CHAPTER

7 "Rulers of thousands, hundreds, fifties, and tens": Does Democracy Count? 🔓

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Abstract

This chapter denounces the hypercommercialization of the information network and its control by private interests using the marketplace metaphor. It argues that government policy should adopt a justice-based metaphor instead, and focus on quantifying the amount of democratic opportunity created, after reaching consensus on the definition of democratic participation. The chapter begins with an overview of broadband Internet within the context of democracy and its importance in the promotion of social and democratic goals before offering an alternative theoretical framework for evaluating the "success" of broadband policy and creating a measure for "democratic capacity." It then introduces a vision of broadband as an essential facilitator of democratic discourse and considers some recent attempts made by governments to rethink "development" in non-economic terms. Finally, it discusses the non-economic goals set by the National Broadband Plan in comparison with its quantifiable goals.

Keywords: hypercommercialization, information network, democratic participation, broadband, Internet, democracy, broadband policy, democratic capacity, development, National Broadband Plan

Subject: Museums, Libraries, and Information Sciences

During his presidential campaign in 2008, then-Senator Barack Obama stated his belief "that America should lead the world in broadband penetration and Internet access."[1] Following up on his campaign agenda and upon becoming president, Obama promised in his inaugural address to "build ... digital lines." Neither the campaign promise nor the presidential commitment revealed anything new of note. Obama's predecessor, George W. Bush, also called for "universal, affordable access for broadband technology by the year 2007,"[2] and both presidents' political rivals made similar campaign promises in their respective campaigns. When it came to actual action, the Bush administration claimed to have "implemented a wide range of policy directives to create economic incentives, remove regulatory barriers, and promote new technologies to help make broadband affordable;"[3] while the Obama administration initiated the American Recovery and Reinvestment Act (ARRA) of 2009, which was enacted by Congress a few weeks after President Obama's inauguration, and which mandated the Federal Communications Commission to draft within a year a plan that will "ensure that all people of the United States have access to broadband capability."

The National Broadband Plan (NBP), which was made public a year later, set numerical goals for access to telecommunications for the first time in US history. Indeed, the goal of universal access did appear in the Communications Act of 1934, which was enacted in order "to make available, so far as possible, to all the people of the United States, without discrimination on the basis of ↳ race, color, religion, national origin,

or sex, a rapid, efficient, nationwide, and world-wide wire and radio communication service with adequate facilities;" however, that goal was never quantified. The NBP stated its quantifiable goals as:

- At least 100 million US homes should have affordable access to actual download speeds of at least 100 megabits per second and actual upload speeds of at least 50 megabits per second by 2020.

- Every American community should have affordable access to at least 1 gigabit per second broadband service to anchor institutions such as schools, hospitals and government buildings.

- Every first responder should have access to a nationwide, wireless, interoperable broadband public safety network.

The quantification of policy goals with regards to penetration levels of telecommunications infrastructure is a relatively new phenomenon in the United States as is its positioning in an internationally comparative context. It was probably not until the first decade of the twenty-first century that either discussion would even emerge; however, the NBP was initiated as a result of a general sense of international inferiority in access levels. During the twentieth century, the telecommunications infrastructure in the United States was far more robust than anywhere else in the world—in particular with regards to the two leading communications technologies of the era, the telephone and the television, and their penetration seemed to be virtually universal with the exception of distinct outlying populations. This reality took a dramatic turn in the late 1990s with the emergence of the twenty-first–century technologies: mobile communications and broadband Internet. According to International Telecommunications Union Statistics (ITU), by 2009 at least seventy-seven countries boasted mobile penetration of more than one hundred lines per one hundred inhabitants, while the United States was still at 94 percent. Indeed, many of these countries are small or lacking a wireline infrastructure, but among them are large nations such as Russia (163.62), and developed economies such as Germany (127.79), the United Kingdom (130.55), and Finland (144.59), to name a few. When it comes to broadband penetration, the United States has been consistently lagging behind members of the Organisation for Economic Co-operation and Development (OECD), the original fifteen members of the European Union (EU15) and even countries that traditionally had no prior success in ICT development and boast fewer financial resources than the United States.[4] In fact, between 2000 and 2006, the United States dropped from fourth to fifteenth place in broadband deployment among the OECD ↳ countries and between the end of 2005 and the end of 2006, the United States stood twentieth among the thirty-four OECD members in the growth rate of broadband adoption.[5] Upon President Obama's inauguration, the United States was ranked eleventh in broadband affordability and tenth in broadband penetration among the world's thirty leading economies.[6]

