

# Information Divide; Perspective from Rights to Communicate

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## 1 Conventional Definition of Digital Divide and Its Limits.

NTIA report in 1995 which is one of the earliest research about digital divide issues explains the reason why digital divide is a serious problem in US as follows;

low-income, minority, young, and less-educated computer household in rural areas and central cities appear to be likely to engage actively in searching classified ads for employment, taking educational classes, and accessing government reports, online via modem”<sup>1</sup>

In 1999 NTIA report alerts that since 1995 report, digital divide ”still exists, and in many cases, has widened significantly. The gap for computers and Internet access has generally grown larger by categories of education, income, and race.”<sup>2</sup>

We can find well known convenient definition of digital divide as follows; ”the disparities in access to telephone, personal computers(PCs), and the

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<sup>1</sup>NTIA, ”Falling through the Net: A Survey of the ”Have-Nots’ in Rural and Urban America,1995, in Compine, Benjamin M., ed.,ibid., p.12.

<sup>2</sup>NTIA, ”Falling through the Net: Defining the Digital Divide,” Ibid., p.18.

Internet across certain demographic groups”<sup>3</sup> From a lot of studies, it is clear that digital divide has common roots with income disparity, gender and racial discriminations, gaps between South-North. However most of solution measures proposed by government and international organizations remain symptomatic therapy and do not reach ultimate solution. We should judge the validity of their precondition that present social economic and political regimes have ability of ultimate solution for digital divide.

Causes of digital divide issues are based on broader social, political and economic structures. Therefore it is impossible to resolve digital divide without radical transformation of present regimes locally and globally. Especially, key factors are market economy, nation-state and international administrations such as IMF, World Bank and WTO. In the case of digital divide in global communication issues, we should add the Internet governance organization such as ICANN.

I will discuss how we should challenge the digital divide issues with broader social context and how important social struggles for rights to communicate are for realizing substantive abolition of digital divide.

However, regarding inseparable relationship between digital divide and other broader social political regimes, in order to discuss about digital divide, ”divide” issues should not be limited in ”digital” that may be understood that digital divide is solved by itself. As communication structure including digital divide is segregated along with social structure such as class composition, gender and racial structure of discrimination, global economy institutionalizing redistribution of wealth between South and North, national security relate to social control, and so on. As a term, digital divide is too narrow to understand general situation of communication in present capitalist globalization, instead of digital divide, I chose information divide that includes not only digital divide but also various disparities stem from present ICT integrated into capitalist globalization.<sup>4</sup>

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<sup>3</sup>National Telecommunications and Information Administration(NTIA),”Falling through the Net: Defining the Digital Divide,” 1999, in Compine, Benjamin M., ed., *The Digital Divide, Facing a Crisis or Creating a Myth*, MIT Press, 2001, p.18.

<sup>4</sup>I owe to the following studies about relationship between ICT and global capitalism; Nick Dyer-Witheford, *Cyber Marx, Cycles and Circuits of Struggle in High-Technology Capitalism*, University of Illinois Press, 1999; Robert W. McChesney, and Meiksins Wood, and John Bellamy Foster eds., *Capitalism and the Information Age, The Political Economy of the Global Communication Revolution*, Monthly Review Press, 1998.

I will demonstrate four things in following sections. First, I explain communication access as service or commercial business has nothing of solution for information divide. Rights to communicate which has characters opposite to market economy is necessary standpoint to solve information divide. Second, the reason why market economy does not give ultimate solution of information divide. Third, the reason why government also does not give ultimate solution of information divide. And finally, I treat national security, monitoring and surveillance by law enforcement and information agency that seem not relate to information divide. However I will reveal the political formation of information divide in national security area that brings serious violation of rights to communicate. In conclusion section, I will discuss important role of social struggles for rights to communicate.

