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The Digital Divide: Some Reflections

STEPHEN PAUL FOSTER*

INTRODUCTION

One of the many remarkable impacts of the Internet on our social lives has been its shaping of our language. A spontaneously evolving Internet-argot has relentlessly and conspicuously intruded itself into everyday life. The activities and circumstances of a people "on-line" are now described by an array of powerful and colorful metaphors that capture the spirit of a new, robust technology. We find ourselves often conversing casually and unselfconsciously in an idiom that would have been incomprehensible only a few short years ago. We do, indeed, talk differently now.

One Internet-spawned expression that seems to have achieved common linguistic currency is the term "digital divide". Whenever this alliterative phrase is dropped, immediate concern is aroused, which, one suspects, is why it has caught on. It has become a frequently re-sorted to locution of information specialists, librarians, public policy-makers and even politicians. It gives expression to a current form of what I call "sociological angst", a fear that the digital technology that has brought so many rapid changes into the workplace, education and commerce may actually be changing the lives of large groups of people for the worse. "Technologies", as one technologist has recently noted, "are not value-neutral but will have both beneficial and disadvantageous consequences for their increasing pervasiveness within society". Perhaps this reflection merely states the obvious. The point is made, with more eloquence and with some added insight by another technologist: "I think that most people would accept that all technology is a Faustian bargain, that it giveth and it taketh away, and that the verdict on the value of the giving and the adverse impact of the taking away often takes the jury, i.e. society, many years of observation and discovery before it can be delivered with any accuracy". With a technology as complex, fast moving,

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¹Loader, B. (1998) Cyberspace divide: Equality, agency and policy in the information society *In* Brian D. Loader (Ed.) *Cyberspace Divide*. London. Routledge.

² Haywood, T. (1998) Global networks and the myth of equality. *In* Brian D. Loader (Ed.) *Cyberspace Divide*. London. Routledge.

and far reaching as that of digital technology, it may be a long time before a just verdict can be accurately delivered.

The metaphor of the digital divide dwells upon the "taking away" side of this Faustian bargain of technology. It signifies what some perceive as an unhappy rendering of our modern, technologically oriented society into a new and invidious bifurcation of what are now called "information haves" and "information have-nots". The result from the socioeconomic process that has created the digital divide is appropriately expressed in "Internet language" as "cyberlag". With information as the foundation of an emerging global economy, and with information as the primary commodity of cyberspace, one outcome of cyberlag is the emergence of a grossly disparate world inhabited by two new distinct classes of people—those who are said to be information rich and those who are information poor. This notion of being information rich or poor would probably have been quite incomprehensible less than a generation ago: it is now, however, a perceived reality that draws enormous attention from educators, technologists, and high-level government policy makers. In an information age it is a calamity to be information poor. The information age has also produced the claim for a new kind of right, the right to access information, one which would have, again, puzzled our grand parents.

In 1999 the US Department of Commerce issued a report entitled, *Falling Through the Net: Defining the Digital Divide*. The report evinced dire predictions about what will happen to the educational and economic futures of the poor and minorities in America without an aggressive program of government intervention aimed at promoting what is now called "equal access to information". From a recent *Congressional Quarterly* article comes the following lament laden with the imagery of lost opportunity: "The Internet may be transforming the world economy into a global village, but millions of villagers in the low-tech, unconnected hinterlands are being left behind. Technology experts say inner cities and large parts of rural America—plus many developing nations—are losing out on jobs, economic development and civic participation as the high-tech train roars by".

The digital divide is, ostensibly, a manifestation of a phenomenon that is nearly as old as the human race, namely the fact that we rarely discover that social goods are either distributed or possessed by people equally, particularly social goods that are a function or manifestation

³U.S. Department of Commerce (1999) *Falling Through the Net: Defining the Digital Divide*. <http://www.ntia.doc.gov/ntiahome/fttn99/contents.html>.

