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The Attention Economy from the Perspective of Constitutional Law

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ABSTRACT

In the contemporary world, constitutional law and the attention economy have emerged as two key concepts in legal and political analyses. Constitutional law, as a set of fundamental principles that must be preserved in democratic societies, plays a crucial role in safeguarding freedom, equality, and human dignity. The principal question of the present study is why the attention economy should be examined within Iranian public law, particularly from a constitutional law perspective. Constitutional rights constitute the foundations of democracy and social justice and encompass individual freedoms, security, welfare, and education, all of which must be respected by governments and social institutions. At the same time, this situation raises serious constitutional concerns, especially regarding privacy, freedom of expression, and individual autonomy. As an emerging phenomenon, the attention economy refers to the management and commodification of individuals' attention in the digital age. It appears that the boundaries between its influence on individual freedoms and the authority of governmental sovereignty remain unclear. Violations arising from this phenomenon within the sphere of political rights, particularly amid ongoing social and political transformations, may endanger the civilizational ideals of humanity. The attention economy represents one of the most significant legal and social challenges of the postmodern era, increasingly shaping human relationships and establishing new political and legal dynamics. Accordingly, the extent of governmental intervention in addressing this phenomenon within the framework of constitutional law, as well as the adoption of non-expert legislative decisions, may prove highly detrimental. Conversely, leaving this issue entirely unregulated could generate irreversible harms to human rights. Therefore, the attention economy warrants extensive examination within the fields of public law and constitutional law.

Keywords: *Attention Economy; Public Law; Governance; Human Rights; Constitutional Law*

Introduction

The necessity of examining the attention economy, as a scarce phenomenon, can be regarded as a means of creating constitutional and human rights values. Moreover, the attention economy, as one of the fundamental characteristics of the digital ecosystem, is based on competition for attracting and retaining users' attention. The attention economy refers to attracting and managing individuals' attention in an information-saturated world. Within this framework, digital platforms, by using advanced algorithms and big data analytics, are designed and



constructed in such a way as to predict and direct users' behavior. However, within the context of the attention economy, these concepts have encountered new challenges, such that the boundary between free choice and algorithmic guidance has become difficult to distinguish. The attention economy was first introduced in the works of Herbert Simon, who emphasized the scarcity of attention in relation to the abundance of information. Subsequently, theorists such as Shoshana Zuboff, by proposing the concept of "surveillance capitalism," demonstrated that users' data have become a resource for predicting and controlling behavior (1).

The wealth of information creates a poverty of attention (2). In the contemporary world, access to information is one of the fundamental rights recognized in many countries as part of freedom of expression and the right of access to information. In today's digital world, access to information has become much easier; however, at the same time, the existence of abundant and diverse content may lead to user confusion. The attention economy can help direct users' attention toward high-quality and useful content. In today's world, information and content are produced without limitation and reproduced across social networks. Since such information consumes human attention, it becomes important to understand that the resource of human attention, like other economic concepts, is limited. The abundance of content causes individuals to face a scarcity of attention, and this turns audience attention into a valuable issue in the contemporary world. The main competition in media and political contests is the effort to attract more audience attention. Algorithms analyze behavioral data and display content that has the highest probability of attracting attention. The use of techniques such as addictive design, intermittent reinforcement, and excessive personalization increases users' dependence on platforms. On the one hand, if this phenomenon is not addressed properly, it can easily replace fundamental and basic human concepts with pseudoscience; on the other hand, an improper and authoritarian approach to this phenomenon will have irreparable negative effects and will create new challenges in constitutional law and the foundations of anti-human-rights theories.

The effects on individual rights in the attention economy and the attraction of attention to specific content may lead to violations of fundamental rights. One of the major challenges in the attention economy is the spread of false and fake information, which may lead to violations of fundamental rights (3). The increase in false and manipulated information in the competition to attract attention results in the production of fake content, which may spread rapidly and can mislead the public and harm fundamental rights under the name of expanding individual freedom.

The decline in the quality of content lacking a scientific basis, due to pressure on producers and monopolists of information to attract attention, may lead to the production of superficial and short-lived content. This can result in the replacement of inappropriate moral values and the promotion of unsound legal relations. Excessive use of social media and unscientific information may lead to anxiety and socio-psychological problems and, ultimately, the replacement of superficial and valueless concepts in public law relations, particularly constitutional law, may give rise to emerging political tendencies contrary to primary human principles (4). The present study, using an analytical–descriptive approach and relying on library sources and comparative studies, examines the relationship between the attention economy and fundamental rights. The findings indicate that the attention economy, by creating mechanisms of soft manipulation and reducing transparency, can lead to the weakening of human dignity and individuals' decision-making autonomy. Ultimately, the article emphasizes the necessity of redefining legal frameworks and strengthening regulation in this field.

In the book *Emerging Technology Trends in the Attention Economy*, the concept of the "attention economy" is derived from the view of Herbert Simon, the American psychologist and economist who won the Nobel Prize in Economics in 1978, who stated that abundance in the volume of information brings with it a scarcity of attention.