## 2 Rights vs Services

D. Linda Garcia argues decision making process is key issue for fundamental character of network communication as follows;

Made in the context of existing institutional structures, laws, and practices, technology choices will depend on who the key decision makers are; how they perceive their needs, interests, and objectives in the light of new technology; and the power and authority that they have to determine events. To anticipate the architecture of global networking technologies, all these variables must be taken into account.<sup>5</sup>

There are two criterias for definition of fundamental character of social structure of communication; one is services, another is rights to communicate. They have contradicted structure of decision making with each other. As I will discuss below, We should make clear that use of ICT should be based on rights to communicate. Present situation of communication infrastructure and services dominated by market economy oriented government policy and ICT industries marginalizes human rights. From standpoint of telecommunication as public and commercial service, disparities stem from economic exploitation and social discriminations by class, gender, age, ethnicity, nationality, and other social attributions may be out of the question.

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<sup>5</sup>D. Linda Garcia "The Architecture of Global Networking Technologies" in Saskia Sassen ed., *Global Networks, Linked Cities*, Routledge, 2002

Sellers and suppliers have the right in their sole discretion to decide technology, contents, price and others of services. This view point gives advantage for multinational corporations using network communication globally but concentrating its decision making into "global cities"<sup>6</sup>.

On the other hand, if the access and use of ICT are belong to human rights, discretionary power for sellers and suppliers should be restricted. Not depending on the attribute users belong to, everyone should be provided an equal opportunity for use of ICT. From viewpoint of communicate to rights, users should have the right to decide as same as sellers. Divergence of opinion between rights and services reflects decision making process of ICT policy. As criteria of rights has to include users as subject of decision making, governance structure is completely different with criteria of services.

My standpoint is that communication is an integral part of rights to live, rights of freedom and other human rights. In circumstances cutting off communication with others, people cannot enjoy their life and freedom. In the age when most of communication was done within family, community and narrow local area, freedom and privacy of face to face communication is the most important. Gathering and discussion in square in town was basic condition of democracy. This means right to communicate is inseparable of rights to the space or city which is a medium of face to face communication.

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With increasing long distance communication, rights to communicate should be extended from face to face to rights to use postal and telecommunications. In order to guarantee the rights to communicate among distance places, people have to have rights of not only freedom of speech and privacy but also control of communication technology because technology is all for condition of surveillance, blockade and protection of communication.

Rights to communicate should includes inhuman communication such as data communication with computers. This is not unique for ICT but universal phenomena of human communications. For example, education system should realize a communication circumstances both student-student, student-teacher and student-library. Access to books and documents is inseparable requisition for communication circumstances of education. The same thing

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<sup>6</sup>See Saskia Sassen, "Introduction. Locating Cities on GlobalCircuits" in Sassen ed., *ibid.*

<sup>7</sup>On classic study of space, see Henrri Lefevre, *La Priduction de l'espace*, 1974, Japanese version, published by Aoki Shoten, 2000; David Harvey, *The Condition of Postmodernity*, Blackwell, 1990.

is universally applicable in communication.

Most of human rights were recognized and realized in Western modernists social political system. However these rights were no better than tokenism because of commercialism, sovereignty based on nation state, and authoritarianism. Following modernist internationalism based on nation state and colonialism, emergence of postmodernist global capitalism, especially after 90s, has been still carrying on the same structure as modernists era. What is worse is that there is nothing of global democracy.<sup>8</sup>

Solution of information divide will not be able to realize under the present social economical and political structures letting neo liberal globalization alone. Rather this will bring about worse and new divide. From its nature, present structures have nothing of immanent solution function of information divide. Role of movements for acquiring rights to communicate is delete world wide coalision of market, nation states and internetional admoinistrations, to drive a wedge among their lines, and to create alternative based on centrarity of the people with diversity who has been marginalized under global capitalism. Therefore alliance between struggle in cyberspace and in real world, in other words, various struggles against the structures that include economic and cultural exploitation and discrimination of gender and ethnicity are prerequisite and inseparable with movements for rights to communicate.

