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# TECHNOLOGY, ALIENATION, AND THE FUTURE OF LITIGATION-BASED SOCIAL CHANGE

by DANA NEACSU, PH.D.\*

## INTRODUCTION

To the extent that we use the Internet, our lives resemble Walter Benjamin's picture-puzzle metaphor:<sup>1</sup> our reality is a collage of daily experiences in and outside of the Internet. It is my view that such a collage of ready-made frameworks of labeled events - "digital" and "non digital" - cannot but alter our thoughts and feelings about our human condition. Our condition has irremediably changed. At a minimum, it is devoid of any "concreteness." Our everyday lives, even when "non digital," are mediated electronically. Routine and insulation have become so pervasive that only digital distraction makes them bearable. Our capacity to react to events has changed. We hear a fire is ravaging our neighborhood, but before we react we automatically Google it and read about its impact on some news aggregator and then tweet our feelings<sup>2</sup> or post a selfie on Facebook.<sup>3</sup> This is alienation and technology in a nutshell. We relate to our feelings, and thoughts, and even to our lives "as to an alien object,"<sup>4</sup> partly because, this article argues, we invest so much of our lives in technology. In the process, technology becomes so pervasive that it dominates our way of thinking and acting. In the end, it can be said we pour ourselves into technology, objectifying our lives and alienating from ourselves.

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\* Dana is Librarian and Lecturer-in-Law at Columbia Law School, and Adjunct faculty at Barnard College. This article started as a talk at the 16th Annual Lewis University Philosophy Conference "Does Marx Still Matter?," organized by Professor Elizabeth Hoppe, PhD. Mickey, ZouZou and Izzie are responsible for the inspiration. All the mistakes belong to Dana.

1. See, e.g., HOWARD EILAND & MICHAEL W. JENNINGS, WALTER BENJAMIN: A CRITICAL LIFE 341 (2014) (discussing Benjamin's thoughts on how the fantasy existence humans promote leads to alienation).

2. *Tweet Definition*, DICTIONARY.COM, <http://dictionary.reference.com/browse/tweet?s=t> (last visited Jan. 25, 2015) (defining "tweet" as a term used in digital technology to describe a very short message posted on the Twitter website: the message may include text, keywords, mentions of specific users, links to websites, and links to images or videos on a website).

3. *Selfie Definition*, DICTIONARY.COM, <http://dictionary.reference.com/browse/selfie?s=t> (last visited Jan. 25, 2015) (defining "selfie" as a term used in digital technology to describe a photograph that one takes of oneself with a digital camera or a front-facing smartphone, tablet, or webcam, especially for posting on a social-networking or photo-sharing website).

4. KARL MARX, ECONOMIC AND PHILOSOPHIC MANUSCRIPTS OF 1844 29 (Martin Mulligran trans., 1959) (1932), available at <http://www.marxists.org/archive/marx/works/download/pdf/Economic-Philosophic-Manuscripts-1844.pdf> ("[T]he worker is related to the product of his labor as to an alien object.").

This article will briefly analyze how technology can sometimes alleviate dissatisfaction and distort the progression of this dissatisfaction toward a desire to seek a legal remedy through litigation.<sup>5</sup> Other times, when satisfaction cannot be found individually through technology, technology can act as a catalyst to systemic changes.<sup>6</sup>

This article addresses this apparent inconsistency and theorizes the potential impact technology might have on the “rights vocabulary.” Technology could erode it by making it superfluous to seek satisfaction in courts of law. Until recently, the way to achieve change in the United States was through law, and especially through litigation, which has constantly established new “rights” on our legal map.<sup>7</sup> Some scholars called this phenomenon the “rights paradigm” or the “rights revolution.”<sup>8</sup> In the United States, the Civil Rights and the Women’s Rights Movements are landmark victories of social change through litigation.<sup>9</sup> But what happens when school desegregation is not an issue because of online education? What happens when second life, digital satisfaction supplants many so-called “real life” achievements and there is no need for any rights movements? Until now, such instances where dissatisfaction can find solutions in technology have been limited.<sup>10</sup> On the other hand, recent history has shown that rather than an end in itself, technology remains a useful tool of social revolt.<sup>11</sup> Given specific social and political circumstances, the Internet may become a catalyst which can be used to deepen social alienation.<sup>12</sup> Interestingly though, the result seems identical. When the Internet is akin perhaps to Thomas Paine’s *Common Sense* pamphlet,<sup>13</sup> its use reveals the meaningless nature of the judiciary.<sup>14</sup> In those situations, the judiciary system itself needs to be replaced.

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5. See SAMUEL WALKER, *THE RIGHTS REVOLUTION: RIGHTS AND COMMUNITY IN MODERN AMERICA* 31 (Oxford Univ. Press 1942) (1998) (providing support for the idea that modern America has undergone a “rights revolution” in which litigation has been used as a tool for social progress and change).

6. See JOHN MCCARTHY & PETER WRIGHT, *TECHNOLOGY AS EXPERIENCE* 4-5 (2004), available at [http://inventingself.commons.gc.cuny.edu/files/2013/07/2004\\_MIT\\_TechnologyAsExperience-2.pdf](http://inventingself.commons.gc.cuny.edu/files/2013/07/2004_MIT_TechnologyAsExperience-2.pdf) (explaining the role technology plays and how deeply it has become embedded in today’s culture as a form of communication and a method of strengthening relationships worldwide).

7. See WALKER, *supra* note 5, at 31 (discussing the use of litigation as a tool for social progress).

8. *Id.* at 33.

9. *Id.* at 32.

10. See Courtney Boyd Mcycrs, *Are New Technologies Making Us Happier?*, *THE NEXT WEB* (Oct. 30, 2011, 6:10 PM), <http://thenextweb.com/insider/2011/10/30/arc-new-technologies-making-us-happier/> (describing instances in which technology can provide users with great satisfaction).

11. See Chris Taylor, *Why Not Call It a Facebook Revolution?*, *CNN* (Feb. 24, 2011, 11:47 AM), <http://www.cnn.com/2011/TECH/social.media/02/24/facebook.revolution/> (demonstrating the impact that social media has had in contemporary political revolutions worldwide).

12. *Id.*

13. THOMAS PAINE, *COMMON SENSE* (1776), available at <http://www.ushistory.org/paine/commonsense/>.

14. *Id.*

## I. ALIENATION, MARX, AND TECHNOLOGY

How can technology, especially the Internet, be responsible for eroding the American way of progress: the rights culture, which allowed aggrieved parties to go to court and win “rights” battles for the ages, as it happened with *Brown v. Board of Education*<sup>15</sup> or *Roe v. Wade*<sup>16</sup>? How can technology erode these models of progressive litigation, which created the right to unsegregated public education and the woman’s right to decide the outcome of her pregnancy?<sup>17</sup> Think only about online education, and, for instance, the much promoted Massive Open Online Course way of higher education and you will see how easily desegregation in higher education can be achieved.<sup>18</sup>

Using Karl Marx’s theory of alienation<sup>19</sup>—incorporating Jon Elster’s analysis<sup>20</sup>—this article first contends that technology, especially the Internet, reshapes the development of any feelings of inequality before they can evolve into “legal indignation,” which would ultimately require seeking remedial social action through litigation. The Internet has substituted positive feelings of fulfillment for individual vulnerability, ergo, the illusion of empowerment. For instance, instead of feeling exploited, WIKIPEDIA<sup>21</sup> and other Internet service contributors experience personal accomplishment outside any rights paradigm.<sup>22</sup> There is no need for the legislature to limit your workday to ten hours, as the New York State legislature did one hundred years ago.<sup>23</sup> Likewise, there is no need for the bereft capitalist to go to court and have the workday limits declared unconstitutional, as was the case in *Lochner v. New York*.<sup>24</sup> Today, so much has changed in the creation of value, from the division of labor to the role of cooperation. Because of modern technology,

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15. 349 U.S. 294 (1954).

16. 410 U.S. 113 (1973).

17. See Dana Neacsu, *The Red Booklet of Feminist Equality: Instead of a Manifesto*, 30 WOMEN’S RTS. L. REP. 106, 165-66 (2008) [hereinafter *The Red Booklet*] (showing “all social gains obtained in court, including the segregation case *Brown v. Board of Education*”); Dana Neacsu, *Tempest in a Teacup*, 38 GONZ. L. REV. 601, 620-25 (2002/03) (explaining how the right to bear or beget a child was won).

18. See Laura Pappano, *The Year of the MOOC*, N.Y. TIMES, Nov. 4, 2012, [http://www.nytimes.com/2012/11/04/education/edlife/massive-open-online-courses-are-multiplying-at-a-rapid-pacc.html?pagewanted=all&\\_r=0](http://www.nytimes.com/2012/11/04/education/edlife/massive-open-online-courses-are-multiplying-at-a-rapid-pacc.html?pagewanted=all&_r=0) (describing the increasingly-popular Massive Open Online Course model of online education, which blends together instruction with principles of social networking to create an education model that is open to massive numbers of students and emphasizes collaboration with fellow classmates over interacting with the instructor).

19. KARL MARX, *Alienation and Social Classes*, in SOCIAL STRATIFICATION: CLASS, RACE AND GENDER IN SOCIOLOGICAL PERSPECTIVE 74 (David B. Grusky ed., 3d ed., 2008).

20. See JON ELSTER, MAKING SENSE OF MARX 74-78 (1985) (explaining Marx’s theory on the alienation generated by capitalism).

21. *Welcome to Wikipedia*, WIKIPEDIA, [http://en.wikipedia.org/wiki/Main\\_Page](http://en.wikipedia.org/wiki/Main_Page) (last visited Jan. 25, 2015).

22. See *What is Wikipedia?*, WIKIPEDIA, <http://en.wikipedia.org/wiki/Wikipedia:Introduction> (last visited Jan. 25, 2015) (explaining how Wikipedia is written collaboratively by the people who use it).

23. See *Lochner v. New York*, 198 U.S. 45, 52 (1905) (invalidating N.Y. Laws 1897, ch. 415, art. 8, § 110 which proscribed limited employment in bakeries to sixty hours a week and ten hours a day).

24. *Id.* at 64.

there is no longer a need to use legal channels to address social issues and needs.<sup>25</sup> Certainly, outsourcing value production globally, outside the reach of our legal system, is a consequence of technology as well, and in those instances “legal indignation” has no basis.<sup>26</sup>

To the extent products are created in the United States, they follow the same rules: they are created with minimum cost. What has changed since the Marxist analysis of value-creation is its reality—“white-collar workers” are not located in the same building and their work is not divided along the machines they use.<sup>27</sup> Thus they cannot witness each other’s quiet desperation, internalize it, and address it. Today workers, value-creators, or contributors are both dispersed and connected through the Internet, the platforms they use, and the expertise they admit to possess.<sup>28</sup> For instance, volunteer editors contribute to WIKIPEDIA twenty-four hours a day, and through their unconnected, fragmented products, they cooperate in creating a product that financially benefits only the board of Wiki.<sup>29</sup> In exchange the contributors receive fulfillment from their own work.<sup>30</sup> They do not feel exploited.<sup>31</sup> Their lack of frustration and individual fulfillment are partly caused by the digital aspect of their work.<sup>32</sup> The ease of use of the machine “the Internet” and the ubiquitous nature of the final product “knowledge” succeed in simultaneously creating dual value: money for the Wiki board<sup>33</sup> and spiritual fulfillment for the creator.<sup>34</sup> Somehow, the volunteers’ work distracts them from empathizing with other “white-collar” workers, or as Walter Benjamin would refer to us, the “learned masses,” and throw us deeper into our depoliticized, daily routines.<sup>35</sup>

Marx’s theory of alienation was a historical product determined by how individuals earned wages two centuries ago.<sup>36</sup> In that process, the wage-earner

25. See ELSTER, *supra* note 20, at 74-78 (explaining Marx on the labor theory of value).

26. See, e.g., MICHAEL F. CORBETT, *THE OUTSOURCING REVOLUTION: WHY IT MAKES SENSE AND HOW TO DO IT RIGHT I* (2004) (explaining that “once technology made it feasible to outsource operations abroad, media attention made outsourcing part of the public lexicon”).

