

29. Giddens, *Consequences of Modernity*, p. 121.
30. E. Goffman, *Relations in Public: Microstudies of the Public Order* (Basic Books, 1971), p. 198.
31. I. Altman, *The Environment and Social Behavior: Privacy, Personal Space, Territory, and Crowding* (Books/Cole, 1975); S. Petronio, Communication boundary management: A theoretical model of managing disclosure of private information between marital couples, *Communication Theory* 1 (1991), no. 4: 311–335; M. Ruggles, Mixed signals: Personal data control in the intelligent network, *Media Information Australia* 67 (1993), February: 28–39.
32. Samarajiva, Privacy in electronic public space, p. 90.
33. S. D. Warren and L. D. Brandeis, The right to privacy, *Harvard Law Review*, 4 (1890), drawing from T. M. Cooley, *A Treatise on the Law of Torts or the Wrongs Which Are Independent of Contract* (Callaghan & Co., 1879).
34. This was aptly expressed in 1856 in relation to asylums: “It is essential in all intercourse with the patients that the attendant’s conduct should be soothing. It must never be distrustful; but above all, while a constant surveillance is necessary, it is important that he be not obtrusive or unnecessarily interfering.”—W. H. O. Sankey, Do the public asylums of England, as at present constructed, afford the greatest facilities for the care and treatment of the insane? *Asylum Journal of Mental Science* 2 (1856): 470, quoted in C. Philo, “Enough to drive one mad”: The organization of space in 19th-century lunatic asylums, in *The Power of Geography*, ed. J. Wolch and M. Dear (Unwin Hyman, 1989).
35. Giddens, *Consequences of Modernity*, pp. 84–85.
36. Co-present interactions with system representatives tend to be limited to signing-up and installation. These interactions clearly fit Giddens’s discussion. Subsequent interactions tend to not involve co-presence, generally occurring via some technological medium such as the telephone, and they tend to occur in situations where the routine has been disrupted. Increasingly, telephone, cable, and energy companies are dispensing with co-present interactions even at the stage of signing up and installation.
37. Fédération nationale des associations de consommateurs du Québec and Public Interest Advocacy Centre, *Surveying Boundaries: Canadians and Their Personal Information* (Public Interest Advocacy Centre, 1995); Louis Harris & Associates, *Interactive Services, Consumers and Privacy* (Privacy & American Business, 1994).
38. Gandy, *Panoptic sort*. On general corporate information practices, see Larson, *Naked consumer*, and H. J. Smith, *Managing Privacy: Information Technology and Corporate America* (University of North Carolina Press, 1994).
39. M. Csikszentmihalyi, *Flow: The Psychology of Optimal Experience* (Harper & Row, 1990), pp. 28–33.
40. Quoted in H. R. Varian, The information economy: How much will two bits be worth in the digital marketplace? *Scientific American*, September 1995: 200–202. See also W. R. Neuman, *The Future of the Mass Audience* (Cambridge University Press, 1991), p. 150.

41. Persuasion is seen by some to be coercive. The term is used differently here. Some forms of persuasion may be coercive, but not all forms of persuasion necessarily are. It is difficult to clearly distinguish between communication that is persuasive and communication that is not.

42. *Oxford English Dictionary* (1989), “market,” definition 1(a): “The meeting or congregating together of people for the purchase and sale of provisions or live-stock, publicly exposed, at a fixed time and place; the occasion, or time during which such goods are exposed to sale; also, the company of people at such a meeting.”

43. This chapter focuses on the production and reproduction of audiences for political and economic organizations. Interpersonal and small-group interactions also require attention. These other forms of allocating attention are not dealt with here.

44. *Oxford English Dictionary* (1989), “audience,” meanings, 7(b) and 7(c). The audience for a television or radio program suggests concentration of attention at a given time; the audience for a book suggests that simultaneity is not essential.

45. For overviews see I. Ang, *Desperately Seeking the Audience* (Routledge, 1991); L. Jeffrey, Rethinking audiences for cultural industries: Implications for Canadian research, *Canadian Journal of Communication* 19 (1994): 495–522; Neuman, *Future of the Mass Audience*.