### 3 Limits of Market Abilities

There are two convenient solutions of digital divide. One is to utilize the fullest extent of market economy that may reduce price and cost under competition. Reduction of access fee and other costs, more people may be able to have a chance to access to the Internet. Another one is an idea of so called "universal service" policy, governmental support for the poor, education of

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<sup>8</sup>In usually, from political science viewpoint, global regime is grasped as four poles structure, nation-state, world market, multi national corporations, and international administrations such as IMF, World Bank, WTO and so on. See, David Held & Anthony McGrew, *The Global Transformation Reader*, Polity, 2000. Another more radical and influential viewpoint is proposed by autonomist marxists such as Harry Cleaver, Michael Hardt, Antonio Negri and Nick Dyer-Whtheford. They insist on creative characters for alternative by struggles against global capitalism. See, Michael Hardt and Antonio Negri, *Empire*, Harverd University Press, 82000; Harry Cleaver, *Reading Capital Politically*, University of Texus Press, new edition from AK Press in 2000; Nick Dyer-Wittheford, *ibid*.

information literacy, public investments to ICT infrastructure.

From standpoint of rights to communicate, communication is not for sale. Therefore, solution by market has essential limits. I demonstrate more in detail about this.

It seems true that market competition without monopoly and state intervention or regulation may reduce access costs. However in some cases, support of public fund for ICT maintain lower cost of use than market price.

Support by government aside, I examine the limits of reduction of market price. Market system results inescapable exclusion from rights to communicate. The people who cannot pay access fee even if it is too much cheap exist worldwide. Given the facts that disparities of income and price levels in each country and each region, even one dollar is critical to the right to communicate. Pay service for access, database and others function to the advantage of high income population. This economic disparities is unable to disregard for global communication issues.

With wide spreading ICT and reducing the number of population who are not able to access, the people excluded from basic communication circumstances marginalize more than ever and easily to neglect. Business may escape from poor people as consumers to higher income population because of cost benefit per capita. Market of communication segments services between low income groups and high income groups. It opens up greater possibilities for higher income population. Exclusion from market and segmentation of market that are essential characters of market economy, is structurized and integrated into other social political structure in both local and global level. The ICT integrated into present structures reproduces present information divide.

## **4 Exclusive Effect of Advertisement System**

Price reduction competition promotes more penetration of commercial sector to the communication circumstances that non commercial organizations has important roll. Commercial sector uses advertisement for reduction of service fee of users. Even if non commercial organizations intend to give more convenient services for users, they cannot meet commercial competitors' price. More worthful services by non commercial sectors are excluded and suffer withdrawal, and as a result of this, money-driven management takes over the space. Low income people forces to use such low charge with commercial

ads against their will. Success in market economy does not necessarily mean that the commodity has superior use value. Well known example is Microsoft OS. Advertisement and copyright strengthen its market domination power with making an image of MS Windows as the best choice.

Advertisement as a means of revenue for commercial media is also one of important causes of digital divide. Also advertisement penetrates and undermines values of everyday life and integrates into market oriented life style. People know MacDonal, Coke and Nike much better than neighboring goods. Is undesirable side effect of advertisement less harmful or unharmed than computer virus? Desire of commodity beyond capacity of local community causes impossible dream for wealthy life and mobilizes people to market economy that results in dependency of money income and destruction of basic living standard. ICT dominated by market economy takes sides with single-mindedly for market economy like neo liberalism.

Advertisement in interactive communication network has different character from mass media circumstances. Consumer before computer terminal is not only passive role for ads but unintended informant of his/her own behaviors as consumer. From computer program like cookies to customers data bases, commercial sectors gather personal data using ICT while consumer cannot do the same thing for corporations. This asymmetry of information that seems difficult to transform under present market economy is one of typical examples of structural information divide.

## **5 Labor Costs as Barrier for Equal Conditions**

Labor intensive process of communication has another important factor of market competition. Undertaking information gathering and editing need huge human power.

Sasakia Sassen categorizes two types of information. One is datum, another is "akin to an interpretation/evaluation/judgement." Former is "global and immediate from just about any place in the highly developed world", but latter is rather concentrated as follows;

It entails negotiating a series of data and a series of interpretations of a mix of data in the hope of producing a higher order datum.(...) (It) requires a complicated mixture of elements, which

we could think of as the social infrastructure for global connectivity. It is these specialized kinds of social connectivity that give major financial centers a leading edge.”<sup>9</sup>

Sassen discusses above taking financial capital into consideration, however her argument is able to apply to more general situation of information. For example, media industry, able to call up paid staffs processing their own data and information. Same thing is true for governmental bureaucracy. Revenue from advertisement support these high order datum, tax is also for governmental administration.