27. KARL MARX, *I THE CAPITAL* 336 (Foreign Language Pub. House, 1959) (1887).

28. See CHARLIE BECKETT & JAMES BALL, *WIKILEAKS: NEWS IN THE NETWORKED ERA* 135-36 (2012) (quoting the Google Chairman on the power of connection technologies).

29. See JOHN PAVLIK, *MEDIA IN THE DIGITAL AGE* 117-118 (2008) (discussing the contributors to Wikipedia and the nature of citizen-produced digital media).

30. See Andrea Forte & Amy Bruckman, *Why Do People Write for Wikipedia?: Incentives to Contribute to Open-Content Publishing*, 3 (2005), available at <http://www.andreaforte.net/ForteBruckmanWhyPeopleWrite.pdf> (discussing how achieving credibility and contributing to the community provide incentive for contributors to Wikipedia).

31. See *id.* (finding that contributors are rewarded not by incentives, but by realizing the benefits of their contributions in the form of “more credibility”).

32. *Id.*

33. See *Wikipedia's Fund Raising*, *ECONOMIST* (Nov. 5, 2011), <http://www.economist.com/node/21536580> (stating that largely due to Wikipedia’s notoriety, it is a fundraising behemoth even though it does not make money per click).

34. See Tim Harford, *Why Does Anyone Bother Contributing to Wikipedia*, *FIN. TIMES* (Sept. 10, 2010, 10:37 PM), <http://www.ft.com/cms/s/2/9b1281bc-c06b-11df-8a81-00144fcab49a.html#axzz3CdJa6p76> (explaining a Chinese study which found that contributors are motivated by knowing their articles are viewed by others).

35. EILAND & JENNINGS, *supra* note 1, at 341.

36. See MARX, *supra* note 4, at 32 (identifying alienation as “[an] immediate consequence of the

(worker) created a product that intrinsically had to be sold to the wage-provider (capitalist) in exchange for wages.<sup>37</sup> As a result, the worker experienced feelings of dejection, individual failure, and isolation from his fellow wage-earners.<sup>38</sup> This complex process has also been identified as a process of metamorphosis—one in which the human becomes a commodity.<sup>39</sup>

Marx focused on the public aspect of alienation, which he viewed as born out of individual frustration over various types of social failure.<sup>40</sup> Since Marx's concept of alienation mirrored economic and creative paucity, it could foster a desire for social change.<sup>41</sup> Thus, Marx's concept of alienation was a direct result of economic anxiety, or in legal terminology, the result of a lack of socio-economic rights.<sup>42</sup>

Presciently, Marx understood how technology could impact individual perceptions of economic vulnerability and other types of productive vulnerability.<sup>43</sup> He understood the material wealth that came with technology and its unequal distribution.<sup>44</sup> American scholars have noted the depth of Marx's interest in deciphering the "evils of materialism, of the isolated individual obsession with owning things."<sup>45</sup>

Karl Marx viewed humanity as multifaceted because its essence stemmed from the Enlightenment and its secular values promoted all-powerful individuals, values that are not promoted as much today.<sup>46</sup> Marx's human ideal stood tall vis-à-vis both the alienated, dehumanized, and impoverished worker and the egoistic, possessive, and individualist bourgeois "Man": the capitalist interested only in material goods.<sup>47</sup> Marx comes across as focused on how to emancipate the humanity who was alienated by adversity and unable to access the means to satisfy its potential. However, Marx ignored the humanity alienated by unrestricted

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fact that man is estranged from the product of his labor, from his life activity, from his species-being, is the estrangement of man from man").

37. *Id.* at 29.

38. Angela P. Harris, *Compassion and Critique*, 1 COLUM. J. RACE & L. 326, 334-35 (2012).

39. Duncan Kennedy, *The Role of Law in Economic Thought: Essays on the Fetishism of Commodities*, 34 AM. U. L. REV. 939, 968 (1985).

40. MARX, *supra* note 19, at 74-75.

41. Dana Neacsu, *The Wrongful Rejection of Big Theory (Marxism) by Feminism and Queer Theory: A Brief Debate*, 34 CAP. U. L. REV. 126, 138 (2005).

42. MARX, *supra* note 19, at 74-75.

43. William A. Herbert & Amelia K. Tuminaro, *The Impact of Emerging Technologies in the Workplace: Who's Watching the Man (Who's Watching Me)?*, 25 HOFSTRA LAB. & EMP. L.J. 355, 356 (2008).

44. See Stephen B. Brush, *Genetically Modified Organisms in Peasant Farming: Social Impact and Equity*, 9 IND. J. GLOBAL LEGAL STUD. 135, 141 (2001) (discussing the history of agriculture and the relation between technological innovation, growth, and success).

45. See Kennedy, *supra* note 39, at 968-69 (explaining how people become slaves to their commodities).

46. See Gordon Bultor, *The Essence of Human Rights: A Religious Critique*, 43 U. RICH. L. REV. 1255, 1280 (2009) (discussing the evolution of human rights in relation to Western and non-Western thought).

47. See KARL MARX, ON THE JEWISH QUESTION 21-31 (T.B. Boltmore trans., 1963) (1964) (illustrating Marx's discussion on Jewish Prussians and their ability to emancipate from the secular state).

privilege—the possessive, individualistic, bourgeois “Man.”<sup>48</sup> As shown here, he could not imagine how resilient humanity had become in finding individual fulfillment.

Marx was unable to imagine how material needs could be satisfied virtually; making any collective rights debate superfluous. Marx did not envision how technology might become the “Great Appeaser” because he did not foresee it as a tool of managing what Jon Elster calls “spiritual” vulnerability, or alienation.<sup>49</sup> For Marx, like other thinkers of the modern age,<sup>50</sup> technology was to remain a mere tool—and in its most esoteric form, a communication tool which, like a newspaper, would always thrive on human leadership to reach its potential.<sup>51</sup>

In *The German Ideology*, Marx imagined a future society that obliterated workers’ alienation because it eliminated a major form of human imprisonment and limitation: people’s exclusive occupations (farmer, maid, etc.).<sup>52</sup> Workers’ alienation, a concept Marx developed in a few of his writings including *Grundrisse*, appears to be primarily connected to the process of objectification which took place in the course of production and manifested itself in a feeling of economic insecurity of various degrees of intensity.<sup>53</sup> In certain circumstances, it could conceivably cause social upheaval.<sup>54</sup> Marx seems to have viewed this oppressive and thus alienating situation in a future society, rarely identified by its communal or communist name, but always intimated as superior because of its goal of achieving the common good.<sup>55</sup> Then the aim of production would not be limited to creating private property or profit for the owner of the capital—the capitalist. To the contrary, its aim would be to increase the society’s common good output:

He is a hunter, a fisherman, a shepherd, or a critical critic, and must remain so if he does not want to lose his means of livelihood: while in communist society, where nobody has one exclusive sphere of activity, but each one can become accomplished in any branch he wishes, society regulates the general production and makes it possible for me to do one thing today and another tomorrow, to hunt in the morning, fish in the afternoon, rear cattle in the evening, criticize after dinner, without ever becoming hunter, fisherman,

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48. See JAMES DALY, *Marx and Justice*, 8 INT’L J. PHIL. STUD. 351, 364 (2000) (describing Marx’s characterization of the human essence).

49. ELSTER, *supra* note 20, at 74–78.

50. See, e.g., JOHN STUART MILL, 2 PRINCIPLES OF POLITICAL ECONOMY 264 (1899) (seeing technology as consisting of mere “mechanical inventions”).

51. KARL MARX, *The Eighteenth Brumaire of Louis Bonaparte*, in 11 COLLECTED WORKS 103 (1979) (“Men make their own history, but they do not make it just as they please.”).

52. KARL MARX & FREDERICK ENGELS, *THE GERMAN IDEOLOGY* 53 (Arthur ed. 1970) (1846).

53. See KARL MARX, *GRUNDRISSE* 97 (David McLellan ed., MacMillan & Co. 1971) (1939) (“The surplus value or surplus product is nothing but a definite amount of objectified living labour – the sum of the surplus labour.”).

54. See *id.* at 95 (“The universality towards which [capital] is perpetually driving finds limitations in its own nature, which at a certain stage of its development will make it appear as itself the greatest barrier to this tendency, leading thus to its own self-destruction.”).

55. See *id.* at 150 (discussing Marx’s theory that a radically different society can form once it overcomes its alienation).

shepherd, or critic.<sup>56</sup>

Perhaps because Marx himself experienced financial dependence and paucity, Marx's writings focus on what he perceived to be the most basic and humiliating subservience and the means to overcome it: socio-economic rights.<sup>57</sup> On the other hand, he did not address gender, racial, or sexual subservience, nor did he address non-economic identity issues.<sup>58</sup> His silence on these topics limits the value of one's speculation as to how Marx viewed them in connection to economic subservience. This paper addresses these topics briefly because they are a part of the current progressive movements, even though, as argued here, these topics may soon be silenced as irrelevant.

Marx consistently addressed the workers' alienation and emancipation in many of his writings, beginning in his early writings, the *Economic and Philosophic Manuscripts*,<sup>59</sup> continuing through his so-called transitory writings, including *Grundrisse*, and again in his later masterpiece, *The Capital (Das Kapital)*.<sup>60</sup> He emphasized the indispensable, though unequal, relationship between the workforce and the capitalist—the employees and employers—as the basis for alienation and emancipation.<sup>61</sup> In order to make himself richer, the capitalist has to make the laborer poorer, both materially and especially intellectually, so his mind cannot be preoccupied with ways to change his working conditions.<sup>62</sup>

In *Grundrisse*, Marx further explained this dynamic as the basis of capitalism; only the capitalist is supposed to get richer.<sup>63</sup> For that, the capitalist employer must always receive more from his employees than he gives.<sup>64</sup> Marx attributed this relationship to the employees' survival, even prosperity, and the employers' profit.<sup>65</sup> However, this analysis should be enriched with another prescient observation, which Marx made in *The Communist Manifesto*,<sup>66</sup> that capitalist exploitation, in order for it to exist, must be attractive because it "draws all . . . into civilization."<sup>67</sup> In the process it creates preferences and satisfaction with the "state

56. MARX & ENGELS, *supra* note 52, at 53.

57. See, e.g., FRANCIS WHEEN, *KARL MARX, A LIFE* 183 (2000) (discussing Marx's inability to pay his wife's medical bills due to a lack of money).

58. See Neacsu, *supra* note 41, at 126-28 (discussing Marx's unwavering focus on the alienation of the working class, despite his awareness of gender discrimination and child exploitation as well as his ignorance of sexual orientation discrimination).

59. KARL MARX, *Economic and Philosophic Manuscripts*, in *EARLY WRITINGS* (T.B. Bottomore ed. & trans., McGraw-Hill 1964).

60. MARX, *supra* note 27.

61. See, e.g., MARX, *supra* note 53, at 96-102 (discussing alienated labor and capital).

62. See *id.* at 361 ("Ignorance is the mother of industry as well as of superstition. Reflection and fancy are subject to error . . . Manufacturers, accordingly, prosper most where the mind is least consulted and where the workshop may . . . be considered an engine the parts of which are men.")