⁴Koch, K. (2000) The issues. Riding the Internet express: Rural and inner-city residents are being left behind. *Congressional Quarterly, Ind.* 58 (March 11), pp. 6-14.

of a newly emerging technology. One would have to be hopelessly naive and inhabit a historical vacuum to expect to find the tools of a technology as new, revolutionary and socially transformative as the Internet equally dispersed across all of the social and economic classes. Looking back at the course of the major technological innovations of just the last hundred years or so—the automobile, radio, television, air travel, indoor plumbing, etc.—the typical trajectory of the adoption of any major technological innovation has always followed a course that begins with the elite and rich and then moves its way into the population at large. As one commentator recently noted, televisions were not all that long ago an expensive luxury appliance for the rich: now almost every home in the US has at least one—no debates currently rage about the television-rich and television-poor in America. The average "poor" person of late 20th-century America, quite likely, has more amenities, labor-saving appliances, quality of life conveniences, etc. than the typical "rich" person of a hundred years ago. The terms "rich" and "poor" themselves are, of course, profoundly contextual and relative in meaning.

It is understandable that the technological, economic and educational implications of the disparities in the distribution of digital technology are of enormous concern. An economy that is rapidly moving to a digitally based infrastructure and is becoming increasingly global obviously requires workers who are sufficiently immersed and facile with the new technology. The digital divide, it is feared, will lead to the formation of a large, technologically impaired underclass that will be unable to participate economically, culturally, and, ultimately, civically in American society. In some important respects, as I will attempt to point out, the underlying concerns surrounding the issue of the digital divide are actually more about the nature and future of education than about the current distribution patterns of technology. Relative to the desiderata of having a society replete with productive and successful workers, what people are able to *do*, their skills, habits, capacities and dispositions, are much more important than what instruments they *possess* at any particular moment. This is particularly the case as it relates to the possession of or access to technology because technological tools now more than ever change rapidly. Having access to information may be a necessary condition for success in the digital age, but it is certainly not a sufficient one.

What the issue of the digital divide is about, however, is something much more broad, complex and far reaching than the current demographically uneven distribution and use patterns of digital technology. The

⁵ Powell, III, A. C. (1999) Falling for the gap: Whatever happened to the 'digital divide'? *Reason* (November), pp. 33-34.

digital divide emerges through its presentation and articulation as a social-political issue, and invariably we are led into discussions loaded with ideological assumptions. In fact, the discourse of the digital divide has really become an ideologically charged conversation in which ethical values are espoused, rights are asserted, and claims are made that the government must address the material inequalities of adversely affected groups. Implicit in the conversation are assumptions about the limits of governmental power, the freedom of property, and the meaning of equality. In a recent address to a national summit on the digital divide, US Secretary of Commerce, William M. Daley described the digital divide as "one of America's leading economic and civil rights is-sues". To call this issue, as does Daley, a high-ranking, policy-shaping government official, a "leading civil rights issue" is to proclaim it to be an issue of the highest importance and greatest urgency. Daley has by his very characterization of the problem as a leading civil rights issue, in effect, morally front-loaded into the discussion his conclusions about what the appropriate solutions are. Clearly, the signal here is for aggressive governmental intervention. Economic and/or technical issues by themselves may or may not require government action, but civil rights are about basic things like freedom and equality and are extremely important—violation or degradation of them *requires* government intervention and remedy.

In order to discuss the phenomenon of the digital divide in a way that can help us to make general sense of the issue and to sort out and illuminate its ideological contours, it would perhaps be helpful to break the discussion of the digital divide into two separate but related issues. The first one, what I call the issue of "describing the digital divide", simply raises some questions about the way the digital divide is described. What, in effect, are we really saying when we typically refer to people as being information rich or information poor, and is this really a helpful way to pursue the discussion about how digital technology is and ought to be distributed? The second issue, what I call the "ideological dimension of the digital divide", deals with the frequent assertion that the disparities in the current distribution of digital technology should bring us to embrace a new kind of human right, a right to access information.

