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## Pericles Revived: Proposing Citizen Payments for Social Media Usage

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Pericles Revived:  
Proposing Citizen Payments  
for Social Media Usage

Senior Project submitted to  
The Division of Social Studies  
of Bard College

by  
Alex Breindel

Annandale-on-Hudson, New York  
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*Intro*

The world is literally falling apart. Each day brings talk of the end of another multilateral trade agreement, treaty, or alliance. Some of this is action: the U.K. and the E.U., the U.S. and the T.P.P., and some is posturing: France and the E.U, the U.S. and NAFTA. Nonetheless, it raises the question of how one is to feel about these movements of *devolution* towards political and economic isolationism.

Seeking an answer, I turned towards Alexander Hamilton and James Madison. As Federalists who sought to unite thirteen politically distinct states, they can provide strong arguments against devolution. In doing so however, I found a cure to the ill of which devolution is the symptom. Specifically, I discovered an example provided by Aristotle of the *payments for civil service* which were instituted in Athens during the reign of Pericles for those who attended the Assembly. Though well known, these payments' capacity to stave off devolution has thus far been overlooked.

In a modern twist, I discuss the possibilities for social media to replicate, and even improve upon, the Athenian Assembly as it existed under Pericles. Most crucially, it facilitates *communication*, the mechanism by which Aristotle implies attendance at the Assembly can foster political unity and avoid devolution. Further, due to its growing popularity, the state need not use coercive means to ensure citizens in fact “attend” social media; they need only provide them the leisure to do so.

In the second half of the paper, I attempt to square my proposal of Periclean payments for social media usage with Lockean liberal rights to private property. To do so, I invoke two staples of liberal thought regarding property: Locke’s chapter “On Property” from his *Second Treatise* and one contemporary political scientist’s liberal defense of the modern “workfare” state. Currently, any payments from the American government to its citizens meant to directly elevate their welfare must be based upon receiving reciprocal benefits in return. These are typically gained by exacting labor; unless one considers using social media as performing labor, this requirement surely dooms my plan.

However, I will argue that when we take these two liberal arguments together and view them in light of recent economic scholarship, we find that staying true to Locke in fact requires transfers of wealth identical to those which enable social media usage. While land was the primary point of departure for Locke’s economy, *our* most valuable resource is not land but knowledge. The modern method of production which utilizes knowledge has a name: informational capitalism. Because of knowledge’s unique status as a widely dispersed and societally-produced non-rival good--as opposed to land--Locke’s ideas on private property must no longer be read literally. Instead, their principles must be unearthed in relation to the mode of

production which he understood. Only then may we seek to realize those principles by forming solutions relevant to our own economy. This is the method I employ.

*Abstract*

The argument is as follows, with chapter numbers corresponding:

(I-III): Positive argument--why social media *does* remedy devolution

- I. Providing arguments made by Hamilton and others against *devolution* for economic and political concerns. Showing further evidence that the American Constitution was ratified on a notion of *community over coherence*, the reverse of the principle upholding devolution arguments.
- II. Explanation of how Pericles' *payments for civic duty* eased social tension by increasing communication. Showing why, for practical and ideological purposes, Aristotle approved of these payments.
- III. Argument using sociological research to suggest social media usage can provide the same benefits to *us* as the Assembly did for the Athenians. Analysis of an example of such a benefit: the removal of the Confederate flag outside of South Carolina statehouses.

(IV-VI) : Negative argument--why transferring wealth *does not* violate Lockean property rights



- IV. Affirmation of the *efficiency thesis* reading of Locke's property rights by way of defeating a common objection. A novel, more accurate redefinition of *labor* employed to do so.
- V. Explanation of the American commitment to the workfare state in which individuals must labor in return for wealth transfers from the government. Showing why this ultimately relies upon the notion of *reciprocity*, understood as an exact one-to-one correspondence between a state's *giving* and *taking* to any one specific citizen.
- VI. Analysis of Lockean liberalism's dual commitments to the *efficiency thesis* and *reciprocity* in light of economic of modern modes of production. Argument that the rise of informational capitalism--in which the most valuable resource is knowledge--implies political transfers of wealth in order to uphold these preexisting liberal commitments.