63. See *id.* at 99 (explaining that the labor force is ultimately poorer from working, rather than richer).

64. *Id.*

65. *Id.*

66. KARL MARX & FREDERICK ENGELS, *Manifesto of the Communist Party*, in *COLLECTED WORKS* 477 (1976).

67. *Id.* at 488 ("The bourgeoisie, by the rapid improvement of all instruments of production, by the



of subjection,” which Elster calls the workers’ position.<sup>68</sup> In other words, those who work for a wage (or not—think interns) must like their position for some additional benefits to the material ones. As Marx stated, those benefits are related to status—urban and cosmopolitan status—praising the bourgeoisie for “having rescued a considerable part of the population from the *Idiotismus* of rural life.”<sup>69</sup>

This analysis remains valid today because technology has made it possible for capitalists to pay workers “in status” (think about interns or Wikipedia “experts”) rather than “in money” in exchange for the profit they receive.<sup>70</sup> Technology has enhanced the complexity of the workforce/capitalist equation.<sup>71</sup> Technology has also changed the workforce identity.<sup>72</sup> There are instances when the workforce cannot perceive itself as a workforce but as some type of co-contributor to the final product.<sup>73</sup> When the workforce brings in the social and knowledge capital—their network of friends or online acquaintances that co-produce the final product—they cannot perceive themselves in a position of inferiority or even dependence.<sup>74</sup> In exchange for their involvement, they receive the satisfaction of a job well-done—think crowdsourcing, which allows users to vote up and down your product—satisfaction that is often anonymous to the masses, who end up paying for the product or using it.<sup>75</sup> In a very interesting twist, perhaps the most long-lasting Marxist lesson is that we need to understand humanity as very complex, with individual and collective multi-facets that explain how we experience alienation and when we choose to attempt to end it.

Marx believed capitalists needed to pay employees a certain minimum wage<sup>76</sup> to enable them survive and restore their productive abilities during a minimum

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immensely facilitated means of communication, draws all, even the most barbarian, nations into civilisation. The cheap prices of its commodities are the heavy artillery with which it batters down all Chinese walls, with which it forces the barbarians’ intensely obstinate hatred of foreigners to capitulate. It compels all nations, on pain of extinction, to adopt the bourgeois mode of production; it compels them to introduce what it calls civilisation into their midst, i.e., to become bourgeois themselves. In one word, it creates a world after its own image. The bourgeoisie has subjected the country to the rule of the towns. It has created enormous cities, has greatly increased the urban population as compared with the rural, and has thus rescued a considerable part of the population from the idiocy of rural life.”)

68. ELSTER, *supra* note 20, at 21.

69. *Id.* (offering the original translation of *Idiotismus* as opposed to “idiocy”).

70. See PAVLIK, *supra* note 29, at 117 (discussing the significant content contributions made to Wikipedia by unpaid persons).

71. MARX, *supra* note 53, at 133 (providing that technology has transformed the labor process into an organ where the labor no longer dominates the production).

72. *Id.*

73. *Id.*

74. See Peter Drucker, *The New Workforce*, *ECONOMIST* (Nov. 1, 2001), <http://www.economist.com/node/770847> (“Knowledge workers therefore see themselves as equal to those who retain their services, as ‘professionals’ rather than as ‘employees.’ The knowledge society is a society of seniors and juniors rather than of bosses and subordinates.”).

75. See Alek Felstiner, *Working the Crowd: Employment and Labor Law in the Crowdsourcing Industry*, 32 *BERKLEY J. EMP. & LAB. L.* 143, 145 (2013) (defining “crowdsourcing” as taking a position traditionally assigned to an agent and outsourcing the task to an open and unrestricted group of persons).

76. Karl Marx, *Outlines of a Critique of Political Economy (Rough Draft of 1857-58)*, in 28 *KARL MARX, FREDERICK ENGELS: COLLECTED WORKS 1857-61* 49, 248-66 (Ernst Wangermann trans., Int’l Publishers 1986) (discussing the determination of the value of workers).

leisure time.<sup>77</sup> Marx stated in the rough draft of what would become *Grundrisse*, “[g]eneral industry is possible only where all labour produces general wealth, not a particular form of it; where, therefore, the wage of the individual is also money.”<sup>78</sup> He could not envisage a payment in “status” only, perhaps because he could not envisage people “working” as “leisure.”<sup>79</sup> For Marx, technology produces a life-long unity between worker and machine, the “occupation” status.<sup>80</sup> As his collaborator, Engels, explains, labor/technology dependence is a life-long problem limited to a working space and time.<sup>81</sup>

Is he forgetting that with the division of labour, developed to such a high degree by our civilisation, a worker can only live if he can be used at this particular machine for this particular detailed operation; that the change-over from one type of employment to another, newer type is almost invariably an absolute impossibility for the adult worker?<sup>82</sup>

The life-long “occupational” status of the workforce has long disappeared. Technology changed this occupational dependency to an unimaginable, unlimited life-long unity between Man and Machine, giving us a prosthetic limb from which we cannot escape.<sup>83</sup> We look at a building after we check with Google Maps to ensure it is the building we want.<sup>84</sup> This newly transformed relationship between labor and technology has nothing to do with the dehumanization Marx believed alienation causes.<sup>85</sup> Today, we embrace the objectification, the reification, and the otherness of our own lives.<sup>86</sup> Instead of being stressed by dominance of this new artificial limb, “technology,” we seek and embrace it.<sup>87</sup>

77. See *id.* at 249 (“In order to maintain it from day to day . . . he must consume a certain quantity of provisions, replace the consumed blood, etc.”).

78. *Id.* at 157.

79. See *id.* at 204-05 (discussing the commodification of labor and the exchange of labor for capital).

80. See MARX, *supra* note 27, at 336-38 (discussing how manufacturing technology leads to a division of labor where each worker specializes in a discrete area of work, such as wheel-making or locksmithing, instead of one person building the entire carriage).

81. See Marx, *supra* note 76, at 308-11 (discussing the relationship of human labor to machine productivity and its implications for maximizing an individual worker’s productivity).

82. Frederick Engels, *Outlines of a Critique of Political Economy*, in KARL MARX, FREDERICK ENGELS: COLLECTED WORKS 1843-44 418, 443 (Martin Milligan trans., Int’l Publishers 1975).

83. See MARX, *supra* note 27, at 394 (discussing how machines eliminate weaknesses or problems with individual workers allowing them to be employed as if there were no such physical weaknesses).

84. See Shailsh Nalawadi, *An Easier Way to Find Panoramic Interior Imagery in Google Maps*, GOOGLE MAPS BLOG (Sept. 18, 2012, 11:47 AM), <http://google-latlong.blogspot.co.il/2012/09/an-easier-way-to-find-panoramic.html> (discussing improvements to Google Maps Street View which allows users to view the interior of buildings as well).

85. See Marx, *supra* note 76, at 382 (discussing the alienation of a worker from his labor).

86. See generally Caroline Heldman & Michael Cahill, *The Beast of Beauty Culture: An Analysis of the Political Effects of Self-Objectification* (Mar. 8, 2007), available at <http://hilo.hawaii.edu/~tbelt/Pols433-Reading-TheBeastOfBeautyCulture.pdf> (discussing the increasing self-objectification of women).

87. See Aaron Smith, *The Best (and Worst) of Mobile Connectivity*, PEW RES. INTERNET PROJECT

Marx wrongfully believed that technology deepens alienation: through technology, labor develops more needs which cannot be satisfied, therefore deepening the resentment between labor and bourgeoisie. In *German Ideology*, Marx pinpoints the connection between technology, the expansion of needs, and the satisfaction of those needs.<sup>88</sup> Technology enables the creation of new needs and new ways to satisfy them, therefore creating the illusion of empowerment.<sup>89</sup> However, Marx believed only the capitalist would be able to afford matching the new needs with their satisfaction.<sup>90</sup> In *Economic and Philosophical Manuscripts*, Marx explained his theory that technology deepens alienation because technology empowers and impoverishes: “[E]very new product represents a new potentiality of mutual swindling and mutual plundering. Man becomes ever poorer as man, his need for money becomes ever greater if he wants to master [his needs].”<sup>91</sup>

For Marx, alienation could only be experienced as despondency, as a failure to satisfy our needs, as increased unhappiness, and perhaps as alienation from society.<sup>92</sup> In this way, alienation could be a dynamic phenomenon. By creating the potential for new material needs, the wage-earner is driven to “fresh sacrifice,” which places him in a new dependence and seduces him “into a new mode of enjoyment and therefore economic ruin.”<sup>93</sup>

From this perspective, Marx’s focus on its functionality in *German Ideology* and his normative approach to ending alienation make sense.<sup>94</sup> Only seen as a dynamic negative force, alienation can be viewed as the beginning of any social revolt.<sup>95</sup> As Marx explained, alienation needed to be experienced by individuals as dehumanization to evoke social indignation over the debased human condition:

This “alienation” (to use a term which will be comprehensible to the philosophers) can, of course, only be abolished given two practical premises. For it to become an “intolerable” power, i.e. a power against which men make a revolution, it must necessarily have rendered the great mass of humanity “propertyless,” and produced, at the same time, the contradiction of an existing world of wealth and culture, both of which conditions presuppose a great increase in productive power, a high degree of its development.<sup>96</sup>

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(Nov. 30, 2012), <http://www.pewinternet.org/2012/11/30/the-best-and-worst-of-mobile-connectivity/> (discussing Americans’ mobile phone usage and its impacts on daily lives).

88. See MARX & ENGELS, *supra* note 52, at 72-73 (discussing the rising demand for clothing, the division of labor, and increased productivity through technology).

89. *Id.*

90. *Id.*

91. ELSTER, *supra* note 20, at 79 (citing MARX, *supra* note 4, at 306).

92. *Id.*

93. *Id.*

94. See MARX & ENGELS, *supra* note 52, at 94 (discussing the inherent clash between capitalists and workers and the need for revolution).

95. *Id.* at 94-95.

96. *Id.* at 56.

However, as shown here, technical progress proved Marx's reasoning about alienation erroneous. In a twisted, almost perverse way, technology has emancipated laborers from their previous subservient position as wage-earners into freelancers or even interns, who work for free and who cannot possibly be in any subordinate position vis-à-vis the person they freely chose to enrich.<sup>97</sup> Technology can and has blurred the temporal and spatial distinction between work and leisure.<sup>98</sup> In the process, it has replaced the "occupational" subservience to one machine with a prosthetic dependency on technology generally; everybody uses the Internet through hardware such as a Mac or PC.<sup>99</sup> We have become free to enslave ourselves to the machine, and this captivating formula has distracted us and detracted our attention from the progressive rights culture.<sup>100</sup> To the extent that needs which had previously demanded litigation to be satisfied are now satisfied digitally, technology is in the process of making the rights discourse superfluous.<sup>101</sup>

Although Marx envisioned "the realm of freedom" as beginning where "labour . . . determined by necessity and mundane consideration ceases,"<sup>102</sup> he did not see it as the result of total abdication to voluntary reification through technology.<sup>103</sup>

## II. ELSTER'S THEORY OF ALIENATION

In 1985, in an interesting take on Marxism and at a time when the Internet had not yet revolutionized how people built their financial and social capital, Jon Elster described Marxism as a specific type of social criticism.<sup>104</sup> He viewed it, not necessarily as addressing the capitalist economic inequity—what Marx defined as economic alienation—but, instead aimed at the unilateral material dimension of capitalism that generated few subjectively perceived needs and even fewer satisfactions.<sup>105</sup> While these needs are hard to pinpoint, they are central for the

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97. See Mehroz Baig, *Unpaid Internships for Graduates the New Norm?*, HUFFINGTON POST (Nov. 12, 2013, 5:12 AM), [http://www.huffingtonpost.com/mehroz-baig/unpaid-internships-for-gr\\_b\\_3908475.html](http://www.huffingtonpost.com/mehroz-baig/unpaid-internships-for-gr_b_3908475.html) (discussing the rising use of unpaid internships by recent college graduates to get ahead in their professional careers).