DESCRIBING THE DIGITAL DIVIDE

In viewing the issue of the digital divide in descriptive terms, there are two major areas of difficulty. The first one, which requires only brief

⁶ Koch, K. (2000) *Op.cit.*

comment, lies in the task of describing a phenomenon that persists in such a rapid state of flux and change. One of the most remarkable things about digital technology is how quickly and widely it has been, and continues to be, adopted. The US Commerce report, *Falling Through the Net*, states that: "The 1998 data reveal that overall US households are *significantly* [my italics] more connected by telephone, computer, and the Internet since NTIA issued the first *Falling Through the Net* report, which was based on 1994 Current Population Survey results".⁷ Digital technology is clearly moving at a much faster rate of adoption than any preceding technology. As Harris N. Miller, President of the Information Technology Association of America has pointed out, "it took only 5 years for 50 million [Americans] to access the Internet". This compares vividly with the 38 years it took for 50 million Americans to get radios and the 13 years it took for the same number to get a television set.⁹ James K. Glassman, of the American Enterprise Institute has noted that "[n]o industry has improved its products as quickly or has pushed prices down as rapidly as the US computer sector. Since 1990 the price of a megabyte of memory has dropped by about 90 percent, while computing speed has increased about 500 times". Thus, in dealing with a technology with such unprecedented rates of both adoption and declining cost, it would be sensible to be tentative in making judgments about where it is going and to be cautious about the advocacy of policies that make government a primary agent of distribution or subsidy.

Television, itself a major information resource and mass communication utility, has very rapidly reached a point of universal distribution without the direct assistance of the Federal government. As noted above: technology is a "Faustian bargain" of giving and taking away: weighing the trade offs takes years. If the distribution of digital technology can be accomplished through the voluntary mechanisms of the marketplace and falling prices brought about by innovation and competition, which appears to be the way the distribution of digital technology is progressing, why develop taxation-driven, bureaucracy-laden government programs to achieve similar goals at greater costs, with less efficiency and more intrusion and control?

The second area of difficulty involves the language that has been employed to describe and discuss the digital divide phenomenon. At

⁷ U.S. Department of Commerce (1999) *Falling Through the Net. Defining the Digital Divide. House-hold* Access, <http://www.ntia.doc.gov/ntiahome/fttn99/partI.html>.

⁸ Koch, K. (2000) *Op.cit.*

⁹ Koch, K. (2000) *Op.cit.*

¹⁰ Glassman, J.K. (2000) A Right to an Internet connection? *American Enterprise* 11(3) (April/ May), p. 13.

times a less than rigorous use of terms has, in my view, led to confused and in some cases even vacuous declamations. Specifically, one of the most basic terms at the heart of the discussion, "information", has been put to use in ways that are often ambiguous and in some cases possibly perverse. As an example, let us briefly attempt to extract a clear and precise meaning from the terms information rich and information poor. These are the appellations for the key groups produced by the digital divide.

What does it really mean to speak of groups of people, as the Commerce Department report does, as being "information haves" or "have-nots" and, in effect, being in a state of information wealth or poverty? If you consider most other widely sought after general social goods, like money, power, education, or prestige, it is obvious that the basic and natural disposition toward the acquisition of them could be adequately expressed quite simply as, "the more, the better". Typically, no one wants less money, less power, less education, or less prestige. But information as a social good, however, appears to be somewhat different: the value of it does not simply or necessarily increase with its aggregation. That is why it makes perfect sense to speak of "worthless information" but not "worthless money". Simple *quantities* of information are often irrelevant to its value. More of it is not always better. In fact, one of the common complaints of modern American life is that there is *too much* information. Americans are besieged with information via television, radio, the Internet and the print media that must be attended to and evaluated, and the term "information overload" has become common parlance.

What, however, makes any specific information valuable for a given individual is the relevance it may have for a particular purpose and the ability of that individual to put the information to good use. For example, information about where and how to find water in the desert is probably of slight interest and no value to a person until they are thirsty and find themselves in the middle of a desert. In order to try to grasp what it means to be information poor someone might reasonably ask, what specific *kinds* of information are the so-called "information poor" lacking? One would presume that it would not be the dearth of just any and every kind of information that would result in information impoverishment. Or, to put it differently, in what facets of their lives are the information poor suffering because they don't have the information that the information rich have? What is the difference, in terms of the social effects, between someone who is "information poor" and someone who is just simply poor? People who are poor cannot afford sufficient quantities of the basics of life—food, shelter, clothing, etc. People who are information poor cannot do or afford what? A person might sit in

front of a television set 16 hours a day watching CNN, FOX News, and countless other programs of news and information and absorb a lot of information. Would such an individual be an "information have"? And would that person with all of that information be better off, arguably, than an "information have-not" who spent her time doing aerobics, learning algebra, or writing a computer program?