According to this theorist, attention is the bottleneck of human thought, and our perception of the real environment affects our capacities.

The book *Principles of Economics*, written by Dominick Salvatore and Eugene A. Diulio and translated by Mohammad Ziaei Bigdeli and Nowruz Ali Mahdipour, addresses economics, the demand–supply and equilibrium system, national income accounting, and consumer demand theory. Lewis presented his dual-sector model in the article “Economic Development with Unlimited Supplies of Labour,” published in 1954. He combined the analysis of the historical experience of developed countries with the main idea of classical economics in order to provide a broader and clearer picture of the development process. In his book *The Theory of Economic Growth*, published in 1955, Lewis provided an appropriate basis for the study of economic development.

In the book *General Principles of Economics*, written by Baqer Ghadiri Asl, general economics is examined through condensed analyses of microeconomics and macroeconomics in various dimensions.

The article “Attention: New Governance in Media Economics,” published in *Communication Research Quarterly*, states that in economics, what determines the value of any commodity is its degree of scarcity. The exponential increase in the number of media outlets and the informational bombardment of audiences by them have caused the scarce element in media economics to shift from information to audience attention toward media and the information they transmit. The scarcity of attention has given rise to a new theory concerning the nature of economics, known as the “attention economy.” Accordingly, the aim of the article is to introduce the theory of the “attention economy” and examine its role in media economics. In the book *Key Terms in Microeconomics and Macroeconomics*, written by Manijeh Nakhai Aghmioni, key terms in microeconomics and macroeconomics and their influence on society and social models are examined.

The Position of the Attention Economy in Protecting Constitutional Rights

Given its complex nature, the attention economy has created new challenges for constitutional rights within human rights laws. These challenges are mainly visible in the areas of privacy protection, combating misinformation, protecting citizens, and the challenges facing constitutional rights. Since the attention economy is an interdisciplinary issue and concerns areas of the humanities, including legal, economic, social, and psychological concepts, and even technical and technological fields such as artificial intelligence, no specific reference has been made to the attention economy in public law in books, articles, or dissertations. Therefore, it is important to examine the position and effects of the attention economy in protecting constitutional rights within the concepts and principles of constitutional law.

Concepts and Principles of Constitutional Law in the Attention Economy

Concepts and principles of constitutional law, such as governance, freedom of expression, freedom of thought, freedom of the press and media, freedom of access to information, and the preservation of human dignity based on the principle of transparency, the principle of accountability, and the principle of legality, must be carefully examined.

Governance

The concept of governance means regulating, managing, and supervising the flow of data, information, algorithms, and digital platforms in order to preserve the public interest, the fundamental rights of users, and the balance between the power of states and technology companies. Since information, data, and even public opinion

have been greatly influenced by digital platforms and intelligent algorithms, the issue of “governance” has acquired special importance. Governance in the attention economy does not merely mean the governmental management of cyberspace; rather, it refers to a set of rules, institutions, policies, and mechanisms that regulate how information and users’ attention are produced, distributed, controlled, and consumed. This concept redefines the relationship among states, technology companies, users, and legal systems in the digital age. This governance includes three main dimensions:

1. Information governance, meaning the management of how information is published, accessed, and circulated in digital space.
2. Data governance, meaning the regulation of how users’ data are collected, stored, and used.
3. Algorithmic governance, meaning supervision over the functioning of algorithms that select content, news, and advertisements for users.

Freedom of Expression

Freedom of expression is one of the fundamental freedoms that must be protected even in digital space. However, the mechanisms of the attention economy can lead to violations of privacy, manipulation of public opinion, psychological dependence, reduction of intellectual autonomy, and limitation of freedom of choice. The attention economy increasingly focuses on the collection and use of personal data. Public law must play a protective role in this regard and ensure that the collection and use of personal information are conducted in accordance with the principles of transparency, informed consent, and privacy. Algorithms and filtering systems used in the attention economy can potentially restrict access to information and freedom of expression. Public law must protect equal access to information and diversity of viewpoints and prevent the creation of informational monopolies for a particular group. In the attention economy, people often direct their attention to various subjects and services without being aware of how their information is collected and used. The state or sovereignty, as the defender of constitutional rights, must protect the general rights of the nation against possible abuse by certain individuals or political groups. Major technology companies, which play a key role in the attention economy, can also use their position to exert influence and create unfair competitive advantages in favor of certain governmental agents. Public law must support healthy and fair competition in this space and prevent monopoly and the exercise of power by a specific political or economic faction through particular companies.

The attention economy, as one of the most important characteristics of the digital age, is formed on the basis of competition for attracting, preserving, and directing users’ attention. In this structure, users’ behavioral data become a political, economic, social, and legal resource, and digital platforms, using intelligent algorithms, behavioral psychology, and data analysis, seek to increase users’ time spent on platforms and control patterns of information control. This situation has profound effects on human constitutional rights, including the right to privacy, freedom of will, freedom of expression, the right to free access to information, human dignity, and mental health.