98. See Laura Petrecca, *All Work and No Play? Mobile Wipes Out 8-Hour Workday*, USA TODAY (Mar. 7, 2013, 9:44 AM), <http://www.usatoday.com/story/news/nation/2013/03/06/mobile-work-force-all-work/1958673/> (detailing the blurring of work and play by technology and its implications for expanding the workday).

99. See *Internet User Demographics*, PEW RES. INTERNET PROJECT, <http://www.pewinternet.org/data-trend/internet-use/latest-stats/> (last visited Jan. 25, 2015) (detailing the internet usage of the U.S. population).

100. See Alice G. Walton, *Internet Addiction: The New Mental Health Disorder?*, FORBES (Oct. 2, 2012, 1:33 PM), <http://www.forbes.com/sites/alicegwalton/2012/10/02/the-new-mental-health-disorder-internet-addiction/> (discussing obsession with the internet).

101. See Adam Lashinsky, *How Change.org Taps into the Crowd*, FORTUNE (May 15, 2013, 4:50 PM), <http://fortune.com/2013/05/15/how-change-org-taps-into-the-crowd/> (discussing the role of online activism in changing government policy and business activities).

102. See ELSTER, *supra* note 20, at 85 (quoting KARL MARX, CAPITAL III 820 (1894)).

103. See *id.* (synthesizing Marx's comments on the boundaries that define freedom).

104. *Id.* at 74.

105. See *id.* at 79-80, 86 (illustrating Marx's view of capitalism and materialism and Marx's

alienation experienced as “feels outside himself” in his work.<sup>106</sup> In other words, this is a “lack of a sense of meaning,” or “the experience of one’s self and life as empty.”<sup>107</sup> This interpretation may seem simplistic today, but it contains the kernel of this paper’s discussion: how one type of need can be satisfied in a manner, not only inconceivable, but just short of laughable only a few years ago.

Elster’s genius was to address Marx’s alienation as a two-headed beast: a spiritual as well as a material alienation.<sup>108</sup> Elster identified spiritual alienation as the negative feelings of despondency created by the mere fact of being a wage-earner.<sup>109</sup> Elster discussed material alienation, a process caused by what Marx called the “one-sided, crippled development,” produced by a society which emphasizes a thirst for money at the expense of a more complex human development.<sup>110</sup> Elster’s two-prong analysis<sup>111</sup> has become very useful in analyzing how alienation can be minimized: by amplifying, and then managing and satisfying its spiritual component.<sup>112</sup>

Technology, especially the Internet, provides the tools for this recalibration of alienation. In many economic sectors, the dynamic of capitalist versus the workforce has changed.<sup>113</sup> The cost of satisfying an ever-increasing number of inconsequential needs has decreased, consequently making satisfaction possible.<sup>114</sup> Additionally, the Internet has minimized feelings of despondency and made any demand for rights unnecessary.<sup>115</sup>

### III. THE INTERNET ERASES THE EXPLOITER/EXPLOITED RELATIONSHIP

Technology, especially the Internet, can end alienation by changing the commodity paradigm between the worker and the capitalist. By taking wage out of the equation, any discussion of inequality or a want of rights would also be out of the equation. Furthermore, technology has blurred the distinction between leisure time and time spent performing labor, as shown below. It has enabled individuals to

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conclusion that capitalism offers little satisfaction).

106. *Id.* at 74.

107. *Id.* at 74-75.

108. ELSTER, *supra* note 20, at 74.

109. *See id.* at 74-77 (analyzing the theme of alienation through capitalism found in Marx’s works).

110. *Id.* at 78 (citing KARL MARX, *THE GERMAN IDEOLOGY* 262 (1932), *republished in* KARL MARX AND FREDERICK ENGELS, *COLLECTED WORKS* (Lawrence and Wishart 1975)).

111. *Id.* at 76.

112. *See id.* at 76-78 (arguing that an increase in alienation “could even go together with decreasing misery”).

113. *See, e.g.*, Stephen Baker, *Will Work for Praise: The Web’s Free-Labor Economy*, BLOOMBERG BUSINESSWEEK TECH. (Dec. 28, 2008), <http://www.businessweek.com/stories/2008-12-28/will-work-for-praise-the-webs-free-labor-economybusinessweek-business-news-stock-market-and-financial-advice> (highlighting business models that rely on volunteer public input to generate their product and drive revenue).

114. *See, e.g.*, Susannah Fox & Lee Rainie, *The Web at 25 in the U.S.*, PEW RES. INTERNET PROJECT (Feb. 27, 2014), <http://www.pewinternet.org/2014/02/27/the-web-at-25-in-the-u-s/> (presenting findings of a national survey about the impact of internet usage).

115. *See* Lashinsky, *supra* note 101 (discussing the role of online activism in changing government policy and business activities).

work and enrich capitalists whom they do not perceive as capitalists, because the latter do not hire and thus do not financially compensate these individuals.<sup>116</sup> In a perverse way, technology puts the Marxist capitalist/worker inequality concept on its head, and makes this relationship appear equal because technology erases one economic facet: the capitalist does not pay for the work he receives,<sup>117</sup> the wage Marx analyzed in *The Capital*.<sup>118</sup> In classical capitalism, the capitalist had to pay the workforce their subsistence in exchange for profit: “The value of labour-power is determined by the value of the necessaries of life habitually required by the average labourer.”<sup>119</sup>

However, capitalists today can make a profit without paying any workforce—the workforce engages in work as leisure.<sup>120</sup> WIKIPEDIA, for example, “makes” money for its foundation, WIKIMEDIA,<sup>121</sup> along with its attorneys, broadband managers, and ninety-five employees.<sup>122</sup> WIKIPEDIA’s content is free of advertisement; its excellence attracts donors to finance the foundation, its founders, and employees.<sup>123</sup> The content is exclusively created by users/editors who engage in anonymous work.<sup>124</sup> The users/editors likely avoid thinking about themselves as a workforce because they engage in work in the comfort of their homes, during their leisure time. Thus, technology has created the illusion of freedom and capitalist power. Individuals feel free to work at their leisure when they write entries in WIKIPEDIA. Their satisfaction is similar to Shakespeare’s, who wrote despite not knowing whether he would be financially rewarded.

Sometimes people decide to engage in activities that financially benefit others because they want to experience the power of “speaking up” and having people listen to them.<sup>125</sup> For example, some individuals inform television producers of

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116. See Josh Constine, *The Data Factory – How Your Free Labor Lets Tech Giants Grow the Wealth Gap*, TECHCRUNCH (Sept. 9, 2013), <http://techcrunch.com/2013/09/09/the-data-factory/> (explaining how large online-based companies today obtain free labor by “distribut[ing] what seem like useful services to the world” while collecting money and free labor from users).

117. *Id.*

118. MARX, *supra* note 27, at 559.

119. *Id.* at 519.

120. See Baker, *supra* note 113 (explaining how internet users are willing to contribute work for “attention on for-profit sites that don’t pay them money”).

121. Wikimedia Foundation, WIKIPEDIA, [http://en.wikipedia.org/wiki/Wikimedia\\_Foundation](http://en.wikipedia.org/wiki/Wikimedia_Foundation) (last visited Jan. 25, 2015) (detailing Wikimedia Foundation’s finances and other organizational background including history, legal and organizational structure, current projects, and technological resources).

122. Jimmy Wales, *From Wikipedia Founder Jimmy Wales*, WIKIMEDIA FOUND., [https://donate.wikimedia.org/w/index.php?title=Special:FundraiserLandingPage&country=US&usclang=en&utm\\_medium=spontaneous&utm\\_source=fr-redir&utm\\_campaign=spontaneous](https://donate.wikimedia.org/w/index.php?title=Special:FundraiserLandingPage&country=US&usclang=en&utm_medium=spontaneous&utm_source=fr-redir&utm_campaign=spontaneous) (last visited Jan. 25, 2015).

123. WIKIMEDIA FOUND., <http://wikimediafoundation.org/wiki/Home> (last modified Jan. 21, 2015); see generally Dana Neacsu, *A Brief Critique of the Emaciated State and Its Reliance on Non-governmental Organizations to Provide Social Services*, 9 N.Y. CITY L. REV. 405 (2006) (providing an in-depth analysis of how non-profits work).

124. *Wikipedia*, WIKIPEDIA, <http://en.wikipedia.org/wiki/Wikipedia#Operation> (last visited Jan. 25, 2015).

125. See Mark Andrejevic, *Watching Television Without Pity*, 9 TELEVISION & NEW MEDIA 24, 36-37 (2008) (discussing the idea that Internet posters commenting on or critiquing television programs value the recognition they receive from other users despite knowing increased attention financially

what would hold their attention between various commercials.<sup>126</sup>

Customer relations, intended to build a better market, has evolved to construct the appearance of creative contribution.<sup>127</sup> Today, products can be created based on the consumers' feedback, integrating their specialized competencies.<sup>128</sup> Moreover, extolling audiences' feedback may be little more than a mechanical task, similar to putting together stuffed bears in "Build-A-Bear" stores, which present themselves as enabling buyers to create their own bear out of the parts that are available to them.<sup>129</sup> Yet, the process is sophisticated enough that it still gives sufficient spiritual satisfaction so that participants are never lacking. The process of feedback is branded as co-creation, and like that of building a mass-produced toy under the guise of its uniqueness, it attracts participants that freely share valuable information about themselves with producers.<sup>130</sup>

In addition, product-marketing producers encourage viewers to express their desires about what they are willing to watch in between commercials.<sup>131</sup> Consequently, online spaces have evolved into attraction parks that allow the viewers to pretend that they are co-producers.<sup>132</sup> For example, fan sites, such as Television Without Pity (TWP), serve as an "impromptu focus group, providing instant feedback to plot twists and the introduction of new characters."<sup>133</sup> However, although the viewer's marketing role is immeasurable, that does not make viewers co-producers or capitalists. Fans do not share any costs or benefits; they merely engage in alienation management.

#### IV. THE INTERNET PROMOTES NEW MEANS TO SATISFY OLD NEEDS

Technology can end individual alienation, which stems from a sense of isolation and inadequacy, due to its impact on the nature of an individual's alienation. In the first place, individuals can have a more fulfilling life digitally than they can outside of the Internet. On the Internet, people can build farms in Farmville<sup>134</sup> or live any type of lifestyle they desire on Second Life.<sup>135</sup> Through the Internet, people can even attend classes at an Ivy League university such as

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benefits the producers and creators of the shows rather than themselves).

126. *Id.* at 34.

127. See Detlev Zwick et al., *Putting Consumers to Work: 'Co-Creation' and New Marketing Govern-Mentality*, 8 J. CONSUMER CULTURE 163, 164-166 (2008) (arguing that modern marketing projects focus on, and even depend upon, the active participation of consumers in creating and developing competitive advantages in marketing opportunities).

128. *Id.* at 172.

129. See *Our Experience*, BUILD-A-BEAR, <http://www.buildabear.com/shopping/workshop/Experience%20Where%20Best%20Friends%20Arc%20Made/3100020/10400007;jsessionid=FB845317775CE2A6EF54C352ADF10AC3.bab-app-03-p-app1> (last visited Jan. 25, 2015) (describing process by which customers can create personalized stuffed animals through an interactive process with a multitude of choices at each stage).