The fact is that no one simply wants information: a person wants access to specific kinds of information that are relevant to his particular interests and needs. And since interests and needs differ greatly between people, and since information runs the entire gambit from the trivial to the vital, it is difficult, if not impossible, to determine what categories of information are the kinds whose absence would in any way constitute impoverishment. To say that someone is information poor may be just another way of saying that he is ignorant of something that he ought not to be. But that can be said of everyone. Considering information in this light it makes little sense to speak of people as being information rich or poor.

What people really need, it is argued, is not information per se but access to information. The issue is not about the value of any particular kind of information or information in general, but the tools for getting at it. To get to the vast information resources on the Internet one needs access to a computer and a data port. Thus, in the context of the digital divide and the state of information poverty that it has created, labeling someone as "information poor" or an "information have-not", it would seem, becomes a rather obfuscatory way of saying that he does not have access to a computer or to the Internet. The obfuscation does have a purpose. One who is labeled as "poor" *appears* to be more seriously impaired in some long-term or permanent way and at a greater disadvantage than one who simply does not own a computer or lacks access to a T-3 line. Thus, by characterizing classes of people as "impoverished" it is easier to create moral and social imperatives for strenuous government intervention and assistance. Everyone is against poverty and wishes it could be eliminated. Just a generation ago, Lyndon Johnson, with great fanfare and optimism, launched a massive, federally funded "war on poverty" that had, at least initially, great support from the American people. A generation later the poor are still with us.

When Commerce Secretary Daley describes the digital divide as "one of America's leading economic and civil rights issues" he is employing a rhetorical strategy that is reminiscent of Lyndon Johnson. Poverty is a condition that will be remedied with infusions of government money. Being information poor, i.e. not having access to the Internet, is in Daley's view a similar kind of deprivation to that of being denied the right to vote or the right to a fair trial. Strenuous government

intervention is clearly the intent of the US Commerce Report, and it is stated as such. "Until every home can afford access to information re-sources, however, we will need public policies and private initiatives to expand affordable access to those resources". One is tempted, in light of the above discussion, to ask here, what "information resources are being referred to?" Presumably not just any resources, since lots of information has no relevance to any given individual's basic and essential needs and well being. Information resources are rapidly expanding in an intensely competitive global market, and thus the issue of affordable information resources should be of decreasing concern. Moreover, since what people can "afford" is at least in part the result of their own calculations relative to their preferences, which are inherently subjective, it would never be possible to determine exactly when every home could afford access. The Commerce Secretary states that the goal is for every home to "afford access to information resources". But stating the challenge this way makes the problem appear more abstract and potentially intractable, with unlimited government assistance required, than if it were simply asserted that it is desirable that all homes have computers and Internet connections.

A pressing concern attached to the digital divide is with the impact of the disparate distribution of Internet access technology on fitness for employment. As the *Falling Through the Net* report says, "jobs in the new economy increasingly require technical skills and familiarity with new technologies".¹² The report seems to suggest that for people to compete effectively in a digitally-driven economy they need to possess certain kinds of *skills*. The concern ultimately, it seems, is the quality and effectiveness of American education. Technology changes rapidly: the right kinds of skills endure and enable an individual to adapt quickly to change. Does the revolutionary nature of digital technology create a need for a revolutionary change in education in order to prepare people to function competently with the changing technology?

To what extent then, should the issue of access to information come into play in educating people for entry into the digital economy? It is important to point out in this context than in a fundamental sense, in-formation, digital or otherwise, has little to do with two basic underpinnings of education—numeracy and literacy (literacy in the old fashion sense of being able to read and ultimately to write). Both of these

¹¹ U.S. Department of Commerce (1999) *Falling Through the Net: Defining the Digital Divide. Executive Summary*, <http://www.ntia.doc.gov/ntiahome/fttn99/execsummary.html>.