Law and policy makers in the United States were alarmed by this new development. During the 2000s the Senate and the House of Representatives held numerous discussions on broadband penetration. At the same time the US Coordinator for International Communications and Information Policy sent an official letter to the Secretary General of the OECD, in which he disputed OECD findings regarding broadband penetration and the United States' ranking among OECD countries, by citing such "facts" as "the United States has more Internet and broadband users and more Wi-Fi hot spots than any other country in the world,"[7] statements that are both irrelevant in a comparative study of penetration (which measures percentages of connectivity and not absolute numbers) and wrong (as China boasts more Internet users than the United States at least since 2006).[8] While the United States were still debating the facts, other nations had already set upon ambitious plans to reach universal broadband coverage, among them Korea, Japan, France, and Norway.[9] However, one thing was left unclear in the anxiety, the international benchmarks and the dispute—why does all this matter?

The Communications Act does not provide a clear answer as to *why* universal access to telecommunications is important. The goals it cites are national defense, promoting safety, and effective execution of policy. President Bush believed that lowering the price of broadband access would increase both its use and availability, which will "make sure that the American economy remains the most flexible, advanced, and productive in the world." President Obama, on the other hand, stated on the campaign trail that "full broadband penetration can enrich democratic discourse, enhance competition, provide economic growth, and bring significant consumer benefits." In his inaugural address he described the investment in infrastructure as one that will contribute to "feed our commerce and bind us together." Clearly the visions are different even as they come from the same speaker at different times. In this chapter I aim to introduce an argument for a vision of broadband as an essential facilitator of democratic discourse. After describing the importance of the Internet in the promotion of social and democratic goals I offer an alternative

theoretical framework for assessing the "success" of broadband policy and creating a measure for "democratic capacity." I describe some recent attempts made by governments to rethink "development" in noneconomic terms (although I believe the theoretical framework I propose serves both the economy and democracy) and I conclude by ↳ highlighting the noneconomic goals set by the NBP and their obscurity in comparison with its quantifiable goals.

The Social and Democratic Importance of the Internet

Broadband Internet has taken the world by surprise. Its historical roots imply that the Internet was never meant to be in the hands of every Facebook-loving child. Yet, once it matured and was privatized, its origins and the original motivation behind it were forgotten as it unleashed unstoppable levels of creativity in fields originally unforeseen, in particular the commercial arena for which it clearly was not developed. Its potential for changing social norms was also realized early on, although "naturally" this aspect played a backseat role to the dominant economic-driven activity in capitalistic systems. Steve Jones noted as early as 1995 that "increasingly there are fewer comments about the wonders of technology and more about the new forms of community brought about by CMC [computer-mediated communication], about the new social formations," which he termed "cybersociety."[10] Others coined the social phenomenon as "the network society,"[11] the "wired society"[12] and a plethora of other nicknames attempting to encompass the technological attributes of the network with its social implications.