Technological developments have led to the emergence of new forms of political, economic, and social power. One of the most important of these developments is the formation of the “attention economy,” a concept that indicates the transformation of human attention into a valuable subject in constitutional law. In the current environment, social networks connected to organs of governments compete not merely to provide services, but to capture and retain users’ attention within their own intellectual and political line. This competition has paved the way for the use of behavioral data analysis and psychological techniques. In the attention economy, platforms

display content that creates the highest degree of mental and temporal engagement for political purposes through the collection of personal data and the analysis of behavioral patterns. Such a situation has blurred the boundary between free choice and the hidden guidance of behavior. The importance of this issue becomes clearer when the effects of the attention economy on individuals' constitutional rights are examined. The necessity of protecting constitutional rights in confrontation with the attention economy is a highly important and vital issue that requires precision and careful examination.

Freedom of Will and Thought

The expansion of digital technologies and social networks has led to the formation of the "attention economy." In this system, users' data, online behaviors, and individuals' psychological patterns have become tools for generating economic profit. However, the effects of this process are not the same for all individuals, and vulnerable groups such as children, adolescents, older adults, people with low media literacy, and groups facing economic or psychological problems are more exposed to harm than others. Therefore, supporting these groups and protecting their constitutional rights have become one of the most important legal and social challenges of the digital age.

The concept of the attention economy and its effect on vulnerable groups: the attention economy is based on the design of algorithms whose purpose is to increase users' duration of presence in cyberspace. These algorithms analyze personal data and display content that produces the greatest emotional and behavioral response (1). As a result, users are constantly exposed to a broad stream of information, advertisements, and psychological stimuli. Vulnerable groups, due to their age-related, psychological, or economic characteristics, have less capacity to resist these mechanisms. The threat to constitutional rights in the attention economy is one of the most important consequences of the attention economy. The right to privacy, freedom of thought, human dignity, and the right to safe access to information are among the fundamental rights that may be violated in this space. Nevertheless, many digital platforms create a form of permanent surveillance through the extensive collection of personal data and analysis of user behavior. Shoshana Zuboff calls this situation "surveillance capitalism," a structure in which human experience is transformed into commercial data (1). This is more dangerous for vulnerable groups because they often lack sufficient awareness of how their data are used. In addition, the algorithms of the attention economy usually reinforce emotional and extremist content because such content generates more engagement. This process can threaten the mental health of children and adolescents and lead to anxiety, depression, social isolation, and severe dependence on social networks (5). The necessity of legal protection for vulnerable groups is essential for confronting these threats.

States must adopt comprehensive laws concerning the protection of personal data and the limitation of commercial misuse of users' information. European data-protection regulations are an example of legal efforts to protect users against the misuse of data. These regulations emphasize principles such as informed consent, transparency, and the right to delete information (1). The right to freedom of will and intellectual autonomy is one of the important challenges of the attention economy, namely the cognitive manipulation of users through content-recommendation algorithms and targeted advertising. These mechanisms can influence individuals' free choice and create a form of hidden behavioral guidance. Such a situation conflicts with the principle of freedom of will and the right to informed choice. The role of states in protecting constitutional rights: within the framework of digital governance, states have a duty to create a balance between technological development and the protection of citizens' rights. This can be achieved through the following instruments: adopting laws protecting personal data;

requiring platforms to ensure algorithmic transparency; protecting children in cyberspace; regulating digital advertising; and developing media literacy and public education.

Freedom of the Press

Freedom of the press is one of the most important components of constitutional rights and one of the fundamental pillars of democratic systems. In addition to guaranteeing citizens' right of access to information, this freedom provides the basis for the formation of informed public opinion and social supervision over political and economic power. With the emergence of digital technologies and the expansion of media platforms, the traditional concept of freedom of the press has entered a new stage and has been affected by the mechanisms of the "attention economy."

The attention economy has had profound effects on freedom of the press. Its first effect is the dependence of media on the algorithms of digital platforms. Today, a significant part of information circulation takes place through platforms such as Meta, YouTube, and Twitter. These platforms use content-personalization algorithms to determine which news items are seen more and which content remains marginalized. As a result, the traditional power of the press in determining the media agenda has largely been transferred to technology companies. On the other hand, the attention economy has led to the expansion of "click-orientation" in media. In this model, the success of media is measured not by the quality of information provision, but by the number of views, clicks, and user interactions. This issue pushes media toward exaggerated headlines, emotional news, and even the publication of incomplete information. In such an environment, freedom of the press may move away from its main function, which is public enlightenment, and become dominated by the logic of the market and attention-seeking. In addition, the concentration of media power in the hands of major digital platforms threatens the independence of the press. The algorithms of these companies can control the flow of information through the prioritization or removal of content. For this reason, some researchers believe that the attention economy has created a form of "algorithmic soft power" that can restrict freedom of expression and media diversity (1).