## I. Devolution

On June 23rd, 2016, the United Kingdom voted by popular referendum to leave the European Union. On January 20th of the following year, newly-inaugurated American President Donald Trump declared in front of the Lincoln memorial: “from this moment on, it’s going to be America First,” and subsequently withdrew the U.S. from global trade agreements<sup>12</sup>. In France, presidential candidate Marine Le Pen describes political divisions as “no longer between the left and the right, but between the patriots and the globalists,”<sup>3</sup> offering her support to the former. The “existence” of the French people, she says, depends upon their retreat--like counterparts in Britain and the U.S.--from the “tyrannies” of globalization.

These examples highlight a larger global movement of *devolution*, the “surrender of powers to local authorities by a central government”<sup>4</sup>. For President Trump, devolution is synonymous with a transference of power to the “People.” Through political isolation, he claims the United States will make sure every “decision” from trade to immigration, is made solely to benefit Americans. Whatever its merit, his plan was popular enough to get him elected.

Fever for devolution is not restricted to the Right. In California, an amendment for secession is likely to make the ballot in 2019. Leaders of the movement attest that isolation would allow the achievement of “progressive” aims like gun control and universal health care.

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<sup>1</sup> "The Inaugural Address." *The White House*. The United States Government, 30 Jan. 2017. Web. 02 May 2017.

<sup>2</sup> Mui, Ylan Q. "Withdrawal from Trans-Pacific Partnership Shifts U.S. Role in World Economy." *The Washington Post*. WP Company, 23 Jan. 2017. Web. 02 May 2017.

<sup>3</sup> Henley, Jon. "Marine Le Pen Promises Liberation from the EU with France-first Policies." *The Guardian*. Guardian News and Media, 05 Feb. 2017. Web. 02 May 2017.

<sup>4</sup> "Devolution." *Merriam-Webster*. Merriam-Webster, n.d. Web. 02 May 2017.

Fever has also spread to the remaining members of the E.U., whose economic and political union was formed in 1993; its current president states that many Europeans are “returning to a regional mindset,” an unfortunate development in his eyes<sup>5</sup>.

### ***i. Economic Implausibility***

Many argue that due to the economic benefits of globalization, and the corresponding need for political bodies to enforce adherence to agreed-upon rules between trading states, devolution is unlikely to be carried out in practice. Though nationalistic policies have catchy slogans--e.g. Trump’s ”Buy American and Hire American” executive order<sup>6</sup>--they cannot fulfill what they promise without experiencing a decreased level of economic well-being. Rich countries are far too used to employing cheap labor and paying low prices for goods produced abroad to turn back. In effect, globalization is a “relentless force, difficult to slow, stop, or reverse” (Schaeffer 12).

Nayan Chanda, editor of YaleGlobal, a magazine publishing focused on globalization, describes the problem as such: “To truly begin deglobalisation, its proponents should throw their iPhones, or for that matter any handset in the dustbin because they may not find any model that is produced in one country”<sup>7</sup>. Though devolution is a fine idea, there is a reason globalization was pursued in the first place: the economic benefits brought forth by dividing labor between nations and trading. Opponents do not acknowledge the necessary economic logic behind

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<sup>5</sup> Spiegel. "Home." *Jean-Claude Juncker: The Demons Haven't Been Banished*. Trans. Paul Cohen. Pro Europa, 6 July 2012. Web. 02 May 2017.

<sup>6</sup>Presidential Executive Order on Buy American and Hire American." *The White House*. The United States Government, 18 Apr. 2017. Web. 02 May 2017.