The Internet, however, was not created in a vacuum, nor was it the first of communication technologies deemed to have a society-changing impact. As Elihu Katz notes: "I want to propose that we take seriously the more elementary idea that the essential attributes that characterize a predominant medium might affect social order, or, in other words, that the media may tell us both *how to think* and *how to organize*."[13]

While one could argue what these effects are, or how they are mitigated by psychological, sociological, political, and cultural circumstances and peculiarities, it can be agreed that the potential of communication technologies to affect social change is universal and appears regardless of individual and local conditions. So even though political establishments seem to highlight the economic importance of broadband connectivity; the fact that broadband is an avenue over which the Internet—a communication technology—travels, underlines the role of broadband in promoting human communications along with the benefits and risks that they bring. As I have noted in the past, the Internet carries the promise of inclusiveness as a mass medium because it is not only received by the many, but also created by the many[14] serving as the basis for a "global web of horizontal communication networks that include the multimodal exchange of interactive messages from many to many both synchronous and asynchronous,"[15] which can be described simultaneously as "mass communication," "multimodal," and "self generated ↳ in content, self directed in emission and self selected in reception."[16] Thus, in addition to its economic potential, the Internet provides a unique venue for civic engagement, exposure to information, and opportunity for education, all attributes of human communications. Indeed, broadband Internet is a technology—but those using it are humans. In this chapter I focus on civic engagement and why it should be, and the means by which it can be, quantified in order to assess whether indeed a nation or a political system are "ahead" or "behind" with regards to broadband deployment.

On Media—Democratizing and Subordinating

The "democratic" vision of the Internet—and as a consequence of broadband transmission and carriage of multimodal/multidimensional communications—is as old as the Internet itself. Mitchell Kapor, one of the vocal early activists for Internet freedom foresaw in the early 1990s a vision in which "instead of a small number of groups having privileged positions as speakers—broadcast networks and powerful newspapers—we are entering an era of communication of the many to the many. And while there will still be editors and intermediaries and people who will be looked to for their wisdom or attractiveness, the nature of the technology itself has opened up a space of much greater democratic possibility."[17]

However, nearly twenty years later, the view of what has become of the Internet has changed as "increasing commercialisation of public networks, centralisation of power in private networks, dangers of increasing surveillance, the privatization of the cyberspace, especially as a consequence of hard intellectual property

regimes, have raised serious doubt about this medium's potential to constitute the public sphere ... the neo-liberal agenda of commodification and commercialising every aspect is undermining it."[18] At the same time, the "cyber-enthusiasm sustained by techno-libertarianism," which consisted mostly of enthusiasm about the network's democratizing potential is "increasingly mocked as utopian musing."[19]

In this sense the Internet is not alone. It is just "another instance in a longstanding tradition of blind optimism in technologies to bring about social change,"[20] and while it has apparently taken the same route of all its predecessor communication technologies in "promising" to be the avenue for democratization, in fact it has become just like those forerunners, a tool for commercial revenue driven by the for-profit motivation of the corporations that control it. Government regulation in the case of the Internet as in the case of other communication technologies has eventually succumbed to serve the needs of the controlling corporations, thus even the measurement of "success" has dwindled down to the quantification of

p. 118 connectivity with no qualitative value being addressed. But the Internet, as said, is different ↳ and "the established frameworks that guide the regulation of traditional media are not necessarily suitable for this new form of communication because they fail to address its multiparticipant character (as opposed to the limited-participant technologies of 'old media'), and the abundance created by its innovative technological form (as opposed to the scarcity which characterized 'old media'). Here arises the urgent need to address this debate in its appropriate context."[21]

Discussions about the need to regulate media and the means by which the media of communications are regulated are rooted in four narratives: technological, economic, democratic, and cultural. Indeed, once human communications could be mediated by technological means, governments and other powerbrokers made it a point to try and control the flow. Printing technology was introduced only to be met by strictly governed authoritarian hierarchical societies controlled by the monarchy and the Church.[22] The introduction of liberal democracy in the Western world, which was accompanied by the rise of market economies allowed for a market takeover of the media, which established limitations of their own on press freedoms that have even been considered as "more effective than anything that had gone before."[23] At the same time, the sophistication of markets in general and the growing sophistication of media markets allowed governments to introduce regulatory measures based on economic concerns—namely, preservation of competition. The introduction of electronic media and the technological concerns and challenges they presented, allowed governments to mask the desire to control, manage, and limit communications by coating the regulatory measures in scientific lingo and concerns, the most prevalent being the scarcity of the airwaves.

