

What About the Right to be Connected?

This was originally posted to [NNSquad](#).

Genachowski makes some important points in his talk (<http://openinternet.gov/read-speech.html>). It's a very good take on neutrality but something is missing – the fundamental right to participate in society, the right to communicate. We recognized this right long ago by assuring that every American had the right to postal service without having to “subscribe”.

Today the Internet is serving the role the post office did. Isn't it time to extend that right to everyone?

Why should you have to subscribe to a broadband service provider? Especially when that service is still basically a repurposed television service. This is no metaphor – it is a simple fact. DSL was developed for Interactive TV and the broadband Coax was designed for TV. FiOS contains a complete emulation of a traditional cable TV system. I can't help but think of the movie [Idiocracy](#) in which water has been replaced a Brando (AKA Gatorade).

The need to legislate neutrality is a strong indicator that something is out of whack. We mustn't settle for neutrality – we must demand our right to be connected everywhere and all the time. As Carl Malamud reminded us if you have to pay to participate (he used the example of the fees to read case law) you don't have a democracy.

We tried a socialistic approach to connectivity in the 1930's. We defined telecommunications as a service industry and created the FCC to charter (or license) private companies to provide the services within a strong regulatory framework. It seemed to work but we've spent decades wresting control back so we could connect our own devices.

What has changed since the 1930's is that we now have bits. Digital signaling undermines the idea that we need a single company to run *the* network. The Internet shows the power of framing connectivity in terms of bits.

We have a fundamental right to be connected. We can achieve this by taking a market-based approach rather than trying to stretch a 1930's socialist experiment into the 2000's. We can do this by applying straightforward anti-trust principle to address the conflict of interest inherent by making “television” just another application like “web” or “email”. By shifting the model from subscriptions to infrastructure we'd be working with the market forces rather than against them.

The desire for neutrality is really a recognition of this right. So let's demand our rights and opt for a direct market-based approach.