¹² U.S. Department of Commerce (1999) *Falling Through the Net: Defining the Digital Divide. Challenges Ahead*, <http://www.ntia.doc.gov/ntiahome/fttn99/part3.html>.

involve essentially learning to manipulate symbols according to complex sets of rules. Solving equations, reading and comprehending complex instructions, and writing coherent sentences and paragraphs require the mastery of rules. To be numerate one must be able to perform certain kinds of mathematical operations. To be literate one must know how to interpret symbols, apply rules of grammar, and be able to follow protocols of verbal interpretation. Thus, a huge component of education has been in the past, and will be in the future, normative, not informational, i.e. knowing *how* to do certain things according to sets of rules and how to apply problem solving techniques to real problems. People who are highly literate and numerate will likely be able to adapt quickly to technological change. Those who are not will not be able to contribute no matter how much exposure they have to the Internet and digital technology. While the technical-informational aspect of education will be increasingly important, it will nevertheless be incomplete and ineffectual without the achievements of numeracy and literacy.

Falling Through the Net notes the correlation between educational levels and Internet use. "Access to information resources is closely tied to one's level of education. Households at higher education levels are far more likely to own computers and access the Internet than those at the lowest levels".¹³ This piece of information would surprise no one. But however one cares to interpret the correlation, it seems reasonable to argue that it does suggest that the Internet and the information it provides are attractive to people and useful to them *because* they are educated, and it is unlikely that giving a person who is not very literate or numerate access to a computer and a data connection will do very much to improve his life.

THE IDEOLOGICAL DIMENSION OF THE DIGITAL DIVIDE

What is apparent from the above discussion on the language used to discuss the digital divide is that the task of providing people with the *technological means* to "access information" is now being represented as a civil rights issue. This is often expressed as "a right to access information". The digital divide thus points to what is believed to be a fundamental and deleterious *inequality—it is easier for members of some groups of people to gain access to the information they need and want than for members of other groups*. The Commerce Department Secretary, as noted above, asserts that the digital divide is one of the leading "civil rights" issues of our time.

¹³ US Department of Commerce (1999) *Op. cit.*

What, in fact, are the civil rights dimensions of the digital divide? In asserting that there is a right to access information, it is appropriate to ask, what is the nature of that right? In general, one can make a good case for the right of all citizens to gain access to information about their government both indirectly through the practice of journalism protected by the constitutional right of freedom of the press, and more directly through constitutional and statutory provisions which require the government to inform the people of its activities. For example, Article I, Section 9, Clause 3 of the United States Constitution states that each chamber of the Congress "shall keep a journal of its proceedings, and from time to time publish the same, excepting such parts as may in their judgment requires secrecy". Whether the case can be effectively made for a constitutional right to government information is a subject for another article. However, a scholar writing recently on the subject has written: "The melancholy fact is that nothing inheres in the Constitution or the laws pledging the right to be informed".¹⁴

Commerce Secretary Daley, however, is speaking neither of a right to access nor to receive government information, nor of the right of freedom of the press. Rather, he seems to be asserting something like the following; that access to digital technology, which links its users to important information resources, is so important to being a successful citizen that citizens should have a legal right to have the tools that give access to digital information. Inequality in the distribution of digital technology spells inequality in the opportunity to pursue the good life in America. The digital divide is a violation, it would seem, of equality of opportunity. More plainly put: the fact that some people or groups of people do not have access to things like computers, databases, and T-3 lines constitutes a kind of deprivation of an essential need. The need, it seems, creates the basis for the right. Is the fact that individuals have a need or interest in gaining access to information a good reason for making the possession of tools to give them access to information a civil right, as Daley would seem to suggest?

Now, interests or needs are not *necessarily* attended with duties or obligations. My interest in or need to learn to speak Spanish creates, I would think, no duty or obligation to have someone else to supply me with a Spanish grammar book. Rights, however, generally speaking are attended with obligations. My constitutional right to a fair trial imposes a constitutional obligation on the government to give me one. Your moral right to be treated with respect imposes a moral obligation on others to accord you respect. Therefore, it would seem that the assertion

¹⁴ Morehead, J. (1995) The myth of public access to Federal Government information as a constitutional right. *The Serials Librarian* 26(2), pp. 1-26.

of a "right to access information" in the context indicated here by the Secretary means that the existence of an obligation is being asserted, the fulfillment of which results in all Americans being guaranteed the tools of access to the Internet. Again, should the fact that individuals have a need or interest in gaining access to information be a good reason for making the possession of tools to give them access to information a civil right?