Once the legitimacy of government control of the media was established, the road to the introduction of a top-down cultural agenda was short. The media in all regimes and political structures were mobilized to promote the agenda by means that span from the reactive reprimand for disseminating unwarranted content to the proactive distribution of "desired" messages. The democratizing potential of the media emanating from their ability to provide members of any given society with a "voice" was subordinated to a narrow understanding of democracy in which refraining from distinct types of regulation was deemed sufficient and in which the only threat to democratic discourse was seen as coming from government itself, disregarding yet again the control of media driven by corporate interests.

The public, however, knows and understands the democratizing potential of the media and gyrates toward democratizing technologies when possible only to be met by growing efforts by those who feel threatened by these media to block access to them. Figure 7-1 shows a poster on a wall in Jerusalem put up by ultra-

p. 119 religious activists which equates the Internet ↳

Figure 7-1.

Poster in Jerusalem: There is no Kosher Internet.

(through the use of numerology) with cancer. "Just like there is no kosher pork there is no kosher Internet," it states and adds, "It is forbidden to have a computer at home no rabbi can approve of it." Israel boasts one of the highest levels of broadband penetration in the world,[24] and these posters are clearly a reaction of closed and highly controlled cultural groups sensing "danger." Figure 7-2 shows a booth in an exposition in downtown Havana, in October 2009, celebrating fifty years of the Cuban revolution. Note that as part of the celebration, the government put up a display of computers for all to use. However, these computers are *not* connected to the Internet and legally neither are computers in any home in the Communist Caribbean nation. While Cuba is subject to a US economic boycott, which it protests, it practices a policy of blocking its

p. 120 citizens from access to Western (or any other for that matter) messages. ↳

Figure 7-2.

Exposition in Havana: computers with no Internet connection.

At the same time Figure 7-3, which describes the adoption patterns of different communication technologies in the 1990s and 2000s in Israel, demonstrates, how a public makes a transition among technologies when it has the freedom to choose, because of the unique circumstances of development of media consumption in Israel. Israel serves as a good example as it was transitioning during this period from a socialist economy to a market oriented one and as it was introducing media technologies for free consumption after a long history of limited access to telecommunications—telephone service was not truly universal until the 1980s, and only one television channel served the population into the 1990s. The trend in Israel since the 1980s, as media choice was first introduced, was an unprecedented adoption first of VCR technology and then of multichannel television (over cable).[25] However, the introduction of technologies that allowed for more individualized uses, led to dramatic changes in the consumption patterns. Note how universal access to the telephone was (and still is being) abandoned willfully by a population to which it was only introduced in the 1980s, in favor of mobile media, and how multichannel video distribution (since 2000 the numbers *include* subscribers to the newly introduced satellite television as well) stopped its growth at around 70 percent of the population (despite the multiple access options which led to a far more varied and advanced service), when broadband Internet was introduced. ↳

p. 121

Figure 7-3.
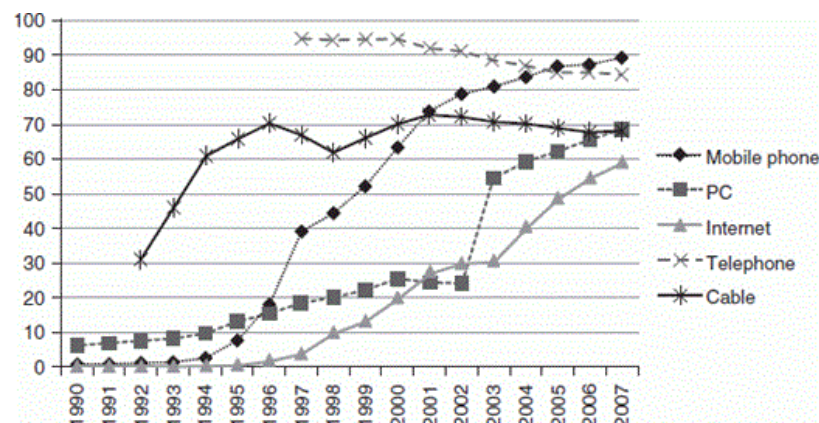
Media penetration in Israel.