46. W. H. Melody, *Children’s Television: The Economics of Exploitation* (Yale University Press, 1973); D. W. Smythe, Communications: Blindspot of Western Marxism, *Journal of Political and Social Theory* 1 (1977), no. 3: 1–27. See also B. M. Owen, J. H. Beebe, and W. G. Manning Jr., *Television Economics* (Lexington Books, 1974); B. M. Owen and S. S. Wildman, *Video Economics* (Harvard University Press, 1992). For industry perspectives, see D. Poltrack, *Television Marketing: Network, Local, and Cable* (McGraw-Hill, 1983); H. L. Vogel, *Entertainment Industry Economics: A Guide for Financial Analysis*, third edition (Cambridge University Press, 1994).

47. Ang, *Desperately Seeking the Audience*. For earlier mainstream social science work on these lines, see R. A. Bauer, The audience, in *Handbook of communication*, ed. I. de Sola Pool et al. (Rand McNally, 1973).

48. J. Meyrowitz, *No Sense of Place: The Impact of Electronic Media on Social Behavior* (Oxford University Press, 1985); J. Meyrowitz, Medium theory, in *Communication Theory Today*, ed. D. Crowley and D. Mitchell (Stanford University Press, 1994). This tradition of scholarship originated with H. A. Innis (*The Bias of Communication* (University of Toronto Press, 1951/1964)) and M. McLuhan (*The Gutenberg Galaxy: The Making of Typographic Man* (University of Toronto Press, 1962).)

49. *Oxford English Dictionary* (1989), “audience,” meaning 7(b).

50. J. Turow, On reconceptualizing “mass communication,” *Journal of Broadcasting and Electronic Media* 36 (1992), no. 1: 105–110. By giving prior-

ity to the industrial nature of the production, reproduction, and multiple distribution of messages, Turow attempts to resuscitate the concept “mass communication,” originally defined in relational terms by C. R. Wright (*Mass Communication: A Sociological Perspective* (Random House, 1959)). However, Turow recognizes that the potential mass audience created by these industrial processes may rarely, if ever, be realized. If the mass audience rarely, if ever, materializes, the “mass” appellation appears to have little value.

51. Dayparts “are not strictly defined by a time specification; they represent program groupings reflecting similar audience composition” (Poltrack, *Television marketing*, p. 49).

52. M. W. Miller, Lobbying campaign, AT&T directories raise fears about use of phone records, *Wall Street Journal*, December 13, 1991.

53. Vogel begins his discussion of the economics of broadcasting (*Entertainment Industry Economics*, p. 152) with the aphorism “Programs are scheduled interruptions of marketing bulletins.” Smythe described programs, after A. J. Liebling, as the “free lunch” intended to attract viewers to advertisements (*Dependency Road*, p. 37).

54. The term is adapted from the concept of universal service in telephony.

55. The delays and problems in the startup of UBI reported by J.-H. Roy (La mort d'une inforoute? UBI titube, *Voir*, September 27, 1995), and even UBI's possible failure, will not affect the thesis developed in this chapter.

56. W. B. Arthur, *Increasing Returns and Path Dependence in the Economy* (University of Michigan Press, 1994).

57. K. Dougherty, Groupe Vidéotron set to offer home services through coaxial cable, *Financial Post*, December 24, 1994 (NEXIS database).

58. Université de Montréal, Centre de recherche en droit public, Code de conduite proposé pour l'environnement UBI, Document de travail, November 8, 1995. The set-top box and the associated terminal devices are likely to be free of charge, though some deposits may be required.

59. R. Thivierge, interview, July 11, 1995, UBI, Montréal.

60. R. W. Hough, Alternative routes to telco broadband in local markets, presented at Telecommunications Policy Research Conference, Solomons, Maryland, 1995; J. Markoff, Phone companies hit interactive-TV snags, *New York Times*, October 1, 1994.

61. Interviews showed this to be the dominant metaphor among the designers.

62. S. Rataczack, interview, July 12, 1995, National Bank of Canada, Montréal.

63. R. Gibbens, Vidéotron aims to connect with interactive TV test, *Financial Post - Weekly*, October 15, 1994.

64. UBI, Basic Information Guide, November 1994.

65. Université de Montréal, Centre de recherche en droit public, Code de conduite; P. Trudel, interview, July 13, 1995, Université de Montréal.

