that others are likely to be correct (as is the case for informational influence), but because they want to preserve their reputations. People care about what others think of them, and they speak out, or remain silent, in part to cultivate the approval of others, even at the price of failing to say what they really think.

¹See Timur Kuran, *Public Lies, Private Truths* (Cambridge, Mass.: Harvard University Press, 1996).

Suppose, for example, that A believes that hazardous waste dumps pose a serious environmental problem; suppose too that B is skeptical. B may keep quiet, or even agree with A, not because B thinks that A is right but simply to preserve A's good opinion. C may see that A believes that hazardous waste dumps pose a serious problem, and that B seems to agree with A; C may therefore also voice agreement even though privately she is skeptical or ambivalent. It is easy to see how this process might happen during intense political debates. People who think that the U.S. Supreme Court abused its authority in preventing the Florida vote recount might silence themselves, lest they get in trouble with President Bush and his supporters. (I can report that this has happened.) People who believe that President Clinton is a liar and a criminal might keep silent in some social settings, or even agree wholeheartedly with people who speak out on President Clinton's behalf. People who believe that impeachment was a terrible idea might not say so, and may even endorse impeachment, simply to preserve their reputations in certain communities. Undoubtedly this happened among some of those who publicly supported impeachment, including some members of the House of Representatives.

This concern for reputation can lead to cascade effects—large social movements in one direction or another—in which a growing number of people support a certain course of action simply because others do so. As for informational cascades, this may apply to publicly stated factual claims as well as to moral, legal, and political claims. This phenomenon is of course analogous to the “social influence” explanation of group polarization. The only difference is that the social influence explanation concerns presentation to self as well as presentation to others.

Social Dynamics

How does all this bear on the Bush-Gore struggle and the impeachment of President Clinton? And what are its general implications for intense political disputes, scandals, and

other sources of sustained public conversation? At first glance the answer is straightforward.

First consider informational forces. In Congress and the nation, in the mass media and on the Internet, Republicans were talking mostly with Republicans; Democrats were talking primarily with Democrats. In the context of *Bush v. Gore*, the consequence of these discussions was to intensify the sense that the other side was trying to steal the election and that it was willing to use “any means necessary” to produce its desired result. In the context of impeachment the result was to deepen the Republicans’ commitment to impeachment, to heighten the sense that the president had committed a high crime indeed, to suggest that the president’s arguments were weak and self-serving—and at the same time, to strengthen the sense among Democrats that Judge Starr was an unprincipled zealot, that the grounds for impeachment were implausible, and that this was something not very far from a “coup d’etat” on the part of the far right.

To be sure, many diverse arguments were available to representatives and citizens alike. In both cases, it was not as if the alternative view was invisible to those who disagreed with it. But it is reasonable to think that many Republicans, perhaps especially among the citizenry, were affected by a distorted argument pool, in which all or most of the articulated points had to do with Gore’s machinations and the president’s violation of his oath of office and failure to tell the truth under oath. In the relevant discussions, the best arguments on behalf of Gore and Clinton appeared infrequently, and when they appeared, they were likely to have been made half-heartedly. Many discussions among Democrats were affected by a similarly skewed pool of arguments, in which the best claims on behalf of Bush and impeachment were not mentioned. No wonder that both groups tended to polarize toward more extreme version of views.

Social influences were undoubtedly at work as well. A Republican who asked for continued vote counting in Florida

or who rejected impeachment—whether representative or citizen—would be signaling that he was willing to defect from the general party line. In the context of the 2000 election, a Republican who asked for the vote count to continue would be risking his political career. In the context of impeachment, a Republican could be sending out a clear signal of tolerance for illegality and misconduct by high-level Democrats. And for congressional members in particular, the consequence could be severe reputational sanctions, both within the House of Representatives or the Senate and at the next election.

The same dynamic was at work for any Democrat who favored Bush's position or who thought impeachment was justified. In either context, the signal would be one of capitulation to a Republican view—a signal that would be all the louder if very few Democrats were defecting. When several Democrats started to hint that Gore should give up, the Gore campaign was terrified that a cascade would develop. This helps explain why, in the early weeks after the contested election, Gore spent so much time trying to ensure continued and solid Democratic support. Once defections started, they could be hard to stop, because after a certain "tipping point," the loud signal would be muffled. If a few Democrats had called for impeachment, a cascade might have developed. This was the Clinton administration's worst nightmare; it explains why the White House believed it indispensable to keep as many Democrats as possible in line.