Nevertheless, the attention economy has not had only negative effects. This media system has also enabled broader citizen access to information, the emergence of independent media, and increased public participation in content production. Social networks have to some extent broken the traditional monopoly of major media and brought the voices of various social groups into the public sphere. Therefore, the attention economy simultaneously has capacities for expanding media freedom and serious threats against it. In this regard, the role of states and legal systems in regulating the media sphere is highly important, which will be discussed in later sections. Supporting algorithmic transparency, combating platform monopolies, guaranteeing free access to information, and supporting independent media are among the measures that can help preserve freedom of the press in the age of the attention economy. Moreover, the enactment of laws related to personal data protection and platform responsibility is part of the legal requirements for protecting freedom of expression and media in digital space.

Freedom of Access to Information

Freedom of access to information is one of the most fundamental human rights and one of the most important components of constitutional rights in democratic societies. This right enables citizens' free access to news, data, and public information and creates the basis for transparency, political participation, public oversight, and social awareness. With the emergence of digital technologies and the expansion of data-driven platforms, the traditional concept of free access to information has undergone transformation and has been affected by the mechanisms of

the “attention economy.” The concept of freedom of access to information means individuals’ right to seek, receive, and use information without unlawful interference. This right has also been recognized in international human rights instruments. In constitutional systems, free access to information is one of the preconditions for the realization of freedom of expression, freedom of the press, and democratic participation. However, the attention economy has changed the traditional structure of information circulation and made users’ access to information dependent on algorithms and platform mechanisms.

Among the challenges to freedom of access to information in the attention economy, one may refer to issues such as the creation of information bubbles as one of the most important consequences of the attention economy. Algorithms usually display content to users that corresponds to their previous interests and beliefs. This issue leads to the limitation of informational diversity and reduces individuals’ exposure to different viewpoints. Excessive personalization of content can place citizens in closed informational environments and weaken public awareness. The prioritization of emotional information over accurate information in the attention economy is another challenge facing freedom of access to information in this field. Content that creates stronger emotions is seen more; therefore, sensational and tabloid news has a greater chance of dissemination than analytical and specialized information. This situation can threaten the quality of the public sphere and citizens’ right of access to accurate information.

Intense competition for attracting attention has provided the conditions for the dissemination of misleading information. Many content producers publish unverified or provocative information with the aim of increasing views and earning revenue. This issue, especially in political, social, and public health crises, can have dangerous effects on public opinion.

Preservation of Human Dignity and Citizens’ Mental Health

The attention economy has become one of the most important economic and media structures in the world. In such a space, personal data and individuals’ privacy have become economic capital, and this issue has created widespread concerns regarding human constitutional rights. Intelligent algorithms analyze individuals’ behavior, interests, geographic location, social relations, and even emotional patterns, and design content that can guarantee the maximum duration of a user’s presence on the platform (1).

As a result, privacy is no longer merely a simple individual right, but has become an issue related to human dignity, freedom of will, and social security. According to Shoshana Zuboff, surveillance capitalism creates a form of invisible domination over citizens’ behavior by transforming human experience into extractable data (1). This situation causes individuals to be exposed to permanent surveillance and behavioral manipulation without full awareness. Addictive design in social networks and notification systems is also carried out with the aim of maximizing attention, and this weakens users’ capacity for independent decision-making (3). From the perspective of constitutional law, privacy is one of the foundations of individual freedom. Therefore, the commercial exploitation of personal data without informed consent can be considered a violation of fundamental human rights (1). In addition, the attention economy also has broad social consequences. Algorithms based on attracting attention usually display emotional, fear-inducing, or divisive content more frequently because this type of content generates greater engagement. As a result, public opinion may be affected by biased information, fake news, and social polarization (1). This issue threatens not only privacy but also mental health, social security, and the quality of democracy. In response to these challenges, the protection of people requires a multidimensional approach. First, states must establish transparent and strict laws regarding the protection of personal data. European data-

protection regulations are an example of an effort to limit the misuse of users' information. These regulations emphasize the principles of informed consent, the right to be forgotten, and transparency in data processing (1). Second, improving media literacy and public awareness is highly important. Citizens must know how their data are collected and analyzed and what effects this has on their choices and behavior. Without public awareness, even the strongest laws will have limited effectiveness. States have a duty to use the levers of power to strengthen and remind technology companies of their ethical responsibility. Platforms should not focus solely on profitability based on attention capture; rather, they must observe principles such as human dignity, algorithmic transparency, and respect for privacy. Otherwise, the attention economy may become a tool for social control and the weakening of civil liberties. Ultimately, privacy in the attention economy is not merely a technical or individual issue, but a matter related to constitutional rights, social justice, and human security. Protecting people in this space requires cooperation among states, legal institutions, civil society, and technology companies in order to establish a balance between technological development and the preservation of human dignity. The right to mental health in the attention economy is often designed in such a way as to keep users engaged for long periods. This can lead to digital addiction, anxiety, depression, and reduced concentration. Children and adolescents are more vulnerable in this regard. The preservation of human dignity requires that technology serve human beings, not that human beings become tools for the profitability of technology companies.

