

Universal Internet Access under an Ethical Lens

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INTRODUCTION

Universal service is a long-standing tradition of telecommunications policy, designed to ensure that all citizens have access to affordable, quality telecommunications services regardless of geographic location and socioeconomic status. The origins of it are usually traced to the U.S. 1934 Communications Act and, also within the European Union, this principle was made explicit since the very first documents on the issue, as in the Green Book of 1995 or, even before, in the Council Resolution (93/C213/01) accepting the Commission guidelines for the liberalization of voice telecommunications (COM(93)159).

In Europe, as in the U.S. with the 1996 Telecommunications Reform,¹ it is currently recognized as a dynamic nature of universal service. According to the 1996 act, in particular, the FCC is in charge of defining it and making it *evolve consistently with technological progress* (s. 254(c)(1)). This innovative approach is followed by the European Union as well ((EC) No 34/96). The recent implementation of this principle in western countries, however, has been controversial, giving us the starting point for a broader discussion.²

Among other things, in fact, critics have charged that the definitions of what constitutes universal service have not been adequately addressed: a critical question is whether Internet access should become part of a universal service application, which means to take on the obligation to make Internet access to every citizen possible at affordable rates and have its costs subsidized through universal service funding.

The aim of this article is to frame the question within an ethical background able to steer our judgment and root our evaluation into some solid moral argument. The contribution will try to show different ethical perspectives to approach the debate. As a final remark, while for *developing* countries the real issue today remains “Internet access,” for *developed* countries the reader should interpret the problem of

“Internet access” as “Broadband Internet access”: *mutatis mutandis*, all the considerations made remain valid in both contexts.

UNIVERSAL INTERNET ACCESS: DISCUSSION

As anticipated above, it is important to understand what one means by universal access to the Internet. If Internet access as universal service means to guarantee the minimal technical conditions of the national telephone network to access the Internet, then such access is in fact already becoming available universally, even for broadband services. Likewise, if we require the presence of supply in every area so to have potential access countrywide, this condition has already been achieved by the private industry. However, these basic definitions are intuitively too narrow to be consistent with what is discussed above. So, if “universal Internet access” is to be something more, then what? Should we guarantee the provision of the service at affordable conditions? Should we guarantee some equipment as well? More widely, should we guarantee that every person, independently from her status or skills, could access the Internet?

From this last statement, two different levels of the problem emerge: an economical level and an attitudinal one. Even if the two should have the same logical standing, the debate seems to be excessively focused on the economic barriers. In this article we consider the idea of universal access to the Internet as embedded in both dimensions:

- a. universal access as the transfer of resources to the poor in order to provide them with the minimum tangible assets to access the Internet, and
- b. universal access as the transfer of knowledge and skills to the new “techno-illiterate” in order to

provide them with the minimum intangible assets to access the Internet.

How do we discern whether the provision of telecommunications universal service should include goal A or goal B or both? And which would be the minimum level of tangible or intangible assets to grant? Our aim cannot be limited to understand if A or B is simply desirable. It seems easy to agree that both A and B are desirable. However, in the presence of scarce resources, the policy debate centers on prioritizing needs: “How important is Internet access in an area without safe water?” (Pruett & Deane, 1998).

Instead of giving a deterministic answer, in the following pages we will frame the issue within different ethical backgrounds, trying to provide a more complete picture of the problem. Specifically, policies A and B will be commented on according to three important theoretical frameworks: the rights theories, the utilitarian theories, and the theory of justice.

The Human Rights Approach

The extension of traditional universal service might be justified if we proved that certain services are basic human rights.

The claim of the right to Internet access could be argued—first—by analogy from traditional telephone services, postal services, and universal education.

When referring to traditional telephone service, “the entitlement argument asserts that in a modern society telephonic communication, like education, basic medical care, and postal service, is an inherent attribute of citizenship....*No one...should be denied the participation in the life of the community* that the telephone provides” (Pool, 1984, p. 115). This argument also gained some legal force. For example, the Montana Supreme Court ruled in a 1987 case that the lack of a telephone is a significant “barrier to employment” (cited in Hadden, 1991). In our times, these considerations appear extendible to Internet access. It is because, no doubt, an increasing part of community life is moving into the so-called cyberspace. An early study conducted by RAND, for example, noted how the lack of an e-mail address could quickly become a new barrier to employment (Anderson, Bikson, Law, & Mitchell, 1995).

By providing asynchronous written communication, the basic features of e-mail services are analogous to

those of postal services. Yet, they are extremely faster (almost real-time delivery), more flexible (it is possible to access one’s e-mail from different locations), and in general, more convenient (especially if the same message must be sent to multiple addresses). Not surprisingly, its diffusion is becoming widespread. Therefore, in the same way we recognized in the past the postal services as a universal right, we might recognize today the right to a universal e-mail address.

Similar appeals can be found for universal education. In the mid-1800s the masthead of the Working Man’s Advocate read: “All children are entitled to equal education; all adults to equal privileges” (Binder, 1974, p. 33, cited in Sawhney, 1995). The argument here was that universal education is a *necessary requirement for modern life*. This resembles the way in which the skills to access the Internet are becoming more and more necessary *to have comparable opportunities in modern life*.

A complementary way to claim the right to Internet access is by deriving it from a superior right which it implements. Assemblywoman Gwen Moore, for example, adopted this strategy in California (Jacobson, 1989). Her argument was grounded in a broad interpretation of the “free speech” clause by the California Supreme Court. The rationale is that if the freedom to communicate is a fundamental right, then access to the means of communication must also be a fundamental right. Without Internet access, one cannot be a part of the telecommunicating community.

It is important to notice, however, that we should not make confusion between negative rights (the legitimate right of being free to access the Internet if I want to) and positive rights (the right—still to be proved—to receive any support so that I can access the Internet).

According to this first ethical perspective, then, it is possible to conclude that:

- a. A positive right for Internet access—deducted by analogy—is plausible, even if not necessarily a *home* access: it could be a public access to the internet, like in schools or libraries. Concerning the availability of e-mail addresses for everyone, it is interesting to note how the private entrepreneurship already overcame this issue by providing free accounts. Referring to the negative right for Internet access, a constant reduction of technical barriers to broadband Internet access is clearly desirable. In developed and developing

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