The answer to this question is fundamentally an ideological one and in part depends upon whether we want to define and interpret the concept of a right in the classical liberal tradition primarily as a negative prescription. Rights in this context spell out what others, particularly others with power, *cannot* do to someone. A good example of a negative right would be the constitutional right against self-incrimination or the right against unreasonable search and seizure. Or, do we embrace a concept of rights in the social-democratic sense of government-enforced entitlements in which obligations are imposed on individuals and institutions to provide certain kinds of goods and services and to fulfill basic needs. An example of such a right would be the putative right of every citizen to healthcare. With the first example (the right against self-incrimination or unreasonable search and seizure) no one is compelled to do anything: the right simply states that certain kinds of things cannot be done to someone by the agents of the state. In the second example, the right to healthcare, healthcare is a commodity that bears a financial cost, and if access to healthcare were to become a legal right, then someone or some group would be compelled to pay for those who were themselves unable to pay.

In the classical liberal tradition, rights generally serve to limit government power over the individual and to enforce contractual agreements between individuals. Social democratically defined rights in contrast typically create government enforced entitlements, and thus inevitably serve to expand the power of government over individuals. The willingness of citizens to support large scale government enforced entitlements would thus seem to signal a willingness to relinquish traditional property rights, since a legal entitlement to goods and services requires the redistribution of payment through the compulsory method of taxation.

It can generally be said of the kind of rights that come into play in the classical liberal tradition that a person knows when they are violated. These rights are invoked to protect against infringements of personal liberty and private property. When my rights to free speech, and to protection against self-incrimination or unreasonable search and seizure

¹⁵ Hayek, F.A. (1960) *Constitution of Liberty*. Chicago, University of Chicago Press.

have been violated, I am painfully aware of it. The infringer of that right is, most likely, clearly identifiable—the Sheriff who has kicked in my door without a search warrant or shut down my printing press because I said critical things about him. But with the social democratic sense of right-as-entitlement, how do I go about even determining which of my many needs and interests constitute rights that require legal remedy if they are not met or satisfied? And if identified, who, specifically, has violated or ignored that right? Against whom is that claim of violation to be made? Social democratic rights at the very least are more problematic, complex and open-ended.

Is simply not having something I need a violation of my rights? Is the inequality of the distribution of an important good or service in itself a matter of civil rights? If so, what kind of need is it that creates an obligation on the part of others to fulfill it? Translating needs into rights opens up the possibility for a virtually unlimited expansion of rights since human needs are themselves potentially unlimited and ever changing. This is an issue an ethicist from Washington University, Carl Wellman, has raised in a short but interesting book, *The Proliferation of Rights: Moral Progress or Empty Rhetoric?* Wellman has noted how in the 20th century, particularly, we have seen an inflation of "rights". Wellman writes that the "proliferation of rights has spread into more and more areas of modern life, ... [and] has produced increasing resistance, both theoretical and political". As an example of a questionable expansion of rights, Wellman cites a section from article 24 of the United Nations Universal Declaration of Human Rights. "Everyone has the right to rest and leisure, including.. .periodic holidays with pay".¹⁷ As Wellman points out, even though it is proclaimed by such an august body as the United Nations, it is hard to take a claim for paid holidays as a serious moral claim. 'A genuine human right', writes Wellman, "justifies the strongest kind of moral claim, and however much one might desire a paid holiday, holidays with pay are not believed to be something to which every human being has a moral right". Wellman's book, in fact, details the vast proliferation of imputed rights in almost every area of social life: claims are now made for the right to life, the right to die, human rights, animal rights, children's rights, women's rights, environmental rights, prisoner's rights, the right to an abortion, the right to equal pay, the right to equal opportunity, and the right not

¹⁶Wellman, C. (1999) *The Proliferation of Rights: Moral Progress of Empty Rhetoric?* Boulder. Westview Press.

¹⁷ *Ibid.*

¹⁸ *Ibid.*

¹⁹ *Ibid.*

to be tortured—and the list goes on. Recently, President Clinton has been lobbying Congress to pass a "patient's bill of rights". Many of these rights are now on their way to becoming legal rights, which means that the remedy for violation is litigation.