66. *European Telematics: The Emerging Economy of Words*, ed. J. Jouët et al. (North-Holland, 1991); J.-M. Charon, Videotex: From interaction to communication, *Media, Culture and Society* 9 (1987): 301–332.
67. G. Van Koughnett, Présentation: Réglementation, déreglementation et autoroutes électroniques, in *Les autoroutes de l'information un produit de la convergence*, ed. J.-G. Lacroix and G. Tremblay (Presses de l'université Québec, 1995).
68. A. F. Westin, Privacy rights and responsibilities in the next era of the information age, in *Toward an Information Bill of Rights and Responsibilities*, ed. C. Firestone and J. Schement (Aspen Institute, 1995), p. 86. Westin's methodology is well established and influential, though not uncontested. Westin claims that about 25% of the US populace are privacy fundamentalists.
69. The general problem is analyzed in A. Hirschman, *Exit, Voice, and Loyalty* (Harvard University Press, 1970).
70. R. Thivierge, interview, July 29, 1994, UBI, Montréal.
71. Louis Harris and Associates, *Interactive Services, Consumers and Privacy*, pp. xvi–xvii.
72. UBI, "The UBI consortium gives itself a code of ethics, to be drafted by the University of Montréal Centre de recherché en droit public," Press release distributed on PR Newswire, June 21, 1994; Trudel, interview.
73. UBI, "The UBI consortium gives itself a code of ethics" (emphases added).
74. For example, in November 1994 a 44-page document entitled "MEMOIRE presente dans le cadre de la consultation en vue de l'adoption d'un code de déontologie pour UBI" was presented on behalf of the Institut canadien d'éducation aux adultes (a specialized organization working in the field of adult education, public broadcasting, and communication policy on behalf of a huge network of community groups and trade unions), the Federation nationale des communications (a federation of trade unions representing workers in newspapers, broadcasting, and other sectors, including a trade union of Vidéotron workers), and the Confederation des syndicats nationaux (the confederation of Quebec national trade unions) (P. Péladeau, personal communication, September 22, 1995).
75. Trudel, interview.
76. Ibid.
77. M. Labrègue, interview, July 12, 1995, UBI, Montréal.
78. Arthur, *Increasing Returns and Path Dependence*. The competitive implications of achieving 80% penetration for interactive access and for the electronic wallet (the use of which is not limited to the UBI network) are significant.
79. Rataczack, interview.
80. This (described more fully below) is the only statute imposing general privacy-protection obligations on the private sector in North America.
81. For example, the Fédération nationale des associations de consommateurs du Québec (FNACQ), a major consumer-rights organization with a strong

record of privacy advocacy, believes that the collection and retention of consumer transaction information is desirable for the purpose of resolving disputes.

82. Rataczack, interview.

83. See extensive discussion in O. H. Gandy Jr., Legitimate business interest: No end in sight, *Chicago Legal Forum* (forthcoming).

84. R. E. Burns, R. Samarajiva, and R. Mukherjee, Utility Customer Information: Privacy and Competitive Implications, Report 92-11, National Regulatory Research Institute, Columbus, Ohio, 1992.

85. Rataczack, interview; Trudel, interview.

86. Rataczack, interview.

87. N.-A. Boyer, The road to legislation, part 1: The story behind Quebec's Bill 68, *Privacy Files* 1 (1996), no. 5: 7-8; P. Péladeau, Human rights and GII: From data protection to democratization of infrastructure decisions, presented at INET'96 Conference, Montréal.

88. C. J. Bennett, *Regulating Privacy: Data Protection and Public Policy in Europe and the United States* (Cornell University Press, 1992).

89. P. Péladeau, interview. July 10, 1995, FNACQ office, Montréal.

90. R. Samarajiva, Surveillance by design: Public networks and the control of consumption, in *Communication by Design*, ed. R. Mansell and R. Silverstone (Oxford University Press, 1996).