<sup>7</sup>Chanda, Nayan. "Of Reversing Globalization." *Of Reversing Globalization | YaleGlobal Online*. ABP Pvt Ltd Publication Copyright, 02 Aug. 2011. Web. 02 May 2017

globalization and thus are liable to characterize it as a set of “ad hoc solutions,” contingent upon political will and liable to be reversed through policy. What they fail to realize that while citizens may indeed support devolution in theory, they are unlikely to support of the impacts it has on their wallets. As to devolution’s growing popularity nonetheless, “the facts,” Chanda writes, “seldom stand in the way of a catchy slogan” (like *Buy American*).

Great Britain’s actions following its “Brexit” from the E.U. provide a cautionary tale. Premised on economic nationalism, *Brexit* is nonetheless likely to result in another free-trade agreement with the E.U., similar to the one already in place. Swedish economist Fredrik Erixon comments:

*Economic logic may not be a good basis for predicting policy in this age of growing economic nationalism*, but we’re not talking about a complex, labyrinthine Sykes-Picot endeavour. The task for trade negotiators now is *to avoid a collapse of current trade*, not to break up markets for new trade.<sup>8</sup>

Despite political support for economic and political isolation, its full implementation is likely to be tempered by concern for preservation of the status quo, itself a result of past globalization. Politically and rhetorically isolated, countries will remain economically dependent, lacking institutional structures to further coordinate towards shared goals: “no more common standards for consumer and environmental policy or joint rules for farm subsidies and state aid to industries”.<sup>9</sup> While trade is preserved, inescapable political issues surrounding it are left unaddressed. This includes decisions both strategic: “policy makers would set their country’s tariffs at the noncooperative levels identified by the static Nash equilibrium,” and ethical: “An example of a local concern for market outcomes in other countries arises when citizens disdain

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<sup>8</sup> Erixon, Fredrik. "Britain and the EU Probably Will Reach a Trade Deal. Here's Why." *The Spectator*. N.p., 29 Mar. 2017. Web. 02 May 2017.

<sup>9</sup> Erixon, Fredrik. "Britain and the EU Probably Will Reach a Trade Deal. Here's Why." *The Spectator*. N.p., 29 Mar. 2017. Web. 02 May 2017.

the use of child labor, even if it occurs *outside the borders of their country*” (Grossman 6,16) (emphasis mine). So long as citizens seek to avoid a general decline in wealth, it is unlikely full devolution will be carried out. Insofar as economic ties remain, political ones will be necessary to achieve optimal output and address ethical concerns.

## *ii. Ideological Danger*

Not only is devolution unlikely to be wholeheartedly pursued, leaving trading nations without much needed political safeguards, but its pursuit is an ideological danger as well. Its implementation increases instability both by setting an anti-democratic precedent and by the very nature of the smaller nations it creates. This was understood by noted globalists like the Federalists, who supported the ratification of the Constitution and unification of thirteen states under one federal government, and Abraham Lincoln, who sought to revive political ties between the North and South.

Devolution sets a precedent that is antithetical to the formation of democratic political community. Describing his own effort fighting devolution, Abraham Lincoln said the Union soldiers who fell at Gettysburg “shall not have died in vain,” for their victory ensured “that government of the people, by the people, for the people, shall not perish from the earth.”<sup>10</sup> His conclusion, democracy perishing, far outweighs any actual immediate consequences of the South’s secession. Democratic governance would in theory reign in both nations, albeit separately. However, Lincoln is aware that once society’s commitments to its factional interests--in this case slavery--are allowed to outweigh its commitments to political unity, the very

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<sup>10</sup> "The Gettysburg Address." *The Gettysburg Address by Abraham Lincoln*. Ed. Roy P. Basler. Abraham Lincoln Online, n.d. Web. 02 May 2017.

possibility of democratic community, premised as it is upon a privileging of unity amongst difference, is doomed.

California provides an example of this principle at work: as some seek secession from the U.S., others seek secession *from each other*. The National Review's John Fund writes: "Let the sprawling, diverse state *divide up into two or more states* to ease tensions between farmers and coastal types, defuse the war of ideology between Left and Right, and allow more policy experimentation"<sup>11</sup>. Similarly, John Adams once remarked that a "simple government" must "of necessity split into two parties," no matter its initial homogeneity (Adams 292). However, if we dissolve government each time such a split occurs, democracy will forever find itself in a precarious position, liable to "perish from the earth."