Whether this proliferation of rights is good or bad is a matter of interpretation and argument. While the issues are complex, and the problems in many cases serious, I am inclined to argue that, on the whole, it is an unfortunate tendency. Unquestionably, rights have over the last 50 years or so been greatly inflated, and the general, rather obvious effect of inflation is to devalue whatever good it works its multiplication on. Just as each unit of an inflated monetary currency buys less and is worth less, the moral currency of rights, when they are inflated through extensive application to myriad features of the human condition, becomes cheaper.

The historian George Lukacs argues that modern democracies have an "endemic tendency" toward inflation, not just of prices and wages but of many social goods—credentials, bureaucracies, market expectations, etc. The growing tendency to articulate the problems of human needs and the distribution of goods and services in "rights" terms has the unfortunate unintended effect of vastly increasing those formal mechanisms of power that are needed to enforce the "rights" claims that people will inevitably make as they become rights holders. Rights, particularly legal rights, are worthless without means to enforce them. Thus, the great expansion in recent years of the costly agents of enforcement— lawyers, judges, arbitrators and other wielders of official power. In the world of rights, the principal parties who interact are those who hold them, those who violate or ignore them, and those who enforce them—victims, violators, and enforcers. Are any of these roles inviting? Do we want expansion in any of these categories? Interpersonal conflict in a world extensively defined by rights holders becomes much less amenable to informal and customary modes of conflict resolution and more dependent upon methods which are impersonal, highly coercive, and expensive. The vast expansion of rights leads to a massively costly, intrusive edifice of central power responsible for enforcing those rights and monitoring for violations.

Does this general critical perspective of the deleterious impact of "rights inflation" and a "right orientation" have application to the problem of the digital divide and the call for a "right to access information"? I believe that it does. First of all, the very language in which it is

²⁰ Lukacs, J. (1984) *Outgrowing Democracy: A History of the United States in the Twentieth Century*. Garden City, NY. Doubleday.

²¹ *Ibid.*

expressed, as noted above, is extremely vague. Since so much information is proprietary, confidential, or personal, it is difficult to see how there can be a general legal right asserted to it without qualification so elaborate and extensive as to make it worthless. How such a right might actually be violated and how it might be remedied is not clear either. Secondly, if the "right to access information" is given the more precise, concrete meaning that everyone should have access to a computer and the Internet, there is still a problem with vagueness, particularly with the notion of "access". Must individuals have "access" from their houses, as Commerce Secretary Daley insists above ("Until every home can afford access..." etc.) Or does having access at work or school count? A 1999 report from the Pew Research Center for the People and the Press notes that "62% of employed Americans go on-line through their jobs, and 75% of students go on-line through their schools".²² Also, public libraries offer Internet access and are heavily used by people who do not have computers in their homes. As the Commerce Department re-port says, "people without home computers are almost 1 -5 times more likely than people with home computers to get outside access to the Internet through public libraries or community centers". Again, this is no surprise, but it points to the difficulty of determining what the notion of adequate "access" really means, at least what it might mean in the con-text of being a right which, if violated, would require legal remedy. In effect, the rapid penetration of digital technology into institutions of public education, work places, libraries and other community institutions would suggest that access of some form is on the way to many if not most Americans. If this is the case, then the framing of the problem of distributing digital technology to the have-nots in terms of rights is severely misguided for two reasons: (1) the problem is likely to be significantly reduced in the near future by market forces; and (2) it will inevitably drive the rights claimants to the primary means of securing those rights, the high cost and unproductive processes of legislative advocacy (lobbying) and litigation.

CONCLUSION

The metaphor of the digital divide is, perhaps, an unfortunate one. Unfortunate because it seems to have initially pointed the discussion of problems of technology dispersion toward solutions which seem to downplay both the historical picture of the adoption of technology and

²² Powell III, A.C. (1999) *Op. cit.*

²³ US Department of Commerce (1999) *Op. cit.*

the current trends of the adoption of digital technology which suggest that the dispersion of it is rapid and pervasive. Moreover, the digital divide conversation, particularly as it has been conducted by government agencies and officials, has been increasingly and tendentially framed in a rights and entitlement view of the situation, thus inviting approaches in dealing with innovative technology that overlook the advantages of market solutions and result in the concentration of political power.