The Principle of Transparency and Accountability

The attention economy has led to the transfer of a significant part of social and informational power to digital platforms. In such a space, the principle of transparency and accountability no longer applies merely to the performance of states; rather, it must require technology companies and intelligent algorithms to comply with and be subject to accountability. Lack of algorithmic transparency, concentration of media power, and extensive exploitation of users' data can threaten legal security and individuals' fundamental rights. Users' right to object to automated algorithmic decisions and to request the review of patterns, as well as international legal approaches, have attempted to strengthen the principle of transparency and accountability in digital space through regulations such as personal data protection laws and digital services laws. These regulations emphasize transparency in data processing, informed consent of users, the right of access to information, and platform responsibility.

The Principle of Legality

The principle of legality is one of the most fundamental principles of public law and constitutional law. According to this principle, the exercise of public power, the restriction of individuals' rights and freedoms, and the activities of governing institutions must be based on law, transparent, and predictable. This principle guarantees citizens' legal security and serves as a barrier against the arbitrary exercise of power. With the expansion of digital technologies and the formation of the "attention economy," the traditional concept of the principle of legality has faced new challenges, because a significant part of social and economic power has been transferred from states to private platforms and intelligent algorithms. The principle of legality means that any restriction on individuals' rights and freedoms must be based on law, and the exercise of public power without a legal basis lacks legitimacy. In constitutional law, this principle is directly related to concepts such as the rule of law, legal security, transparency, predictability of laws, and the prohibition of arbitrariness. In democratic systems, the principle of legality ensures that citizens know what data are collected from them, how their information is used, and which institution is

responsible for decision-making regarding their digital rights. One of the most important legal bases for data collection is users' "consent"; however, in the attention economy, consent is often obtained formally and without awareness. The complex terms of use of digital services cause users to agree to platform policies without real awareness of how their data are processed. This situation conflicts with the principles of transparency and predictability, which are elements of the principle of legality. Moreover, the principle of legality requires that decision-making criteria be understandable and subject to supervision. However, the algorithms of digital platforms are usually confidential and opaque. The right to privacy in digital platforms: by extensively collecting users' data, digital platforms analyze their behavioral patterns and use this information for advertising targeting and increasing users' duration of presence. This process can lead to violations of privacy and the commercial exploitation of personal data. In Iranian law as well, Articles 22 and 25 of the Constitution emphasize the inviolability of individuals' dignity, life, rights, and correspondence. Therefore, unregulated surveillance of users' behavior in cyberspace is incompatible with the fundamental principles of constitutional law.

The Necessity of Protecting Constitutional Rights in Confrontation with the Attention Economy

Securing Economic and Social Rights in the Attention Economy

Economic and social rights are recognized under the heading of the rights of the nation and include the right to work, the right to social security, the right to education, the right to health, and the right to adequate housing. These rights enable individuals to have a dignified life and benefit from the facilities and services necessary to meet their basic needs. In confronting economic challenges, states must respect these rights and strive to improve the living conditions of people. States are responsible for securing these rights through appropriate policies and programs. These rights include job creation, the provision of health and educational services, and support for vulnerable groups in society. States must use their financial and human resources in the best possible way in order to contribute to the realization of these rights. Securing economic and social rights is not only a legal obligation but also contributes to strengthening the social and economic foundations of society. States must cooperate with civil institutions and society to realize these rights in order to prevent violations of constitutional rights and establish social justice.

The state has a duty to make the utmost effort to identify the effects of the attention economy in order to secure the economic and social rights of the nation. This issue, as one of the fundamental pillars in the protection of human rights, especially in economic, social, and cultural fields, is of great importance.

Protection of Vulnerable Groups

In difficult economic conditions, vulnerable groups in society come under greater pressure. States must adopt the necessary measures to support these groups so that their rights are not violated. In difficult economic conditions, vulnerable groups such as workers, women, children, and older adults are placed under greater pressure. States must adopt special measures to support these groups in order to prevent violations of their rights. Securing economic and social rights must be carried out in line with sustainable development. This means paying attention to environmental, social, and economic dimensions in economic planning and decision-making. Sustainable development can contribute to the realization of human rights. Children and adolescents, due to incomplete cognitive development, are more affected by addictive content and targeted advertisements (5). Older adults or

individuals with low media literacy may also be unable to identify fake news, online fraud, and misuse of personal data.

In the field of children as well, international instruments emphasize the necessity of special protection. Therefore, digital platforms must avoid addictive designs and deceptive advertising for children (5). The role of the state and society in protecting constitutional rights: the protection of constitutional rights in the attention economy is not solely the responsibility of states; rather, it requires cooperation among social, educational, and technological institutions. Media literacy education is one of the most important preventive tools. Individuals must learn how to protect their personal data and resist informational manipulation.