Prerequisite of market economy is private property of commodity. Market is not neutral because of not only price and income structure but information flow is canalized along with structure of corporations. Information of accounting, investment strategy, management policy are segmented among members of company board members, shareholders, employee, customers, supervisory authority, auditing firm. Also consumers, trade union, environment activists and other protesters against corporations need negative information. However it is much more difficult to have information than insider parties.

Counter and negative information is necessary to change present market-driven and less concerning for rights to communicate. People cannot get such negative information unless consumer movements, labor movements, ecologists movements and other social movements take any actions for making disclose and disseminating those information. On the other hand corporations try to block such disadvantageous information. Existence of social movements are sole and minimum condition redressing bias of market information circumstances. We should put the information divide issues into these broader social context of market economy.

## 6 Property and Rights to Communicate

Struggle between the social movements and corporation means struggle between rights to communicate and rights of property. From view point of information property, owner of intellectual property and patents has priority of how to use and who should be excluded from access. Consumers and workers may be easily excluded from access of information even if the information is close relate to their own interests.

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<sup>9</sup>Sassen, *ibid.*, p.22



Let's recall natural resources such as oil, precious metal, rain forest, water and so on that has been occupied and exploited by western companies since 16th century, from the beginning of western colonialism. Under the principle of market economy that the devil take the hindmost, developed countries and multi nationals occupy resources first and establish property rights. Property right has been extending from land, natural resources to product of knowledge. Typical case is agriculture and living resources. <sup>10</sup>From seed to genetical modified products, they are commercialized and transferred the intellectual property to agri-business. ICT network connects between farms in the third world and headquarter in global cities in the first world. ICT supports exploitation of natural resources by transnational corporations. The people who use these natural resources for their own daily work have to buy agricultural materials from multinationals under control of property and intellectual property rights. Information network inside of corporation shut out the people concerned. Peasants cannot know insider information of its contractor while transnational corporation knows meticulous detail of peasants' private life. This is a typical case of information divide stem from segmentation of information along with barrier of property structure.

From the view point of right to communicate, information flow should be canalized with people concerned not with property right. Local community has strong concern about investment policy of the company that plan setting up factory in it. What they are interested in may differ from shareholders' interests that is mainly growth of corporate earnings. On the other hand, local community want to have negative information such as possibility of environmental disruption, worrying worsening employment situation and so on. Shareholders may have internal privileged information of the company with statutes of corporation while people outside has to expend much cost and time to get such information.

How does ICT affects information flow? Dissemination of information by the Internet and other computer network is not able to undermine the private property regime of information. Rather the situation becomes taking more complicated look. Information flow become beyond national borders with not only trade but also international division of labor inside of company with development of information network world wide. As Saskia Sassen<sup>11</sup> insists, decision making is centralized in business center cities along

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<sup>10</sup>See, Vandana Shive, *Protect or Plunder? : Understanding Intellectual Property Rights*, Zed Books, 2001.

<sup>11</sup>See, Saskia Sassen, "Locating Cities on Global Circuits," in Sassen ed., *Global Net-*

with international diversification of production. In this typical globalization from above, multinational corporation easily outsteps problem-solving ability of local community. Headquarter of the company gathers, accumulates and makes database about the local community people, on the other hand, people in the community has nothing of means as same ability as the company. Only one solution to transform above asymmetry information flow exists in the struggle of people against capitalist globalization. Movements of rights to communicate prepare alternative use of the Internet and computer network and make essential precondition for global people's resistances.

Information divide should be redefine from a standpoint of right to communicate based on human rights. Private property should be subject to rights to communicate. Share of corporate information by the people who suffer adverse effects of income, work conditions, social and natural environment, cultural values and so on is necessary condition to regulate excess exploitation and promote democracy inside private corporations. Radical transformation of intellectual property into de-privatization of basic program for computer communication technology.