So it is one thing to count connections and assume that the more people are connected the more opportunity to communicate is created, but another to assess the quality of the connectivity. Quantity alone provides a limited view, which does not provide a full understanding of the democratizing potential of the media nor of its realization. The *potential* to participate is not the same as *actual* participation and the economic value of broadband communications does not equal other levels of value that can be obtained from its deployment. The takeover of the communications policy discourse by economic measures driven by economic interests has sidelined the fact that communications policy should focus on having communications technology serve the populace and not on serving the needs of the corporations that control it with the goal of deriving profit.

Napoli creates a useful dichotomy between *economic* and *democratic* interpretations as they have been applied to the "marketplace of ideas" metaphor.[26] The *democratic* understanding of the metaphor is crystallized in the idea that a free exchange of ideas is linked directly with the attainment of political truth, and with the effective functioning of a democracy. The use of the marketplace as the descriptor of the forum for idea exchange, however, has led some observers of communications to the development of a more concrete identicalness between the marketplace of ideas and all other marketplaces. Approaching the media as a business, and therefore, assuming market forces will ensure that all needs are met, however, is wrong,[27] and as Entman and Wildman have noted more than twenty years ago, promoting economic efficiency and social values at the same time under the umbrella of the metaphor of the "marketplace of ideas" results in bad policy and bad policy analysis.[28] I, on the other hand, contend that the "marketplace"

p. 122 metaphor ↳ can be a useful one, as long as it is not understood in its simplistic form as supposedly diminishable to an actual market controlled by a profit motive. By employing the rules of a fair marketplace we can better understand the rules of the marketplace of ideas, the marketplace for communications, and we better understand how to evaluate the contribution of media technology to democracy, independent from their contribution to commercial life and the growth of the economy. For communications scholars, communications is not only about efficiency; it is also about the act of communicating itself.

Alternative Measures of Growth

By introducing the "democratic" angle to the economic view of communications as a marketplace, I propose to introduce *democratic capacity* to the measurements that need to be addressed when assessing the health of a communications system and its contribution to the social good. Communication technologies allow for a certain level of communications; however, are the mere superficial capabilities of receiving television signals and being able to talk over the phone sufficient for the functioning of a democracy? Are these the optimal capacities that make the deployment of universal access to broadband a national goal? Is it enough to say that we need broadband to stimulate economic growth? To make information more accessible? In other words, is it enough to say that we need broadband for passive consumption of information?

The answer, I believe, can be given twofold: The first and superficial answer is "yes." A functioning society needs advanced communication technologies for any level of democratic participation it can get. Both the ultraorthodox community of Jerusalem and the totalitarian Cuban regime want to block discourse that is uncontrolled and unsupervised. In that sense, even some communications are in essence better than nothing. Counting and quantifying access and evaluating success using a quantifiable terminology provides us with a benchmark for the opportunity to communicate. Indeed, because communication technology has the potential to enhance democratic capacity, any level of access to it that can be achieved, is desirable and the quantifiable measures suffice.

At the same time, and on a different level of discourse, the answer is "no." Because as much as the definition of a functioning democracy cannot be limited to the ability to receive television signals and express ourselves freely for as long as we like, so can't the conclusion that the communications industry is serving society by providing these superficial freedoms be reached. The passive form of "participation," which is comprised mostly of receiving, does not provide for the full potential of democratic participation.

p. 123 However, this would and should be the ideal and it requires looking at the ↳ marketplace of ideas through a democratic lens. Economic theory tools can help create the framework in which the health of the participatory/democratic aspect of the equation can be assessed.