130. Andrejevic, *supra* note 125, at 25.

131. *Id.* at 34.

132. *Id.* at 26.

133. *Id.* at 25.

134. FARMVILLE, <https://company.zynga.com/games/farmville> (last visited Jan. 25, 2015).

135. *What is Second Life?*, <http://secondlife.com/whatis/> (last visited Jan. 25, 2015).

Harvard for a modest fee, allowing them to forget they could not pay the normal tuition price or that they lacked the SAT scores to enroll.

For instance, *Justice* with Michael Sandel invites viewers to pretend they are taking his undergraduate class and that higher education is as accessible to them as a soap opera that airs weekly.<sup>136</sup> “*What’s the right thing to do?*” Sandel asks in the introduction to this project.<sup>137</sup> He then poses the question at thirty-six seconds into the introduction: “Is it alright to steal a drug that your [sic] child needs to survive?,” while his students are forced to choose from the binary “yes” or “no” within seconds.<sup>138</sup>

I chose this example because the Internet is too often a superficial and inadequate answer to complex desires. Professor Sandel’s *Justice* provides thoughtless answers to morally complex questions, and he expresses no doubt about the morality of a “yes” or “no” answer.<sup>139</sup> The issue of his question’s morality is never raised. For example, one moral concern presented in *Justice* is the situation where a parent is so poor that the person’s only option is to steal drugs in order for his or her child to survive.<sup>140</sup> The French tackled this question’s immorality hundreds of years ago and authors since have also clarified that choice.<sup>141</sup>

This square approach to real-life questions continued.<sup>142</sup> The twelfth online episode entitled *Justice: What’s the Right Thing to Do – Debating Same Sex Marriage* involves a pop-quiz and a case reading, amplifying the online viewer’s false perception of attaining a legal education for free.<sup>143</sup> However, reading case law without any pre-existing legal education is as useful as watching *Law and Order* to research legal issues. The site comes with both public and private online forums, such as the “Discussion Circle,” an online discussion forum for members only.<sup>144</sup> This forum is an example of misplaced desires and unborn needs. If we

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136. Michael Sandel, *Justice*, HARV. UNIV., <http://www.justiceharvard.org/> (last visited Jan. 25, 2015).

137. *Id.* (follow “Watch Intro” hyperlink).

138. *Id.*

139. *Id.*

140. *Id.*

141. I am referring to Victor Hugo’s *Les Misérables*, whose hero is Jean Valjean, not the police inspector, Javert.

142. See Sandel, *supra* note 136 (follow “Watch Episodes” hyperlink) (linking to each specific episode in the series, the first twelve episodes of which are on the following topics: 01 The Moral Side of Murder / The Case for Cannibalism; 02 Putting a Price Tag on Life / How to Measure Pleasure; 03 Free to Choose / Who Owns Me?; 04 This Land is my Land / Consenting Adults; 05 Hired Guns? / For Sale: Motherhood; 06 Mind Your Motive / The Supreme Principle of Morality; 07 A Lesson in Lying / A Deal is a Deal; 08 What’s a Fair Start? / What Do We Deserve?; 09 Arguing Affirmative Action / What’s the Purpose?; 10 The Good Citizen / Freedom vs. Fit; 11 The Claims of Community / Where Our Loyalty Lies; 12 Debating Same-sex Marriage / The Good Life).

143. See Michael Sandel, *Justice: What’s the Right Thing to Do?: Episode 12: “Debating Same Sex Marriage”*, HARV. UNIV., <http://www.justiceharvard.org/2011/02/episode-12/#watch> (last visited Jan. 25, 2015) (discussing *Goodridge v. Dep’t of Public Health*, 798 N.E.2d 941 (Mass. 2003)).

144. *Id.* (follow “Discuss Now” hyperlink). In session twelve, a discussion of “[s]ame-sex marriage,” the focus was on the purpose defined most for procreation and sex; Tuesday 14, September 2010, 10:43 pm: “I have been married for 47 years and have 5 grandchildren. I can make a strong case that the procreate-sex viewpoint of marriage is very short-sighted. The long term caring and friendship is a very powerful benefit. (and yes there is still sex). I am sure that there are gay couples with this longevity and



follow the Marxist and Elsterian logic that desires and needs are intertwined: "Needs have objects" but "are subjectively perceived, excluding such needs as the need for vitamin C."<sup>145</sup>

In other words, the desire for education as the stepping-stone for a better life is connected to an objective need of "going to school."<sup>146</sup> Through technology, the objectification for the need of "the school" is presented as having a secondary role in the satisfaction of the desire because everybody can attend the "digital" class.<sup>147</sup> In addition to the potential destruction of such progressive rights decisions as the school desegregation mandate of *Brown v. Board of Education*, this limited method of teaching, presented as education for the masses, is troublesome because it perverts both desires and their fulfillment.<sup>148</sup> Suddenly the community's needs for schools could be answered with a bunch of computers distributed to families with student-age offspring. Moreover, the allure to stay home and eavesdrop on a Harvard professor teaching the Harvard-admitted students may distract you from seeking the much-coveted Harvard education. But the Internet is not static, it is continually evolving; thus, its function as an end to alienation has expanded.<sup>149</sup> Its dynamism requires that its critique be equally dynamic and take into consideration the possibility that not all digital satisfactions are, in fact, ways to thwart real needs with imperfect solutions.

The Internet has evolved from Web 1.0 and the apex of Google searches, to

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commitment – so they should be accorded the honor, the legal rights and civil affirmation but the name should be something besides marriage. The word marriage implies a spiritual commitment and religious benefit." "I am a Caucasian. If I wanted to be an American Indian, (I always wanted to be an Indian as a child) I could dress like an Indian that I would wish to emulate, study their culture, practice their religious ceremonies and live in their homes. I might marry an Indian, adopt Indian children, accept an Indian name and receive ceremonial honors. I could learn the tribe language, build a relationship with a clan, daily work with Indians and earn the respect of the Indians. The Tribe might include me and accept me. However, in spite of all of these things the Government would not recognize me as an Indian." "In the same way, I believe that gay partnerships should be allowed to be seamless in their social, moral, and civil recognition as a committed couple-Union. However much they want to be "married" they are not a marriage. They have every opportunity to be in a mutually lifelong relationship between two consenting adults. So I would offer them the same and equal rights of marriage—including adoption, death benefits, health benefits, hospital decision rights, divorce rights, career rights and probably lots more that I haven't thought of. But the scope of the word marriage is exclusive. Why make inclusive rather than create a new term describing the Gay relationship. Today any gay folks that I know talk about their "partners." Maybe the term should be "Partner-Union." Some states say that you are a legal union if you stay together for 7 or more years and live as husband and wife. That is called "Common-law Marriage." If you wish to part ways, even though never formally married you must get a divorce. Maybe the new word for a Gay commitment should be "Partner-law-Marriage." *Id.*

145. ELSTER, *supra* note 20, at 68.

146. *See id.* (discussing the relationship between needs and desires and the utilization of one to acquire the other).

147. *Id.*; *see also* Sandel, *supra* note 136 (allowing people to "attend" Harvard University classes through the Internet).

148. *See* Lisa Poisso, *The Pros and Cons of an Online College Education*, COLLEGEXPRESS (Mar. 1, 2013), <http://www.collegexpres.com/articles-and-advice/majors-and-academics/blog/pros-and-cons-online-college-education/> (discussing the isolation of online education as a con of online education).

149. *See, e.g.*, Sam Han, *Theorizing New Media: Reflexivity, Knowledge, and the Web 2.0*, 80 SOC. INQUIRY 2, 201 (May 2010) (stating that Web 2.0 provides a platform based on a "collaboration of ideas on a global scale" instead of the passive experience that Web 1.0 previously provided).

the collaborative Web 2.0.<sup>150</sup> This “new Internet” enables users to develop a new work ethic through sharing and collaboration.<sup>151</sup> However, this productive use is far from commonplace. Often the “new Internet,” while an important modern means of obtaining information and establishing communication with others, has also become, in the words of some researchers, a major distraction, because of its “addictive” nature, while its nefarious effects remain mostly unknown.<sup>152</sup>

Scholars talk about “user-generated communities” on spaces called Myspace,<sup>153</sup> YouTube,<sup>154</sup> Friendster,<sup>155</sup> CyWorld,<sup>156</sup> Google Friend Connect,<sup>157</sup> and Facebook.<sup>158</sup> These online profile networks and social networking sites are absorbing much of our newly found “leisure-work time.”<sup>159</sup> “The Internet has become an integral part of life for many people around the world. Estimates suggest [in 2009 there were] over 1.7 billion Internet users worldwide spending an average of 7.8 hours per week online.”<sup>160</sup>

Social network sites “allow individuals to present themselves, articulate their social networks, and establish or maintain connections with others.”<sup>161</sup> These sites can be oriented towards work-related contexts like LinkedIn, creating relationships

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150. See *id.* at 200-01 (providing analysis on the evolution of the Internet from Web 1.0 to Web 2.0).

151. See *id.* at 201-02 (describing users’ ability to share and collaborate on the new Internet).

152. See, e.g., Hatice Odaci & Melek Kalkan, *Problematic Internet Use, Loneliness and Dating Anxiety Among Young Adult University Students*, 55 COMPUTERS & EDUC., 1091, 1095-96 (2010) (studying individuals’ loneliness and dating anxiety in connection with Internet use and outlining the need for more research to determine whether Internet addiction is a cause or an effect).

153. See *Pressroom*, MYSPACE, <https://myspace.com/pressroom/aboutmyspace> (last visited Jan. 25, 2015) (describing Myspace as a place where people go to connect, discover, and share).

154. See *About YouTube*, YOUTUBE, <https://www.youtube.com/yt/about/> (last visited Jan. 25, 2015) (describing YouTube as a website that allows billions of people to discover, watch, and share originally-created videos).

155. See Gary Rivlin, *Wallflower at the Web Party*, N.Y. TIMES, Oct. 15, 2006, [http://www.nytimes.com/2006/10/15/business/yourmoney/15friend.html?\\_r=3&](http://www.nytimes.com/2006/10/15/business/yourmoney/15friend.html?_r=3&) (describing Friendster as a social network where users can browse profiles by friends and friends of friends to search for dates and playmates).

156. See Erick Schonfeld, *Cyworld Ready to Attack MySpace*, CNN MONEY (July 27, 2006, 11:35 AM), <http://money.cnn.com/2006/07/27/technology/cyworld0727.biz2/index.htm> (describing CyWorld as South Korea’s most popular social network site with ninety percent of all Koreans in their twenties as members).

157. See Mussie Shore, *Google Friend Connect: Now Available*, GOOGLE BLOG (Dec. 4, 2008), <http://googleblog.blogspot.com/2008/12/google-friend-connect-now-available.html> (describing users ability to create a personal profile, share about themselves, and find others with similar interests).

158. See, e.g., Nicole B. Ellison et al., *The Benefits of Facebook “Friends”: Social Capital and College Students’ Use of Online Social Network Sites*, 12 J. COMPUTER-MEDIATED COMM. 1143, 1143 (2007) (describing Facebook as a social network where users can accumulate friends, post comments, and view each other’s’ profile pages).

159. See Ted Gioia, *Rich People Want You to Work for Free*, DAILY BEAST (Oct. 20, 2014), <http://www.thedailybeast.com/articles/2014/10/20/rich-people-want-you-to-work-for-free.html> (discussing how rich companies are asking individuals to conduct work for them for no cost in the guise of volunteering or leisure activity).

160. Robert S. Tokunaga & Stephen A. Rains, *An Evaluation of Two Characterizations of the Relationships Between Problematic Internet Use, Time Spent Using the Internet, and Psychosocial Problems*, 36 HUM. COMM. RES. 512, 512 (2010).