## 7 Government Control of Information Flow

As far as government and international organizations such as IMF, World Bank and WTO work out policies for the popularization of ICT as a part of socio-economic development toward capitalist market economy integrated into global economy, their behaviors promote the disparities of information by market economy above mentioned.<sup>12</sup> Main concerning of present political administrations is not concerning of the transparency of decision making process which is necessary to disclose inside information and set up two-way communications between organizations and people concerned, which is just a by-product of market oriented development of ICT. Unless people's struggles against capitalist globalization give pressure to international administrations, they usually intend to close doors behind people.

Addition to this, there is the less concerned issue so far that should be more attract the attention. That is the information flow relate to national security and intelligence information.

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*works, Linked Cities*, Routledge, 2002.

<sup>12</sup>"Increased access to the Internet is only one precondition for effective participation in electronic commerce". World Bank, *Global Economic Prospects 2001*.

David Lyon categorize three models of surveillance; Orwellian "Big Brother" model, Bentham-Foucaultian "Panopticon" model, and Deleuze-Guattarian "Assemblage" model. Regarding to above from information flow view point, we can find easily all of them are institutionalization of information control. Big Brother gathers and stores personal data for strengthening centralized power. Panopticon uses the unseen observer that is different ways to gather data from Big Brother. Third category is the most suitable for network communication. Lyon explains it as follows;

This has persuaded some to see surveillance as a looser, more malleable and flowing set of process – a 'surveillance assemblage' – rather than as a centrally controlled and coordinated system. This also relates to our daily experiences of surveillance, which occur in mundane moments rather than in special searches. As Nikolas Rose puts it, 'surveillance is "designed" to the flow of everyday existence.'<sup>13</sup>

government and international organizations has other specific characters of information flow, which is more close relate to control and surveillance of population, and national security. Asymmetry of information makes a basis of political power. Government gathers personal data and categorize them and use for administrative "services" such as from election, immigration and other administration to welfare, education, and other public assistance. On the other hand, governments have been tried to regulate encryption use and broad authority to access communication data. Even if rule or legislation of information disclosure is established, political decision makes it for status quo.

With improvement of networking infrastructure, population accessing to the Internet increase substantially. According to political administrative organizations, this does not mean necessary good thing because they lose information control as before the Internet age; at that time, mass media functioned affect decisively public opinion and making national identity. Under the condition of interactive and global ICT, political administrations need new policy for control of population. Argument of Sassen above mentioned about multinational corporations is also true for control structure by political

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<sup>13</sup>David Lyon, "Surveillance after September 11", *Sociological Research Online*, Volume6, issue3, 2001, <http://www.socresonline.org.uk/6/3/contents.html>

administration. Dissemination of information with centralization of control forms new political information divide visibly and invisibly.

From historical experiences, popularization of the Internet introduces censorship and surveillance in return for realizing easier access. For example, CDA in Clinton administration was planned along with GII policy; filtering and rating software has prevailing among public school, library and offices; shutdown of cyber coffees in China; Convention on Cybercrime<sup>14</sup> by the Council of Europe imposes on ISP the duty of data retention and permits tracing and snooping traffic data by law enforcement; FATF of OECD bans data transfer suspected of money laundering<sup>15</sup>; law enforcement and intelligent organization introduce new technology for surveillance of the Internet and computer communications such as Carnivore of FBI<sup>16</sup>, Echelon of UK-USA agreement<sup>17</sup>; regulation policy of encryption.

Convenient definition of information divide does not include these issues though these intervention policy have serious influences to human rights from freedom of speech, political freedom to privacy. CDA debate was relate to sensitive information about sexual behavior protecting from HIV/AIDS. Echelon is suspected to monitor communication of peace movements and anti war movements. Monitoring financial data for international crime is easily able to turn over criminalizing donations to the political dissident groups that are labeled as terrorists.<sup>18</sup>

Under occurring often law intensive wars in developing countries, to get and access information of war and military conflicts is essential for people to survive and establish their own autonomy. Peace and anti war movements that seek alternative solution instead of military intervention have a mission to disseminate counter information in the war time when government usually intensifies its propaganda and controls information flow.<sup>19</sup>