As I've explained elsewhere:

> If the "marketplace of ideas" were governed as any marketplace, it would be only natural for it to adopt rules that maintain fairness. In fact, introducing rules of fairness to this marketplace may help bridge the "democratic" and "economic" interpretations of the metaphor, and democratic decision–making would naturally result. In short, using the "marketplace" metaphor, even in the economic sense, would not spell chaos, since chaos is not the optimal prescription for a functioning marketplace. A key tool for ensuring the market is functioning both fairly and efficiently would be adopting the guiding principles of the branch of law developed to deal with just this matter, namely antitrust law.[29]

How do we assess a truly competitive market? We first define the boundaries of the relevant product market using the reasonable interchangeabilty test (*Brown Shoe Co. v. United States*). Applying this test allows to focus the regulatory effort on those elements of the market in which there is market failure and the remedy to the market failure is the introduction of interventions that keep it as competitive as possible, the goal being to achieve a utopian degree of perfect competition, a market in which there is infinite supply of identical products. In the case of the marketplace of ideas, the identicalness of the products, of course, is not their content, and it has to be redefined.

Perfect competition is a good measure for the marketplace of ideas, the market of democracy, because it assumes that the supply channels of the products to the markets are all open and all provide equal access to all users, whether they are producers or consumers of information. The marketplace of ideas and information is thus a suitable metaphor for broadband, which can be described as a network of channels over which information "products" are carried. Indeed, one of the things that broadband provides us with is a much higher level of reciprocal communications both in terms of quality, quantity, and speed than we could have reached with previous technologies.

Competition, however, is not sufficient for measuring a broadband infrastructure that delivers a democratic promise. While open and nondiscriminatory networks carry the potential of fair (if not perfect) competition in the "marketplace of ideas" for those already participating in it, more often than not discussions of

democratic opportunity fail to address the efforts made by (or the discouragement initiated by) the system in ensuring democratic participation. In particular this is true with regards to those to whom access has ↳ not been granted in the past. Political systems vary in the way they address the issue of participation. It would suffice to juxtapose, as an illustration, the difference between the Australian (and approximately twenty other countries') systems of participation in elections in which to vote is compulsory, and the system in the United States where citizens have to register in advance in order to be allowed to cast a vote on Election Day. While compulsory voting may raise questions with regard to its efficacy,[30] it is hard to argue that voter registration is a deterrent for participation, which was designed to disenfranchise minority voters and is hardly justifiable at this day and age in which it persists.[31]

For a broadband infrastructure to serve democratic participation, a policy of inclusion must be added. It should be guided by the notion of distributive justice. As I have contended elsewhere (with Yemini), "the Internet, perhaps more than any other technological medium of the past, lends itself to analysis as a technology that can provide for free expression to a maximum number of individuals"[32] or in Balkin's words: "The digital revolution makes possible widespread cultural participation and interaction that previously could not have existed on the same scale, and creates the opportunity for a democratic culture in which individuals have a fair opportunity to participate in the forms of meaning making that constitute them as individuals."[33]

As a result, it is both fair and just to form policies that correct historic disenfranchisement from participating in civic life of individuals and groups on the basis of income, race, gender, age or any other discrimination-based and motivated classification.

One way in which this need can be addressed is through universal access and universal service policies. Indeed, universal service polices are a tool that seems to have been created exactly for the sake of correcting distortions in access; however, as those who have studied it know, that has not been the case whatsoever. Universal service in the United States "was dreamt up by Theodore Vail as part of a deal with the state and federal governments to maintain AT&T's monopoly"[34] and "European PTTs have not even resorted to the rhetoric of universal service" as "operations were governed by principles not of universal service, but of public service, which derived from the absolute powers of monarchy. The public service mission, although this was never explicitly stated, implied that the State took responsibility for providing universal geographical coverage within its borders and for providing a guarantee of continuity, rather than universality of supply. It gave citizens no right to telephony; to the contrary it protected the operator against legal action for damages for failing to provide service."[35]

Thus a universal service policy is a required building block in the attainment of a broadband system that serves society, yet it needs to be designed with corrective measures at its core and with the true goal of attaining ↳ universality of service, in particular for those who have been excluded. Establishing connectivity to broadband as a right is one way to achieve this goal.