Technology companies must also assume greater social responsibility. Clarifying the operation of algorithms, limiting targeted advertising for children, and reducing addictive designs can be part of this responsibility. Otherwise, the attention economy may become a tool for exploiting human psychological and social weaknesses. Although the attention economy has created broad opportunities for communication and technological development, it also poses serious threats to human constitutional rights, especially those of vulnerable groups. Children, older adults, and disadvantaged individuals are more exposed than others to informational abuse, privacy violations, and psychological harms. Therefore, protecting constitutional rights in this space requires the adoption of supportive laws, the promotion of media literacy, and the responsibility of technology companies so that human dignity and social justice are preserved in the digital age.

Sustainable Development

The protection of constitutional rights must be carried out in line with sustainable development. According to the definition of the Brundtland Commission, sustainable development is development that meets the needs of the present generation without compromising the ability of future generations to meet their own needs. Within this framework, if the attention economy leads to the erosion of mental health, the weakening of intellectual autonomy, and the violation of fundamental rights, it will conflict with the goals of sustainable development. Constitutional rights in the attention economy are a set of fundamental and inherent human rights recognized in constitutions and international human rights instruments.

Technology companies, by using algorithms, data mining, and addictive designs, compete to attract and retain users' attention. Although this situation has created broad opportunities for economic development and global communication, it has also created serious threats against human constitutional rights, including the right to privacy, the right to mental health, the right to freedom of will, and the right to equal access to information. Therefore, the realization of sustainable development in the digital age will not be possible without protecting constitutional rights in the attention economy. The concept of the attention economy and its relationship with sustainable development: the attention economy refers to an economic system in which users' attention becomes the main commodity and capital. Herbert Simon believed that "an abundance of information creates a poverty of attention," because human cognitive capacity is limited and competition to capture it increases (6). Sustainable development is also based on the simultaneous realization of economic, social, and human dimensions. In the attention economy, some of the most important rights are exposed to threat.

The European Union, by adopting data-protection regulations, has provided an example of efforts to support fundamental rights in digital space. The attention economy and the dimensions of sustainable development: the protection of constitutional rights in the attention economy is related to the three main dimensions of sustainable

development: the social dimension, in which the preservation of mental health, informational security, and digital justice promotes social welfare and reduces cultural harms; the economic dimension, in which the digital economy will be sustainable only if public trust in platforms is preserved, since widespread violation of privacy can weaken the legitimacy of the digital economy; and the human and ethical dimension, in which sustainable development is not merely economic growth, but also includes the improvement of human quality of life and the preservation of individual dignity. The attention economy must be regulated on the basis of technology ethics and respect for human rights.

The Function of the Attention Economy in Constitutional Law

The attention economy, as an emerging concept, seeks neither wealth alone nor power alone, but rather a combination of both. In fact, the main objective of the attention economy is to acquire and maintain power through the control and guidance of individuals' attention, while money is considered a means for achieving this objective. In the past, wealth was considered a means for acquiring power, but in the attention economy, individuals' attention has become a valuable commodity that can be transformed into wealth and ultimately into power. The main investment of actors in the field of the attention economy is in attracting public attention. Political and social parties and organizations spend enormous sums on advertising, content production, and the design of attractive user interfaces in order to attract individuals' attention. These costs are a form of investment for acquiring power through the control of individuals' attention.

The main objective of the attention economy is to acquire and maintain power through the control and guidance of individuals' attention. By controlling individuals' attention, actors can influence their thoughts, beliefs, and behaviors in a way that benefits particular organizations and even certain states, or plays a reverse role against governments that possess sound foundations. The other side of this issue is the improper intervention of sovereignty in confronting social freedoms and restricting freedom of expression, or the factional abuse of the attention economy by part of the government, which distances itself from the lofty aims stated in human rights foundations by creating laws contrary to the spirit of constitutional law. This will lead to more severe crises and is clearly in conflict with the spirit of justice (3).

Discrimination in access to information and digital resources, as well as their unequal use by limited individuals and groups, can lead to violations of political and social rights. While the attention economy can be used as a tool for education and increasing public awareness of constitutional and human rights, if it is denied one-dimensionally by rulers on the basis of perfectionist foundations, it will cause serious harm to current human relations and future backwardness in global communications. On the other hand, leaving the attention economy outside the sphere of supervision by rulers on the basis of neutrality can lead to the disastrous replacement of true sciences, especially in constitutional law, with pseudoscience in all fields of knowledge. Creating a balance between states' supervision of the attention economy and their recognition of freedom of expression can help increase public awareness and strengthen constitutional rights.

The Effects of the Attention Economy on Constitutional Law

By controlling individuals' attention, actors can influence their thoughts, behaviors, and decisions. This influence can be used to promote thoughts, disseminate ideas, and even shape political tendencies. Technological developments in recent decades have transformed traditional structures of communication and information and

shaped new patterns of social interaction. In this context, the “attention economy,” as a key concept, reflects a situation in which human attention, as a scarce and valuable resource, becomes the object of competition among economic actors. Digital platforms, by designing mechanisms such as infinite scrolling, repeated notifications, and content personalization, attempt to increase users’ time spent on platforms.