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<sup>14</sup>See, website of Convention on Cybercrime by Council of Europe, <http://conventions.coe.int/Treaty/EN/WhatYouWant.asp?NT=185>

<sup>15</sup>See, website of Financial Action Task Force on Money Laundering, OECD, [http://www.fatf-gafi.org/40Recs\\_en.htm](http://www.fatf-gafi.org/40Recs_en.htm)

<sup>16</sup>See, privacy page in Electric Privacy Information Center (EPIC), <http://www.epic.org/>

<sup>17</sup>See, the Temporary committee of Echelon in the European Parliament, [http://www.europarl.eu.int/committees/echelon\\_home.htm](http://www.europarl.eu.int/committees/echelon_home.htm). Nickey Hager, *Secret Power*, Craig Potton Publishing, 1996.

<sup>18</sup>See, Mizuho Fukushima, "Anti-terror bill might make donations illegal", *Asahi Herald*, May 16, 2002

<sup>19</sup>See, Edward S. Herman and Noam Chomsky, *Manufacturing Consent*, new edition,

National security and other political military sensitive information should not be treated as sanctuary. Surveillance by military and state security policy strengthens international tensions. Abolition of intelligence agency and share of sensitive information among people beyond national interests promote global democracy based on decision making beyond national borders without excising military force.<sup>20</sup> This is the field that movements of rights to communicate put to the test of their ability.

## 8 Democracy and Information Divide

Governmental policies for so-called "universal services" result in new segmentation of information flow between the information-haves and have-nots. From the position of government, population is basis of constituency and national consensus that consists of political legitimacy of power. Mass media as one way communication system reduces complexity of information and manipulates public opinion. Interactive communication by general public make diversity of opinion visible but increases difficulty of consensus. Political administration forces to reconstruct interactive communication structure for promoting consensus within the framework of present political decision making process. This has a possibility of tacit exclusion of alternatives.

Solution policy of information divide should not be accepted without check. If the policy infringes upon privacy and civil liberty, we should not welcome such policy. It is clear that is not true solution but introduces new structure of information divide in a more subtle way.

The dividing line of information-haves and have-nots is not only result of economic condition but also result of political intention.

Democracy has several essential preconditions as follows; Decision making based on discussion Share and disclosure of information Equal condition of participation

Unequal and discriminative communication circumstances under information divide economically and politically result in undermining democratic decision making. Market oriented ICT has nothing of tendencies for above mentioned preconditions of democracy because of making new dividing line

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Pntheon, 2000.

<sup>20</sup>See, article by Ilka Schroeder in Toshimaru Ogura ed., *Echelon-disclosing world wide surveillance network*(in Japanese), Nanatumori Shokan, 2002.

along with the information property right that marginalizes right to communicate.

With turning out increasing of trans national transfer of goods, money, population and information, global democracy is necessary constitution for regulations global market economy and political administrations such as IMF, WB, WTO, NATO and G8 summit, and so on.

De facto standard language of communication in the Internet internationally is English. This means the people who are not able to understand in English are virtually excluded from discussion, share of information and participation.<sup>21</sup> As the Internet disseminate in general public, diversity of language become more crucial. Political decision making system has a tendency of reduction of complexity that result in exclusion of minority language. As most of global business and international administrations believe that benefits of communication by the Internet is time and cost saving character, covering cost for translation and spending time to make messages penetrate into the people who only understand local language are less priority. The UNDP Report in 2001 explains benefit of real time communication by ICT as follows;

”Individuals, households and institutions are linked in processing and executing a huge number of instructions in imperceptible time spans. This radically alters access to information and the structure of communication—extending the networked reach to all corners of the world.”<sup>22</sup>

This viewpoint is the technocentrism that overvalues ICT and overlooks human conditions that situates at terminal of network. It is the human beings that read, write, input data, designs network architecture. Therefore language is decisive important point.