In all this, what was the role of the mass media and the Internet? For the most part, they amplified the division. Because of specialization and fragmentation, millions of Americans were receiving their information in significant part from people who shared their predispositions. The result was to polarize people. On many outlets, people did hear "both sides," but in the form of intense disagreement between mutually suspicious advocates that was bound to produce, for most people, a stronger version of their antecedent views. (As a teacher of constitutional law, I was called by many radio and television stations during *Bush v.*

Gore; but because I did not favor either side in the post-vote controversy, many stations decided that it would be unhelpful to air my views. I was much more popular during the impeachment controversy, simply because it seemed clear to me that the Clinton impeachment was unconstitutional and I was willing to say so.)

Here, then, is my basic account of the extraordinary party-line judgments among the citizenry at large, and within both the House and the Senate. These events were case studies in group polarization. Those who sought or gave an opinion overwhelmingly wound up fortifying one another's preexisting views, and made the views all the more extreme.

A Warning and A Lesson

What lessons do these points have for social dynamics and communications, especially in the context of highly visible public debates? Certainly they do not explain the whole picture. But they do provide part of any account of why a vast majority of Republicans may think one thing and a vast majority of Democrats the opposite, when independent judgment by individuals would seem to make this pattern entirely inexplicable. For representatives, the interest in getting reelected undoubtedly plays a role; but a great deal also depends on the limited information pool in the relevant communities and the particular signal given by defectors from the party. In the context of the legal questions in *Bush v. Gore* and of impeachment, I do believe that this discussion helps explain the extraordinarily partisan alignment of judgments, an otherwise most puzzling outcome.

If my explanation is right, it helps account for party line thinking in general, within legislatures and within the citizenry—and raises a host of questions and doubts about the value and consequences of group deliberation. Indeed, we may take the idea of “party-line thinking” very broadly. Often, for example, members of the Christian right, or of feminist organizations, will move in extreme directions,

largely because conversations tend to be internal, with like-minded people talking to one another. Modern technologies, including the Internet, make this far easier, creating favorable conditions for group polarization. Indeed, group polarization has generally been studied under laboratory conditions, with isolated incidents. In real life, what we may call “polarization games” are repeated, usually quite frequently. It is in such conditions that movement toward extreme positions, and misunderstanding of what opponents actually do and think, are especially likely.

Of course, nothing I have said here demonstrates that group polarization necessarily moves people in bad directions. We can imagine many contexts in which it is entirely appropriate for people to end up with a stronger version of their initial position; perhaps discussion clarifies matters, and perhaps the argument pool, limited though it is inevitably is, makes people see things more clearly. But nothing in the mechanisms that underlie polarization makes this inevitable. The most serious problems are likely to arise when deliberating groups, insulated from one another, polarize to more extreme positions partly because of their isolation. In these circumstances, large groups—with initial tendencies that are different but not greatly so—can shift in opposite extreme directions, with little understanding of how it is that they have ended up in such different positions. It is in this setting that group polarization carries a risk of balkanization, confusion, and even violence.

The nation managed to avoid the worst of these problems in connection with the 2000 election and impeachment, but in my view members of both parties suffered a great deal from their failure to engage the arguments put forth by the other side. If there is a warning here, there is a lesson as well—about the need to create institutions, and a system of communications, that will ensure that deliberating groups will avoid the isolation and homogeneity that can lead them, by the laws of social interaction, to unjustifiably extreme positions. The Internet is hardly the enemy here. It can easily be used to allow people to overcome isolation and

homogeneity. But it can also serve to put people into echo chambers of their own devising.

If group polarization plays a role in heterogeneous nations, and if it can undermine deliberative democracy, then Justice Brandeis' concerns about an "inert public" capture only a part of the difficulty facing our political system. *Republic.com* offers a few possible responses that I will not rehearse here. For present purposes, what is most important is an acknowledgment of the problem. Diversity is extremely important for a well-functioning republic. No one should wish for a system in which a small group of editors and broadcasters monopolizes the system of communications. Nostalgia is senseless: there has never been a golden age. But to the extent that diversity brings fragmentation, it is a mixed blessing. The task for the future is to benefit from the extraordinary increase in options while also creating public spaces, ensuring that each of us will see, some of the time, the concerns and contentions of our fellow citizens.