It can be said that the main objective of the attention economy is to control and direct individuals’ attention toward intended resources and content in the desired cultural, political, and social arenas. This organized control of thought can take various forms, such as personalization algorithms, user-interface design, and the production of attractive content. By controlling individuals’ attention, actors influence their thoughts, beliefs, and behaviors. This influence can benefit parties, organizations, and even states and ultimately lead to the promotion of human and constitutional foundations; alternatively, by deceiving public opinion, it can cause the rise of ideas opposed to the foundations of constitutional law and lead to the restriction of constitutional rights. Therefore, it is necessary to address the disadvantages and advantages of the attention economy in constitutional law.

Disadvantages of the Attention Economy in the Development of Constitutional Rights

When the attention economy interacts with democracy, which is based on the free and conscious choice of citizens, serious challenges arise. The unknown effects of the attention economy in the political sphere and in constitutional law have provided the basis for a new operational leap in governance, such that by controlling citizens’ behavior and thoughts, it can ultimately create restrictions on human rights in all fundamental areas, including freedom of expression, social and economic rights, and independent elections. In this section, the disadvantages of the attention economy in the development of constitutional rights will be discussed.

Information Manipulation and Its Effect on Democratic Decision-Making and Freedom of Expression

One of the greatest challenges of democracy in the attention economy is information manipulation and its effect on voters. Digital platforms use algorithms that show users personalized content. These algorithms often operate on the basis of users’ interests, behaviors, and past data and may place individuals in a “filter bubble.” Although platforms provide the possibility of expressing viewpoints, algorithms play a decisive role in whether content is seen or not. This can lead to the creation of “information bubbles” and the limitation of viewpoint diversity. In this situation, users see only content that aligns with their previous beliefs, and this can limit opposing views and critical discussions that are necessary for a healthy democracy. For example, in the 2016 United States presidential election, reports were published indicating that fake news and manipulated content on social networks, especially Facebook, affected voters’ decision-making. This issue shows that the attention economy can be a powerful tool for manipulating public opinion and weakening democratic processes.

Polarization of Society and Reduction of Public Dialogue

The attention economy often seeks content that arouses strong emotions, such as anger, fear, or excitement. This can lead to the polarization of society because divisive and extremist content spreads more than balanced and rational content. In a democracy, public dialogue and consensus on important issues are fundamental principles, but the attention economy can reduce this dialogue to conflict and disagreement.

Concentration of Power in Sovereignty

In the attention economy, enormous power is concentrated in the hands of large technology companies that serve sovereignty. They control the main platforms for attracting attention. These companies not only collect users' data but also decide what content is shown to whom. These companies may censor content related to constitutional rights under pressure from states or particular political groups and promote a specific orientation. This concentration of power can threaten democracy. This issue leads to unrestrained concentration of power in sovereignty.

Reduction of Privacy and Its Effect on Individual Freedoms

In order to attract attention, technology companies connected to sovereignty depend on users' personal data, and the collection and analysis of users' data play a fundamental role. These data are often collected without informed consent and through technical complexities. Such a situation can lead to violations of privacy and the creation of detailed profiles of individuals. This endangers individuals' privacy and can become a tool for surveillance and control. One of the most important challenges is the effect of the attention economy on individuals' decision-making autonomy. When choices are affected by targeted designs, the concept of free will becomes ambiguous; therefore, according to the theory of neutralists, the concepts of humanism and individuality will have greater predominance than society and collective reason. In a democratic system, freedom of expression and privacy are fundamental rights, but the attention economy threatens these rights through the misuse of private persons' or political competitors' data and continuous surveillance. For example, the Cambridge Analytica scandal showed how Facebook users' data were used to influence elections. During political crises, some states may restrict individual freedoms under the pretext of crisis management. It is necessary that any restriction be based on laws and regulations and accompanied by oversight by independent institutions.

Weakening and Restricting Independent Media

The attention economy has caused traditional media, which often played an important role in providing credible and impartial information for democracy, to face declining audiences and revenue. Instead, rapid and often unreliable content on social networks has taken their place. This can reduce public trust in information and weaken the foundations of informed decision-making in democracy.

Advantages of the Attention Economy in the Development of Constitutional Rights

The attention economy has affected not only how political information is produced and consumed, but also the patterns of political participation. In this section, the way in which the attention economy affects various forms of constitutional rights development, from individual content production to human rights campaigns, will be examined in depth. On the other hand, the emergence of the attention economy has led to characteristics such as reduced concentration, the transience of interests, the empowerment of form over content, and the intensification of political polarization (6). It should be noted that policymakers, media activists, and civil society must align the attention economy with the principles of responsibility, media literacy education, ethics-oriented algorithm design, and the strengthening of intermediary institutions, rather than confronting it. Without these reforms, there is a risk that constitutional rights will be emptied of meaning, public trust will be weakened, and populist currents will dominate.