Realtime transfer of information is true but realtime understanding of the contents of transfered message is quite another issue. As more important is latter phase of communication, it is a key point how to rein in speed and cost supremacist ideology and to establish global democracy. Movement of right to communicate has to promote using realtime communication technology and at the same time to regulate the technology for keeping the pace with understanding of minority language people. This seems tricky mission but

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<sup>21</sup>On issues about domination by English language, see Alastar Pennycook, *The Cultural Politics of English as an International Language*, Pearson Education, 1994; Mikos Kontra, Robert Phillipson, Tove Shutnabb-Kangas and Tibor Varady eds., *Language: A Right and a Resource, Approaching Linguistic Human Rights*, CEU Press, 1999.

<sup>22</sup>UNDP Report, 2001, p.30

this is essential for challenging present information divide structure.

## 9 Law, Social Norm, Market and Code

Lawrence Lessig wrote in his book, *CODE and Other Laws of Cyberspace*<sup>23</sup>, there are four means of regulation of the Internet, legislation, social norm, market economy and technical code. The society that adopts open society or liberal society as it's slogan tries to control indirectly users' behavior without mandatory measures though the result of it is as same as the mandatory measures.

Main concerning of Lessig is the architecture of the Ineternet that cannot guarantee freedom of speech or privacy automatically. Artificial communication space can be controlled through technological conditions much more easier than natural space

The arguments of Lessig gives useful hints for understanding information divide because he makes clear that regulation by law, social norms, market and codes institutionalize communication based on various social structures from legislation to economy and culture. This means that these four factors function to exclude the factors that may subvert present social systems and to strengthen the factors that maintain present social systems. The problems of information divide is relate to them. Therefore institutions of communication has never realized zero divide system, rather institutionalized a kind of gap in order to maintain present social economic and political systems. Keeping freedom of communication, Lessig insists, it is important to become conscious that cyberspace is completely artificial space and easily controlled by code and technology behind of users' interface. He aware of commercial interests such as intellectual property may violate freedom of speech.

However his argument cannot reach the fundamental reasons and characters of regulation, therefore his arguments has limitations for understanding of information divide issues.

His argument overlooks the dual character of modern society that has on one hand ideas of freedom and quality but on the other hand institutionalization of oppression and discrimination. Why is communication controlled, regulated and monitored in society of "freedom"? What freedom means is just only for market, business, nation state and international political administrations. From legislative solution to technological one, any solutions

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<sup>23</sup>See, Lawrence Lessig, *CODE and Other Laws of Cyberspace*, Basic Books, 1999.

that do not touch foundation of present social political economic structure are not beyond symptomatic treatment and makes new information divide.

## 10 Conclusion: Significant Role of Social Struggle for Rights to Communicate

Global capitalism has inescapable contradictions. Seeking cheaper labor, natural resources and environmental costs, capital transfers beyond national borders, or invest to financial market for just only money games. Global network of communication plays an important role in such capital flows and prepares technological precondition of speculation in financial market using computer programs.

However, at the same time, globalization of capital and its institutions provide various mass struggles against them both locally and globally. This "the other globalization"<sup>24</sup>, "globalization from below"<sup>25</sup> have important roles.

We cannot expect anything possibility of market economy or governmental support. Even if we depend on any financial or other material support by market or government, we should not expect too much for fundamental solution of information divide.

Above issue has been well recognized and discussed as an issue of global democracy in anti globalization movements including global communication movements from below. <sup>26</sup>

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<sup>24</sup>Nick Dyer-Witheford, *ibid*.

<sup>25</sup>See, Jeremy Brecker, Tim Costello and Brendan Smith, *Globalization from Below, The Power of Solidarity*, South End Press, 2000.

<sup>26</sup>In Asian context of global democracy from below was proposed at the latest in late 80s. For example, the Declaration of Minamata by People's Plan 21 insisted on participatory democracy beyond national borders. Criticizing viewpoint of economic and social aid, it stressed, the oppressed people should not be the object of pity but the subject of struggle. This declaration was developed to the third meeting in Katomandu. The statement in Katomandu included the new concept, centrality of the people with diversity, which means subversion of marginalized position and taking back the center seats of society. See, Kohei Hanasaki, '*Janakashaba*' no *Tetugaku, jenda-, esuniversityi, ekoroji*[Philosophy of 'Janakashaba', gender, ethnicity, ecology], PP Books, Impact Shuppan, 2002. This trailblazing movements did not include the viewpoint of rights to communicate. From rights to communicate movement in Asia, especially we have excellent movements by women. See, *Women in Sync, Toolkit for Electronic Networking*, 3 volumes, Association for Progressive Communications and Women's Networking Support Programme, 2000.