161. Ellison et al., *supra* note 158, at 1143.

like the original goal of Friendster, connecting to those with shared interests such as music or politics like on Myspace, or the college student population which was the original purpose of Facebook. Participants may use the sites to interact with people they already know offline or to meet new people.<sup>162</sup>

The popularity of social network sites has grown so much that Facebook, one of the most popular, has more than one billion users; approximately one in seven people on the planet has an account.<sup>163</sup> Facebook was founded in 2004 and was originally designed as a social networking site for Harvard University students.<sup>164</sup> The amount of Facebook users increased from twenty one million users in 2007 to around sixty one million users in 2008.<sup>165</sup> Adding to the world's distraction venues, other sites, such as Twitter, are competing in popularity with Facebook, though research suggests that adults still prefer Facebook.<sup>166</sup>

Facebook thrives on people exposing their inner desires to the world. In turn, this allows advertisers to sell users products they did not know they wanted.<sup>167</sup> The users' alienation made the site's net worth increase to twice its original value of about fifty billion dollars, during its Initial Public Offering (IPO).<sup>168</sup> Typically, social network users spend a lot of time on the site to build social capital.<sup>169</sup> According to Pierre Bourdieu and Loïc Wacquant, social capital represents "resources, actual or virtual, that accrue to an individual or a group by virtue of possessing a durable network of more or less institutionalized relationships of mutual acquaintance and recognition."<sup>170</sup> The Internet gives everyone access to social capital.<sup>171</sup> To some extent, everyone can become a capitalist—rich in social

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162. *Id.* at 1143.

163. Jason Mazzonc, *The Right to Die Online*, 16 J. INTERNET L. 13, 13 (2013).

164. See Sarah Phillips, *A Brief History of Facebook*, GUARDIAN (July 25, 2007 5:29 AM), <http://www.theguardian.com/technology/2007/jul/25/media.newmedia> (discussing the history of Facebook).

165. Ellison et al., *supra* note 158, at 1144; see also Amanda Nosko et al., *All About Me: Disclosure in Online Social Networking Profiles: The Case of FACEBOOK*, 26 COMPUTERS HUM. BEHAV. 406, 406 (2010) (using Facebook as a case study to analyze the surge in online communication).

166. See, e.g., Shaun W. Davenport et al., *Twitter versus Facebook: Exploring the Role of Narcissism in the Motives and Usage of Different Social Media Platforms*, 32 COMPUTERS HUM. BEHAV. 212, 218 (2014) (finding the features of Twitter make tweeting the preferred means of active usage among narcissists in the college sample, but not the adult sample, who prefer Facebook).

167. See, e.g., *Learn More About People that Matter to Your Business with Facebook Audience Insight*, FACEBOOK (May 8, 2014), <https://www.facebook.com/business/news/audience-insights> (describing how marketers can target their products to Facebook users).

168. Compare Jim Dwyer, *About New York Decentralizing The Internet So Big Brother Can't Find You*, N.Y. TIMES, Feb. 15, 2011, at C2 (estimating Facebook's value to be at fifty billion dollars prior to its IPO), with Susanna Kim, *Facebook IPO: \$38 Shares Biggest Tech Offer*, ABC NEWS (May 17, 2012, 4:45 PM), <http://abcnews.go.com/blogs/business/2012/05/facebook-ipo-38-shares-biggest-tech-offer/> (reporting Facebook's IPO valued the company at \$104 billion).

169. See, e.g., Thierry Pénard & Nicolas Poussing, *Internet Use and Social Capital: The Strength of Virtual Ties*, 44 J. ECON. ISSUES 569, 569 (2010) (arguing that "the Internet can be a convenient and efficient means of maintaining existing social ties and/or of creating new ties").

170. PIERRE BOURDIEU & LOÏC J. D. WACQUANT, AN INVITATION TO REFLEXIVE SOCIOLOGY 119 (1992).

171. See, e.g., Pénard & Poussing, *supra* note 169, at 569 (discussing access to social capital on the Internet).

capital and empowered by the belief that their views matter.

In building social capital (which in time may accumulate a rather tighter maintenance component), users may choose how much exposure they prefer. Ellison, Steinfield and Lampe do an excellent job explaining to the handful of non-users how Facebook works.<sup>172</sup> Users can search the site for “friends,” who can be actual friends, acquaintances, or even strangers—Facebook erases those differences.<sup>173</sup> Users can choose to add other users to their own “friend list” and share their profile with them.<sup>174</sup>

Facebook has the advantage of making people think about how they want to project themselves and what they are willing to promote.<sup>175</sup> It also has the advantage of making identity issues, like gender, age, sexual orientation, eating habits, or one’s beliefs, easier to share.<sup>176</sup> Due to this sharing component, Facebook has the potential be used to assuage individual anxieties and thus, minimize the only acceptable rights debate.<sup>177</sup>

From a Facebook perspective, there is no need for any progressive rights discourse. Facebook epitomizes a virtual democracy where all the grand gestures have been achieved, and there are no disempowered minorities. Accordingly, your “clicking” desires welcome a status quo of colorful pictures and friendly faces interrupted by ads.

Technology (in the shape of Web 2.0) is bypassing all progressive discourse, and because all problems seem to have solved themselves, there is no direct or implied criticism of any such theories.<sup>178</sup> By offering digital solutions to specific needs, the need to go to court and ask for remedies, or even the need to reevaluate progressive theories about social change, become moot.<sup>179</sup>

Theoretically noteworthy, and briefly discussed below, the technological demise of the identity rights approach is the most interesting progressive discourse of today. Like technology, the identity rights approach relies on vacuous individualism.<sup>180</sup> Under the identity rights approach, however, the import of

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172. See Ellison et al., *supra* note 158, at 1143-44 (describing how Facebook offers an easy way to build and store simple, personal web pages consisting of photos, interests, work, education history, relationships, personal stories, schedules and similar information); see also, Nosko et al., *supra* note 165, at 406-07 (explaining that Facebook offers various privacy settings that can be used to control access to personal profiles—all Facebook members or only designated Facebook friends—affecting how other individuals can access your individual profile and that Facebook employees have unlimited access to the posted information).

173. See Nosko et al., *supra* note 165, at 406 (describing how Facebook users make connections).

174. *Id.*

175. See *id.* at 406-07 (discussing what sort of information can be included in a Facebook profile).

176. See Ellison et al., *supra* note 158, at 1143 (explaining how social networking sites like Facebook allow users to connect with people and share their personal information, hobbies, interests, and tastes).

177. See Odaci & Kalkan, *supra* note 152, at 1095 (explaining that an individual’s ability to establish control in an online relationship reduces social anxiety).

178. See Han, *supra* note 149, at 207 (“In our technomediated world, there is undoubtedly no longer emphasis placed on linear units of meaning such as narrative and discourse.”); see also *The Red Booklet*, *supra* note 17, at 182-83 (stating that a discourse of the status quo is long overdue).

179. See Han, *supra* note 149, at 201 (“In this new era of the Web 2.0, the Internet is viewed as . . . ‘the new digital democracy.’”).

180. See WILLIAM E. CONNELLY, IDENTITY\DIFFERENCE: DEMOCRATIC NEGOTIATIONS OF

individualism, which dates back to the Renaissance, is perceived differently.<sup>181</sup>

Identity politics relies on smaller and smaller communities of shared identity values and needs.<sup>182</sup> These needs are used to justify individual claims in courts, and once legitimized, become specific individual rights.<sup>183</sup> These rights are usually then bestowed on specific members of that community. To paraphrase the late Louis Henkin, depending on the type of individual rights, courts, and then society, bear the obligation to satisfy them.<sup>184</sup>

This triggers an instantaneous metamorphosis in technical rights. These rights become symbols of both individual and (minority) community success.<sup>185</sup> As such, they often stifle potential future demands by that community. This author's criticism of such identity politics stems from their insidious nature.<sup>186</sup> Their success

POLITICAL PARADOX 74 (1991) (“[T]heories of liberal individualism deflate the *politics* of identity and difference.”).

181. See Madeleine Atkinson, *Renaissance Individualism*, GUIDED HISTORY, <http://blogs.bu.edu/guidedhistory/moderneurope/madeleine-atkinson/> (last visited Jan. 25, 2015) (stating that individualism became an important theme during the Renaissance).

182. See Richard D. Parker, *Five Theses on Identity Politics*, 29 HARV. J.L. & PUB. POL’Y 53, 55 (2005) (explaining that identity politics involves groups of people sharing traits and characteristics).

183. See, e.g., Nan D. Hunter, *Identity, Speech, and Equality*, 79 VA. L. REV. 1695, 1696 (1993) (“Notions of identity increasingly form the basis for gay and lesbian equality claims.”).

184. LOUIS HENKIN, *THE AGE OF RIGHTS* 2-3 (1990).

185. See, e.g., Linda Hirshman, *How the Gay-Civil-Rights Movement Defeated the Defense of Marriage Act*, DAILY BEAST (June 3, 2012), <http://www.thedailybeast.com/articles/2012/06/03/how-the-gay-civil-rights-movement-defeated-the-defense-of-marriage-act.html> (detailing how the gay community used progressive strategies to help overturn the Defense of Marriage Act).

186. See, e.g., MARTHA ALBERTSON FINEMAN ET AL., *FEMINIST AND QUEER LEGAL THEORY: INTIMATE ENCOUNTERS, UNCOMFORTABLE CONVERSATIONS* 115 (Martha Albertson Fineman et al. eds., 2009) (discussing how American policies supposedly supporting equality have been perverted to policies encouraging self-sufficiency); Martha McCluskey, *How Queer Theory Makes Neoliberalism Sexy*, in *FEMINIST AND QUEER LEGAL THEORY: INTIMATE ENCOUNTERS, UNCOMFORTABLE CONVERSATIONS*, 115-34 (2008) (stating that far from being alone, many other law faculty members have persuasively criticized the limits of any identity-quest for rights and recognition. These are the limits of a dear myth of autonomy, based on a “simplistic ideology of individual-self-sufficiency.”).

If feminism searches for female autonomy and recognition, and queer theory affirms the centrality of freedom and self-satisfaction in sexualities, these demands can be easily satisfied outside of a progressive discourse, and thus, minimize the need for more socially inclusive demands. For example, shifting promotion strategies that push for a quota of female CEOs, or paying more lip-service to more tolerant cultural values, and accepting openly gay CEOs or university presidents does little in terms of satisfying the quality of life demands of the masses.

Moreover, I argue that all of these demands do not necessarily reduce the alienation these individuals experience. A rights-based approach to social progress, at best, improves the diversity of the possessive individualist bourgeois “Man.” The other half of the alienated individual archetype, the one that has access to material satisfaction, and the same archetype that Marx ignored, will look less monochromatic: less white and less male.

On the other hand, the Marxist ideal of humanism—which vies for my attention—while attacked as universal, it is both deeply individual, and has the potential to bridge collective identity. Marx believed that material conditions allow all individuals to find what makes them “tick,” whether that means engaging in hunting in the morning, art criticism in the afternoon, or satisfying sexual desires in the evening. Although they do not go this far, McCluskey and Fineman implicitly open the door for a better ideal to promote feminist and queer values, one that cannot be hijacked by conservative movements that risk delegitimizing these progressive movements, and one that emphasizes the role of the individual within society at large. *Id.*

legitimizes reactionary beliefs in individualism, and minimizes demands for public support of societal needs, such as better public education, or government-sponsored health care.<sup>187</sup> There are instances, though, when this approach has encouraged others to succeed. Promoting individual minority members to represent their communities, for example, has inspired additional success stories. Much like the Chicago theory of trickle-down economics, however, the progressive theory stops short of reality. As Pope Francis indicated, “there is no hard evidence that trickle-down economics has worked for anyone, except the rich.”<sup>188</sup>

Moreover, the individualism that the Internet promotes is even more damaging than any of the theories mentioned above. The “new Internet” erodes both the sophomoric 20th century liberal progressivism, and the more inclusive Marxist ideal of humanism, which vies for the reader’s attention. The “new Internet,” while having the potential to bridge collective identity<sup>189</sup> based on both economic and non-economic identifiers, is a digital, derivative space, whose rules of social interaction are decentralized and highly individualized.<sup>190</sup> If our most intimate desires—recall Anthony Weiner’s “sexting” saga<sup>191</sup>—are exposed and satisfied virtually, then there is no need to discuss their materialization. The need for individual or social action becomes moot.