Increasing Citizens' Political Participation in the Attention Economy

In the present age, the attention economy, as one of the fundamental components of the social and media structure, plays a decisive role in shaping public political participation. Unlike the traditional era, in which political participation depended more on formal mechanisms, parties, limited media, and limited awareness, in the attention economy new actors have entered the scene: citizens who are not only consumers but also producers of content and who can react instantly through digital platforms and even influence political trends (3). Moreover, under the current process, the structure of political participation has also faced new challenges that require precise and innovative solutions. In traditional conditions, political participation was limited for structural and technical reasons, and citizens usually had the role of information consumers, while their influence was manifested through channels such as parties and ballot boxes. However, under the dominance of the attention economy, thanks to modern social media, citizens have become active actors in the political arena. At the same time, these changes are accompanied by harms such as the reduction of analytical depth, the spread of fake news, severe polarization, and dependence on visual attractions instead of content. Therefore, although the attention economy has created opportunities for democratizing participation, it has also posed threats to its quality (3). Public political participation is not only exposed to new opportunities but also faces complex challenges emerging from the attention economy. Understanding this process requires rethinking media tools, methods of political action, and the manner in which states interact with citizens. Nevertheless, ultimately, it has increased citizens' political participation in constitutional law and prevented the monopoly of power. This phenomenon sometimes causes political participation to be limited to emotional representation, viral campaigns, and momentary actions instead of benefiting from depth and analysis. Ultimately, it can be said that public political participation in the age of the attention economy is not only a democratic necessity but also a complex and multilayered challenge that requires rethinking structures, media, and communication patterns. A precise and critical understanding of this phenomenon is the first step toward transforming threats into sustainable opportunities in the field of modern governance.

Enhancing the Transparency and Accountability of Institutions

In the age of the attention economy, the rapid and accurate accountability of governmental institutions in response to social waves and public demands is highly important. Otherwise, public distrust intensifies and participation erodes. Designing online systems for receiving feedback and following up on demands is one of the most effective instruments of accountability (4).

Political messages are not necessarily based on argument,

Strengthening the Voice of Minority Rights

The attention economy can be both a threat and an opportunity for ethnic and religious minorities. Although the superficial exploitation of minority identities may lead to the continuation of stereotypes, at the same time this space can become a tool for promoting public awareness, strengthening solidarity, and empowering minorities. Despite the above challenges, the attention economy has created opportunities for the participation of groups that were previously not counted in political processes. For example, racial, ethnic, or gender minorities can make their voices heard by the public on platforms such as Twitter or Instagram through collective identity branding and digital organization (1). In other words, by breaking the monopoly of official media, the attention economy has made it

possible for neglected groups to become visible. In many cases, minorities are ignored in mainstream media or are noticed only in times of crisis and tension. This type of attention is often superficial, negative, or stereotypical. The opportunities created by the attention economy are also unprecedented. Equal access to information, the possibility of hearing marginalized voices, and the opening of the field of participation to different social strata are among its advantages (6). In fact, if this context is properly guided and regulated, it can greatly contribute to the promotion of democracy, transparency, and political justice. The emergence of social networks has enabled minorities to convey their voices directly to audiences without the mediation of traditional media. This provides the possibility of reconstructing identity and demanding rights within the framework of the attention economy.

Recommendations

In the contemporary world, the development of new legal values in philosophical and digital concepts has caused the modern age to differ from previous eras and their needs. Therefore, the proposed recommendations for preserving constitutional rights in the attention economy are necessary and essential.

The formulation and redefinition of specific digital rights laws in the legal system.

The transparent definition of states' responsibility to protect people's rights and freedoms against the threats of content and algorithms that can harm individual freedoms.

The requirement of transparency in the collection and use of data in line with the interests of maintaining balance between state power and the freedom of the nation.

A recommendation in the field of algorithmic transparency: requiring platforms to explain the general criteria of algorithms, enabling independent institutions to supervise recommender systems, and establishing the right of the nation to "request explanations regarding algorithmic decisions" from states.

Requiring the state to provide education and media literacy and to enhance citizens' digital literacy.

Conclusion

The attention economy, as one of the main characteristics of the digital age, brings with it multiple opportunities and threats. While this economy can provide the basis for economic growth and the expansion of communications, in the absence of legal and ethical oversight, it may lead to widespread violations of fundamental human rights. Through mechanisms of algorithmic persuasion and digital surveillance, the attention economy creates a form of cognitive colonialism that weakens individuals' freedom of choice and intellectual autonomy. Therefore, the realization of sustainable development requires states and international institutions to place the protection of users' fundamental rights at the center of digital policymaking. Only in this way can a balance be established between technological progress and the preservation of human dignity. Consequently, states and legal systems are inevitably required to support citizens' constitutional rights in digital space by formulating protective regulations, clarifying the operation of algorithms, strengthening the right to personal data, and creating responsibility for platforms.

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