Broadband networks are characterized by their layered structure, a structure that contains both vertical and horizontal aspects. *Democratic capacity* should be present in all. Thus access should be granted and preserved at the physical infrastructure level as well as in the other layers: the logical layer, the layer of the applications and the layer of content. Addressing broadband networks by recognizing the layered model also provides us with the tools to identify patterns of dominance, as control at one layer provides its owner with leverage over the underlying level. The layered model also allows identifying the corrective policies at the location they take place: universal access to the physical network is one goal of such policy, but universal access to content requires other measures among them education and the promotion of Internet literacy in order to obtain meaningful use of the network.

Since the dawn of the Internet it was its interactive nature (or rather potential) that attracted much scholarly (and popular) attention. Those early assumptions were critiqued by some, and some of the studies of its early days[36] point to the fact that, at least initially, some of the "democratizing" initiatives undertaken by national or local governments were little more than top-down communications controlled by those who already held the reins of power. More recent analyses of the democratizing powers of the Internet have not necessarily become more optimistic.[37]

Downey observes that "the democratic optimism surrounding the Internet should not blind us to the realities of the political economy of the media;"[38] Giacomello asserts that national governments wish to control the Internet as an integral part of their national security policies;[39] and Vegh points out the

universality of undemocratic practices vis-à-vis the Internet, driven both by political and by commercial motivations.[40] However, while the analysis of emerging social networks based on the Internet may be challenged by a critique of their contribution to a deliberative democracy, their enabling function for the establishment of new forms of citizen interaction and relationships should not be overlooked.[41] Indeed, recently, we seem to have more interactivity in different web applications, especially those coined "Web 2.0." With these new applications, the emergence of a conversation has become more achievable including conversations in which many can take part at the same time.

In a yet-to-be-published study, Michael Horning, a PhD candidate at Penn State University, compared the usage of broadband for civic participation in government among the states in the United States.[42] He found that there is a direct correlation between the availability of broadband and the utilization of Web 2.0 applications by government in those states. The adoption of interactive web applications (social

p. 126 networking, live chats, photo ↳ sharing, blogs) was correlated with broadband penetration, homes with Internet, and universal service funding. In other words, the growing potential for interactivity and multiconversation has actually had an impact on some forms of government (more local in this study) to demonstrate a tendency to utilize these means.

Conclusion

While economic and technological justifications have traditionally played a role in regulatory design, Napoli identified three fundamental differences between communications regulation and the regulation of other industries: the unique potential for social and political impact; the ambiguity of classification of decisions along economic or social regulatory lines; and the potential overlap and interaction between economic and social concerns within individual decisions.[43] Napoli's observation points to the conclusions of this chapter: Because communications technologies serve a social goal and because their potential for positive social impact is high, it is just not enough to only count anymore in order to assess the success of policy; there must be meaning attributed to these numbers that is based on providing meaningful access.

In particular, communications policy should be designed to serve and promote civic needs. Growing civic participation is in no way contradictory to economic growth; in fact because we can utilize metaphors that have similar elements in them, it is possible to promote both using the same principles of fairness and corrective access. Civic participation, in order to be meaningful and true to its mission, has to provide an opportunity for all to connect and the potential to make good use of their connectivity in the social context. These goals are true also for economic activity. First, as the economic analysis of networks has taught us, the more members on the network the more value it has for all of them, and a network that operates as a market has to be fair as well as accessible to all on nondiscriminatory terms. Can these two requirements be measured?