For many of us, the Internet has changed the way we view social action altogether. It offers privacy that public engagement does not.<sup>192</sup> Further, the Internet serves as a continuation of our lives by offering the knowledge to build an identity that one may use to subsequently share with the world.<sup>193</sup> An article by Mary Gray illustrates an example of this process, emphasizing the dual roles of the Internet as a tool empowering people with knowledge and as a social safety network.<sup>194</sup> The article describes a white teenager from rural Kentucky named Amy, who discovers a lesbian, gay, bisexual, transgender, and queer (LGBTQ) Internet forum.<sup>195</sup> She

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187. See McCluskey, *supra* note 186, at 121 (“For example, your ‘right’ to healthcare might get you lower quality healthcare, or a shortage of doctors willing or able to provide care. . .”).

188. See Obery M. Hendricks, Jr., *The Pope, the Bible, and Trickle-Down Economics*, HUFFPOST (Jan. 8, 2014, 12:39 PM), [http://www.huffingtonpost.com/obery-m-hendricks-jr-phd/trickle-down-economics-the-pope\\_b\\_4557318.html](http://www.huffingtonpost.com/obery-m-hendricks-jr-phd/trickle-down-economics-the-pope_b_4557318.html) (stating the Pope’s view regarding the pitfalls of trickle-down economics).

189. See Rohit Chopra, *Global Primordialities: Virtual Identity Politics in Online Hindutva and Online Dalit Discourse*, 8 *NEW MEDIA & SOC’Y* 187, 188 (2006) (explaining how technological developments in India allowed for “a new mode of representing collective identity”).

190. See Pénard & Poussing, *supra* note 169, at 569 (stating that the Internet has the ability to isolate individuals, thus decentralizing their social interaction).

191. See Julia H. McLaughlin, *Exploring the First Amendment Rights of Teens in Relationship to Sexting and Censorship*, 45 *U. MICH. J.L. REFORM* 315, 342 (2012) (discussing the legality of one adult sending nude photos to another adult).

192. See, e.g., Mary L. Gray, *Negotiating Identities/Queering Desires: Coming Out Online and the Remediation of the Coming-Out Story*, 14 *J. COMPUTER-MEDIATED COMM’N* 1162, 1173 (2009) (explaining that some gay young adults living in rural areas use the internet as a private forum to engage in homosexual discourse, as their rural setting lacks such a forum).

193. See, e.g., *Professional Online Identity*, YALE OFF. CAREER STRATEGY, <http://ocs.yale.edu/content/professional-online-identity> (last visited Jan. 25, 2015) (discussing how to build a professional online identity).

194. Gray, *supra* note 192, at 1162.

195. *Id.*

uses the site to interact with others, which has helped her come to understand her own bisexual identity.<sup>196</sup> Her quest for freedom was partially satisfied by the Internet:

I first started noticing that I was attracted to other girls when I was about 12 or 13. Before then, I can't even say that I knew gay people existed. But even when I was young I watched girls on TV and was amazed by them. I was over at my friend's house one night joking that I only watched Baywatch (my favorite show at the time) for the girls. After I said this, I realized it was true. It wasn't until about a year later, when I got on the Internet and found other people like me that I actually said to myself that I was bisexual. I've always been attracted to both sexes, but I found my true identity on the Internet.  
— Amy, age 15.<sup>197</sup>

Rather than expose herself to public reaction, Amy used the Internet to find her voice and eliminate her feelings of isolation. Although she remains isolated in Kentucky, she is not silent; she can express herself. Amy's story demonstrates that while the Internet may not be the perfect medium of expression, it can, at times, provide isolated individuals with the social interaction that they desire.

Additionally, the need for physical, social interaction may end when virtual solutions are found. The Internet can solve community problems in a way that would not have seemed satisfying in the recent past.<sup>198</sup> For instance, using the Internet as a collective identifier is as much a matter of freedom as it is a matter of mythmaking.<sup>199</sup> Sometimes the Internet offers identity-alternatives, as in the example below.

Rohit Chopra addresses the disparity between two collective demands for social change.<sup>200</sup> Chopra's article describes the online identity political discourse "of two Indian communities: an elite community of Hindu nationalists and the subaltern community of Dalits."<sup>201</sup> The two communities engage in political movements that are radically opposed to the other.<sup>202</sup> However, their online discourses voice their entitlement arguments and demand for change with unnerving similarity.<sup>203</sup> Both use the same vocabulary of subordination within a narrative of domination and resistance.<sup>204</sup> Dalit sites speak of the ongoing holocaust perpetrated against Dalit communities by upper-caste Hindus, while Hindu

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196. *Id.* at 1162-65.

197. *Id.* at 1162.

198. *See* Chopra, *supra* note 189, at 195 ("The modality of global primordiality on both Dalit and Hindu nationalist websites takes shape as a cyberhistoriographic endeavor where the necessary rewriting of Indian history becomes a form of political activism.").

199. *Id.*

200. *Id.* at 187.

201. *Id.* at 188.

202. *Id.*

203. *Id.*

204. Chopra, *supra* note 189, at 188.

nationalist sites assert that Hindus have been the victims of genocide at the hands of Islamic invaders.<sup>205</sup>

Chopra believes that “the consonance between the two discourses is far from accidental.”<sup>206</sup> It mirrors key changes in India during the 1990s, especially the integration of technology and the values promoted in cyberspace.<sup>207</sup> Those values are deeply opaque to outsiders, though they represent what the insiders believe would legitimize them globally. In this instance, the value is primordiality:

[I]n cyberspace . . . the realms of technology and culture intersect. However, the model of global primordiality is not shaped in equal measure by Dalits and Hindu nationalists. The primary authors of the practice are Hindu nationalists who also occupy a privileged position as elites in the Indian technological field. In its participation in cyberspace, Dalit discourse may tend to mirror this dominant mode of cyber-representation, even as it remains opposed to the ideology of Hindu nationalism.<sup>208</sup>

While these examples may seem anecdotal, they are noteworthy because they show the pacified behavior of more than one billion people, many from the types of areas that Marx would have believed were prone to revolt. In fact, such instances exist as shown below.

#### IV. THE INTERNET – SOCIAL ACTION CATALYST

For decades, authors have noted the dual role of the Internet and its potential for social empowerment.<sup>209</sup> The Internet has become a tool to effectuate a structured call to social action.<sup>210</sup> Two influential kindlings of change through the Internet was the Jasmine Revolution of December 2010 and January 2011 in Tunisia and the ongoing Egyptian uprising.<sup>211</sup> The free flow of information enabled by the Internet appears to have crucially influenced the outcome of certain events, even though no one can offer evidence that without the Internet substantial social action would not have happened.<sup>212</sup>

205. *Id.*

206. *Id.*

207. *Id.*

208. *Id.* at 187.

209. See, e.g., Bharat Mehra et al., *The Internet for Empowerment of Minority and Marginalized Users*, 6 *NEW MEDIA & SOC'Y* 781, 781 (2004) (arguing that the Internet has tremendous potential to achieve greater social equity and empowerment and improve everyday life for those on the margins of society).

210. See Reem Bahdi, *Analyzing Women's Use of the Internet Throughout the Rights Debate*, 75 *CHI.-KENT L. REV.* 869, 881 (2000) (explaining that the Internet is a quick and inexpensive medium that groups promoting social change readily use).

211. See Charles M. Blow, *The Kindling of Change*, *N.Y. TIMES*, Feb. 5, 2011, [http://www.nytimes.com/2011/02/05/opinion/05blow.html?\\_r=0](http://www.nytimes.com/2011/02/05/opinion/05blow.html?_r=0) (providing background information of revolutionary movements in Mideast countries).

212. See Rick Nauert, *The Internet as Agent of Social Change*, *PSYCH CENT.* (2006), <http://psychcentral.com/news/2006/11/29/the-internet-as-agent-of-social-change/438.html> (discussing



In each instance, Web 2.0 promoted a new state of heightened knowledge.<sup>213</sup> In fact, some scholars argue that the Internet has radically changed people's analytical-reasoning skills, not just the ability to access and disseminate information.<sup>214</sup>

Sam Han, for example, believes that as a result of Web 2.0, "reflexivity" has transformed from "reasoned, stable, and linear" to spreading destabilization through "compression of meaning, speed-up and discontinuity."<sup>215</sup> Han doubts that reflexivity can be sped up or even compressed without losing its rationality.<sup>216</sup> Reflexivity requires reason and thinking; otherwise, it becomes something different, such as a laugh or an impulsive reaction.<sup>217</sup> Henri Bergson would say that reflexivity is not an instinct.<sup>218</sup> Even so, reflexivity does not have to be linear. Thinking is not a function of analog devices. Web 2.0 has ushered in "a space of radical inclusion, a platform facilitating a veritable collaboration of ideas on a global scale, 'the new digital democracy.'"<sup>219</sup> The way we think is evolving. The WikiLeaks<sup>220</sup> scandal involving the leak of U.S. diplomatic cables proved Han correct—the Internet can actualize a new digital democracy.<sup>221</sup> However, to what extent a digital democracy can impact the world outside Farmville remains to be seen.

The "new Internet" thus has the potential of becoming something more than the Big Appeaser; the source of alienation management at little cost for all who do not experience, in Marx's words, an "intolerable contradiction" within the "existing world of wealth and culture."<sup>222</sup> The key word which changes the role of technology—the Internet—is thus what Marx called "intolerable contradiction."<sup>223</sup>

The Internet, aside from satisfying the types of identity desires as those exemplified earlier, proves to be a resilient and effective communication tool.<sup>224</sup> It unites people with similar desires even if it does not necessarily match people's individual identities. The Internet has established the best place to promote

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the role of the Internet in relation to social change).

213. Han, *supra* note 149, at 200-03.

214. Mchra et al., *supra* note 209, at 782.

215. Han, *supra* note 149, at 201, 206.

216. *See id.* at 205 (discussing doubts about decision-making that resembles reflection or judgment because of the major changes that technology has made to the experience of space and time).

217. *Id.* at 206.

218. *See* HENRI BERGSON, *THE CREATIVE MIND: AN INTRODUCTION TO METAPHYSICS* (2010) (asserting it is an illusion that overt acts which could be conceived prior to their undertaking were the result of their being thought out).

219. Han, *supra* note 149, at 201.

220. *About*, WIKILEAKS (May 7, 2011), <https://wikileaks.org/About.html>.

221. *See generally* DAVID LEIGH & LUKE HARDING, *WIKILEAKS: INSIDE JULIAN ASSANGE'S WAR ON SECRECY* (2011) (providing information on the creation of Wikileaks through an examination of the actions by its founder Julian Assange); *see also* CHARLIE BECKETT, *WIKILEAKS: NEWS IN THE NETWORKED ERA* (2012) (providing insight into how WikiLeaks may affect the status quo concerning politics and journalism).