Present global capitalist system controls information flow in order to maintain present system made by market system, nation-state and international organizations. As in Appendix of this paper I outline the whole structure of global capitalism and structure of information flow, information flow/divide is very complicated and deeply rooted into the basis of present regimes. To change the information flow means to struggle against the power structure that vehemently keep status quo.

Struggles against poverty, exploitation, gender and ethnic discrimination, struggles for defending cultural language diversity, struggle toward political freedom and liberation cannot stand without the communication circumstances that is not dominated by both private commercial sector and government oriented public sector. In the non commercial and non governmental space for communication, various actors concerning rights to communicate tackle with censorship, intellectual property rights, surveillance that violates protection of people's free behaviors and expressions. Alternative media activities and keeping access to the global communication network create autonomous communication zones<sup>27</sup> These alternative media functions as vehicle of circulation of social struggles.

People's struggles create fundamental social structure of equal share of information that undermine gradually structure of information asymmetry, and promote to transformation into more equal social democratic systems.

Therefore, people's struggles for right to communicate is the only counter force against asymmetry of information and information divide caused by market economy, nation state and international administrations. Traditional power structures protected by mass media face with working class, women, peasant, ethnic minorities and other various social minorities that spread over world wide in real world but they form strong communities in cyber space. These autonomous communication communities function as a bridgehead for resistance against present power structures in both cyber space and real world.

In order to put rights to communicate on firm basis, conditions of com-

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On anti globalization movements in general, especially after Seattle, see following recent books. Veronika Bennholdt-Thomsen, Nicholas Faraclas, Claudia Von Werlhof eds., *There is An Alternative*, Spinifex Press, 2001; Francois Houtart and Francois Polet eds., *The Other Davos*, Zed Books, 2001

<sup>27</sup>Term of autonomous communication zone is a counterword of "Temporary Autonomous Zone" by Hakim Bey. See, *T.A.Z. The Temporary Autonomous Zone, Ontological Anarchy, Poetic Terrorism*, autonomea, 1991.

munication technology should be transformed from domination of private property regime into public domain based on the right to communicate. It is unfavorable situation that execution of human rights depends on commercial company as same as depends on undemocratic political power. As far as it is concerned that communication is not for sale, communication tools, resources and infrastructure should be also put on public domain. Movements for rights to communicate should hold in market economy and expand autonomous communication zone that does not depend on both commercialization and present dominant political power structure. Market economy of communication has to be marginalized and minimized, and extend democracy beyond national borders based on centralization of people with diversity. From this view point, open source movements, copy-left movement, fair use of copyrighted materials for social political aims, political pirate movement for protecting right to communicate by the poor people, cyber sit-in and other resistance actions should not be criminalized but duly appreciate.

Against my conclusion, someone may require I should propose concrete alternative program. However I think it is not essential thing to propose alternative. Rather important thing is to demonstrate theoretically that market economy, nation state power structure and international administrations are unable to realize rights to communicate substantially and only through social struggles for rights to communicate alternative would be emerged.

## A appendix: socio.political structure of information divide

	conventional measures	laws	human relations	institutional conditions	social attributions	monitoring information
market	price reduction, donation to NGOs	copyright	employer-worker	status	class, gender, race, education, language, age, place...	personal data, workplace surveillance
			seller-consumer	income		customers data, marketing
nation-state	education, welfare, public investment to ICT	freedom of information law... national security law	admin. officer-resident with nationality	inside and outside of bureaucracy	ditto	personal data, public space surveillance
			admin. officer-immigrant	nationality		police investigation, intelligence surveillance
international administrations	economic social aid	conventions, agreement among nation-states	int. admin-nation-states	sovereignty, North and South, market	ditto	Internet governance
			intr.admn - people	exclusion from decision making		military alliance