There have been some interesting attempts to introduce unconventional and noneconomic parameters to the evaluation of national development in recent years, which may serve as the basis for the formation of a "democracy that counts" measure or "democratic capacity." The most widespread has been the measurement of "gross national happiness" (GNH), which originated in the Himalayan Kingdom of Bhutan and spread beyond to become an international phenomenon and movement. The pillars of GNH are cultural promotion, equitable economic development, good governance, and environmental conservation. The Bhutanese constitution promises that the state will strive to promote the conditions that will enable the

p. 127 pursuit ↳ of GNH, however, with regards to telecommunications the constitutional commitment is very thin promising only to "endeavour to protect the telephonic, electronic, postal or other communications of all persons in Bhutan from unlawful interception or interruption."[44] Thus even within the context of GNH, democratic measures do not necessarily find a place.[45]

Another recent and more scholarly attempt in the Western tradition was initiated by the French administration under President Nicholas Sarkozy. Sarkozy appointed renowned Nobel laureate economists Joseph Stiglitz and Amartya Sen to head a task force charged with redefining the "measurement of economic performance and social progress." The Stiglitz-Sen Commission called for a shift from a *production-oriented* measurement system to one focused on *well-being*, adopting measures of social progress. One of the dimensions of well-being the Stiglitz report identifies is "political voice and governance."[46] Among the indicators for the level of governance, the committee identified human and civil rights, laws, and the functioning of the judicial system. These indicators, stress the economists consulting

the French Government, "should help to evaluate the functioning of multiparty democracy and universal suffrage, the level of participation in government decisions at the local level, and the presence of a free media and various freedoms (e.g., to form and join civil organizations, trade unions and professional bodies, or to participate in civic and social activities)."[47]

While the GNH and Stiglitz-Sen measures only discuss media and telecommunications superficially, they raise an important point—economic measures alone are not sufficient to indicate the health of a society or more importantly the effectiveness of its social policies. The centrality of telecommunication technologies to the growth of today's economies almost begs to include "meaningful access" to be measured by levels of participation in the creation of a "democratic capacity" measure. The *sine qua non* for such a measure is unobstructed nondominated equal access to the full capacities of the network. A network that allows for patterns of domination, whether through government controls or through corporate power is by definition a handicapped network and the number of inhabitants and households that can access it is only second in importance. Maintaining fairness in this analysis requires policies that ensure there are no dominance patterns at any level and among levels of the layered network. While these measures build upon connectivity, and while connectivity in itself is better than no connectivity at all and faster connectivity is superior to slower connectivity; it is unobstructed nondominated equal access to the full capacities of the network that is at the core of the network's value for democratic participation, however that is not enough. Access needs to be complemented by policies that promote equal opportunity to take part in social discourse in meaningful ways, as determined by their users.

p. 128　Coming full circle to the introduction to this chapter, one questions whether more than quantifiable physical connections to the Internet have been set as goals for national broadband plans in general and the one in the United States, which was described in the introduction, in particular. There is little evidence worldwide that "democratic capacity" is being considered when national broadband plans are being drafted and implemented. Interestingly, the American national broadband plan, published in March 2010, does indeed dedicate a whole chapter to "civic engagement." Among the recommendations that can be found in that chapter are calls for creating an open and transparent government; building a robust digital media ecosystem; expanding civic engagement through social media; increasing innovation within government; and modernizing democratic processes. However, when it comes to specific quantifiable goals, against which success can be measured, the plan sinks into obscurity, utilizing such phrases as "sufficient funds" or "significant portion of or revenues generated by the sale of spectrum" in order to describe the needed investment and stops at recommending the tryout of a "secure Internet-based pilot project that enables members of the military serving overseas to vote online" under the "modernization of democratic processes" heading. In many ways even this commitment seems to be no more than providing lip service to the democratic function of broadband, as the plan fails to commit the administration to the maintenance of a nondominance principle across and within broadband layers.

At the outset of organizing human social structures stood the administrative building blocks, those that allowed transitioning a crowd into a unified entity with a common cause. Such was Moses' first attempt at organizing his band of recently freed slaves into a national unit in the dessert. His first organizational move involved creating small networks of tens of people, which were then banded into networks of fifty, a hundred, and a thousand. Identifying the value and power of the network allowed him to control society and organize it, but it left much to be desired as far as communal decision-making was concerned. Perhaps that was the correct policy for the transitional stage from slavehood to nationhood. But a successful communications policy in the twenty-first century calls for more, it calls for the enhancement of an egalitarian participatory democracy, truly participatory.

Notes

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