222. MARX & ENGELS, *supra* note 52, at 56.

223. *Id.*

224. Anastasia Kavada, *Email Lists and Participatory Democracy in the European Social Forum*, 32 *MEDIA, CULTURE & SOC'Y* 355, 356 (2010).

diversity and collective action. By its very nature, the Internet is ubiquitous and decentralized, yet it is also able to transmit a single call to action to millions of receivers.

One of the Internet's main functions is connecting people.<sup>225</sup> In the beginning, it did so through emails. When in need, people proved that emailing was a good tool for political participation.<sup>226</sup> For example, in late 1999, the Global Justice Movement burst into the public consciousness in Seattle.<sup>227</sup> Every summit meeting attracted thousands of activists and extensive media coverage.<sup>228</sup> The tens of thousands of participants were able to communicate through a decentralized self-managed network of email lists.<sup>229</sup>

Email lists further helped to open up the face-to-face meetings to the participation of a variety of actors. First of all, they lowered the costs of physically attending the meetings as they were used to organize the transport and accommodation of activists. They were further employed for the collection and distribution of the solidarity fund, put together to support the travel costs of activists from poorer countries. In addition, email lists were the main space for the announcement of meetings, helping to distribute this information as quickly and widely as possible. They were also used to deliberate on the most suitable time and place for meetings that would ensure broad participation. Furthermore, email lists aided activists who could not attend physically to have a degree of influence on the decisions taken face-to-face.<sup>230</sup>

As shown in this context, the Internet, through its email lists, became a vital component of an informal system that allowed for broader representation. Yet, the people who used the technology made this communication method more than just a tool in alienation management. Those people attained self-consciousness and they were ready to use technology in their demands for social change.<sup>231</sup>

The recent phenomenon of Iranian web blogging is another example of people using technology to promote communication among similarly situated individuals.<sup>232</sup> Since the initial boom of Farsi-language blogs in 2000, Iranian web blogging has received a substantial amount of media attention.<sup>233</sup> Events like the hardline regime's detention of bloggers, the 2008 bill proposal to allow the death

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225. Anita Harris et al., *Beyond Apathetic or Activist Youth: 'Ordinary' Young People and Contemporary Forms of Participation*, 18 *YOUNG* 9, 26 (2010).

226. Kavada, *supra* note 224, at 359.

227. Liz Highleyman, *The Global Justice Movement*, in *ENCYCLOPEDIA OF AMERICAN SOCIAL MOVEMENTS 1455, 1456* (Immanuel Ness ed., 2003).

228. *Id.*

229. *Id.*

230. Kavada, *supra* note 224, at 364.

231. Harris et al., *supra* note 225, at 14.

232. See Donya Alincjad, *Mapping Homelands Through Virtual Spaces: Transnational Embodiment and Iranian Diaspora Bloggers*, 11 *GLOBAL NETWORKS* 43, 53 (2011) (describing bloggers in Iran as a community who write about Iranian politics, news, art, and day-to-day events on a daily basis).

233. *Id.* at 43.

penalty when sentencing bloggers, and the events surrounding the stolen election of June 12, 2009 have garnered the attention necessary to facilitate change.<sup>234</sup>

Unlike email lists that only reach people who previously identify themselves to the list manager, the Iranian events proved the value of anonymous calls for action among Iranian bloggers.<sup>235</sup> Iranian blogging further provided proof of the Internet's potential for social, cultural, and political dissent, as the Iranians were able to challenge a political regime by uniting individuals with similar desires and, perhaps, unspoken identities.<sup>236</sup> Blogging suddenly became a phenomenon:

Iranian blogs have become synonymous with a practice that allows a generation of Iranians to resist an oppressive government and criticize a stifling society. . . . Because of its journal or diary style entries, [blogging] can bring the 'private' into the 'public' arena and thereby make a political statement. It also makes information dissemination freer in a country where the press is highly controlled.<sup>237</sup>

Iranian blogging made the transition from using the Internet for private enjoyment to using the Internet as a communication tool to allow a new generation to promote its language of common good.<sup>238</sup> The Internet has all the accoutrements of hipness, which makes it irresistible to youth from all corners of the world.<sup>239</sup> It also promotes micro-change.<sup>240</sup>

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234. See *id.* at 43-44 (asserting that blog coverage of these three events led to increased international attention on Iranian bloggers and describing blogging as having democratizing inclinations through cyber-dissidence).

235. See Nic Newman, *The Rise of Social Media and its Impact on Mainstream Journalism: A Study of How Newspapers and Broadcasters in the UK and US are Responding to a Wave of Participatory Social Media, and a Historic Shift in Control Towards Individual Consumers* 24-34 (Reuters Inst. for the Study of Journalism, Working Paper, Sept. 2009), available at <https://reutersinstitute.politics.ox.ac.uk/sites/default/files/The%20rise%20of%20social%20media%20and%20its%20impact%20on%20mainstream%20journalism.pdf> (analyzing the role of social media in the Iranian election protests of June 2009 and noting the sharing of articles about how to avoid censorship and conceal identities).

236. See Alinejad, *supra* note 232, at 44 (discussing the political nature of the Farsi-language blogosphere); cf. Charles M. Blow, Op-Ed., *The Kindling of Change*, N.Y. TIMES, Feb. 5, 2011, [http://www.nytimes.com/2011/02/05/opinion/05blow.html?\\_r=0](http://www.nytimes.com/2011/02/05/opinion/05blow.html?_r=0) (stating that "the internet has been crucial to the organization of recent uprisings" when discussing events in Tunisia and Egypt).

237. Alinejad, *supra* note 232, at 44.

238. See *id.* (stating that blogging allows a generation of Iranians to resist oppressive government, criticize a stifling society, and make a political statement).

239. See PHILLIPPA COLLIN ET AL., COOP. RESEARCH CTR. FOR YOUNG PEOPLE, TECH. & WELLBEING, THE BENEFITS OF SOCIAL NETWORKING SERVICES: A LITERATURE REVIEW 12 (2011), available at <http://www.fya.org.au/app/theme/default/design/assets/publications/The-Benefits-of-Social-Networking-Services.pdf> (discussing the range of benefits that social networking services provide to youth).

240. See *id.* at 19 (discussing how social networking services are used as platforms for civic engagement and political participation by youth).

For instance, Australian youth have developed practices of social and political participation by incorporating many features the “new Internet” has to offer.<sup>241</sup> A very interesting article tells some of their stories. The article demonstrates that they do not easily conform to traditional or radical paradigms of political engagement, such as through unions or political parties.<sup>242</sup> Instead, the Internet has replaced those spheres, allowing for a community of views and actions to be promoted within current social, generational, and geographical spheres.<sup>243</sup>

[The article] investigates the participatory activities of ‘ordinary’ young Australians and demonstrates that while there has been a shift away from formal participation by these young people, this has not necessarily led to either full-scale disengagement from politics or a widespread turn towards subcultural or postmodern activism. Instead, [the] research suggests that these young people are disenchanted with traditional politics that is unresponsive to their needs and interests, but that they remain interested in social and political issues and continue to seek recognition from the political system.<sup>244</sup>

The Internet made it possible for these young people to engage in informal, individualized, and everyday activities, as well as voice their political and social concerns.<sup>245</sup> For example, the authors found out that although Australian youth are concerned with getting a job and doing well in their studies, as much as they are concerned with war, terrorism, and environmental issues,<sup>246</sup> their chosen paths to solve the problems raised by these issues were through ordinary forms of participation.<sup>247</sup> They preferred either to talk to a friend (56%) or parent (58%) and to recycle (75%) or donate money to their cause (67%).<sup>248</sup> Few thought about making political statements in public, through online activity (20%), or going to a rally (18%).<sup>249</sup> The authors found that the young people they interviewed sought “more of a say within those familiar and intimate circles and spaces where they already feel heard: with family, within schools and classrooms and with friends.”<sup>250</sup> The authors also found that the students used the Internet when they thought it

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241. *See id.* (discussing how social networking has become embedded in political campaigns and civic engagement).

242. Harris et al., *supra* note 225, at 26.

243. *See id.* (stating that the Internet has filled the space once occupied by civic, political, and other participatory organizations).

244. *Id.* at 10.

245. *See id.* at 26 (providing an example of a teenager who found it helpful to visit chat rooms to discuss immigration and environmental issues).

246. *See id.* at 17-18 (listing the top five personal, national, and global concerns of young people who participated in the study).

247. *See id.* at 22 (analyzing the ordinary ways in which young people address their social and political concerns).

248. Harris et al., *supra* note 225, at 23-25.

249. *Id.* at 23.

250. *Id.* at 25.

facilitated more peer-to-peer connectivity.<sup>251</sup> However, the authors were unable to juxtapose their findings with the current events taking place in Tunisia, Egypt, and other emerging democracies.<sup>252</sup> Making this juxtaposition myself, I conclude that the Australian youth have the luxury of small gestures because they perceive Australia as an environment where small gestures are sufficient to individualize members. On the other hand, Egypt does not seem to inculcate the same trust in its youth.<sup>253</sup> The Egyptian youth felt pressured to solve their alienation by engaging in a large, all-encompassing gesture of social revolt.<sup>254</sup>

### CONCLUSION

Technology has a greater impact on our lives than we could have possibly imagined decades ago, let alone centuries ago. The impact of technology would be different if technology dehumanized and objectified our lives to the extent that the only solution possible was reaching the crisis level and engaging in social action to rectify the unbearable situation. Technology can alleviate social distress before it ferments into a desire; so even going to court to rectify the wrong becomes unnecessary. Of course, there are circumstances when technology continues its function as a catalyst of social alienation, and then it makes a decisive contribution guiding people through social action.

There was no way to predict how a military program, ARPANET,<sup>255</sup> would become today's Internet; a promoter of individual multi-faceted pursuits. For many, the Internet remains a tool to gather information. However, even when used only as an information gathering tool, the Internet is far from predictable. When that information is coupled with a critical level of dissatisfaction in individuals' current lives and the opportunity to engage in collective action, the Internet becomes more than a tool to manage alienation—it becomes a tool to solve or challenge it. This substantial power allows the Internet to erode any rights paradigm.

Technology continues to change the balance between individuals' needs and satisfaction. The Internet is only one of its many facets, and it remains a valuable place to socialize with friends and meet new people, as well as to express opinions and try out forms of public identity. However, as seen here, when frustrations reach

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251. See *id.* at 27 (stating that interview participants identified social networking sites such as MySpace as important places to connect with peers).

252. See Blow, *supra* note 236, at fig.1 (charting a number of indicators that the author proposes contributed to the uprisings in Egypt and Tunisia, such as level of democracy, unemployment rate, median age, and Internet penetration).

253. See Jijo Jacob, *What is Egypt's April 6 Movement?*, INT'L BUS. TIMES, Feb. 1, 2011, <http://www.ibtimes.com/what-cgypt-s-april-6-movement-261839> (discussing social and political repression by the government as common reasons why young Egyptians turned to social media and organizing protests).

254. See *id.* (describing how the April 6 Movement was started by youth who wanted to support striking workers, which, years later, became the catalyst for political upheaval).

255. See JUDD A. PAYNE, U.S. DEP'T OF COMMERCE, ARPANET, HOST TO HOST ACCESS AND DISENGAGEMENT MEASUREMENTS 3 (1978), available at [http://permanent.access.gpo.gov/gpo5575/78-3\\_ocr.pdf](http://permanent.access.gpo.gov/gpo5575/78-3_ocr.pdf) (describing the Advanced Research Projects Agency computer network operated by the U.S. Defense Communications Agency).

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the level of indignation, the Internet can become more than that. It can become a tool for expressing a progressive discourse that enables hopes for democratic endeavors.