Along with these effects on stability, devolution also creates instability by leaving smaller political bodies in its wake. James Madison writes in Federalist number ten: "Extend the [political] sphere and you take in a greater variety of parties and interests; you make it less probable that a majority of the whole will have a common motive to invade the rights of other citizens" (Hamilton et al. 78). In contrast, a smaller political body makes it more likely that a majority of individuals may be motivated by the same interest, allowing them to control the arms of state power without regard for others. A larger body tends to a greater diversity of interests, meaning a majority is likely to only be gained through coalition-building. This makes it less likely that all members of the majority have an interest in "invading the rights" of particular citizens. By protecting citizens' rights, a larger state makes it less likely that ideological dissension will lead to complete political revolt.

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<sup>11</sup>Fund, John. "California Shouldn't Secede from the U.S." *National Review*. NRO, 29 Jan. 2017. Web. 02 May 2017.

Similarly, Aristotle writes that “large states are less liable to faction than small ones, because in them the middle class is large; whereas in small states it is easy to divide all the citizens into two classes who are either rich or poor and to leave nothing in the middle”(Aristotle 108). Once again, a populace increased in size tends to stability. Within, interests are not concentrated on two sides who are each ready to deprive the other of their rights as soon as they gain power. Instead, a third interest arises which in order to gain power must build a coalition with one of the two sides. By doing so, the interests of each side is diluted, making it unlikely that power will be abused, insofar as the middle class has an interest in preserving the body politic. Thus increased size and the diversity of interests it engenders tend to stability by diluting the interests of radicals which, if they were to be carried out, would likely lead to the dissolution of the government due to the illegitimacy of its invasion of rights.

### ***iii. History***

#### ***a. Madison***

All of this was well understood by America’s first globalizers, the Federalists. These men--Hamilton, Madison, and Jay--sought to persuade the populace to ratify the Constitution, thereby forming a union of the thirteen states under a powerful federal government. They affirmed in their writings the primacy of forming *political community* over achieving *ideological coherence* within that community. This contrasts with contemporary devolution activists who seek ideological agreement, whether it be “progressiveness” in California or “Frenchness” under Marine Le Pen. The Federalists’ primary concerns were the *practical* benefits of forming an increased community, and they expressed this interest politically by emphasizing the importance

of community as a good in itself. They did not stake its desirability to its measure of ideological coherence, progressive or not.

In Federalist number sixty-two, Madison finds himself defending the equal representation give to all state within the Senate. Critics found this institutional design bewildering in light of their commitment to a “one man one vote” democracy in which “one person’s voting power ought to be roughly equivalent to another person’s”<sup>12</sup>. Under Senate rules, voters in small states have their influence amplified in the Senate, whereas voters in large states have theirs divided amongst larger constituencies, decreasing their power. Why shouldn’t this commitment apply to representation within the Senate? The Founders are charged with incoherence: formal they have representative equality between citizen out the window in favor of a substantive representative equality between unequal states. For his part, Madison explains that due to practical interests, finding agreement, and building community, was more important than that community expressing ideological coherence.

For Madison, a common government--replete with powers “equal to its objects”--is “called for by the voice, and still more loudly by the political situation, of America”(Hamilton et al. 375). The nation calls for a unified government not as a token gesture, but in pursuit of gains to be had through increased power. If the “object” of his statement is the thirteen states already engaging in trade across their borders, the political power “equal to” it is the ability to regulate this trade. The “voice” of the people clamor for political integration through their economic actions--pursuing commerce and relations across borders. A legal framework is necessary to

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<sup>12</sup> Anonymous. "One-person, One-vote Rule." *LII / Legal Information Institute*. Cornell University Law School, 19 Aug. 2010. Web. 02 May 2017.



preserve this interstate commerce when disputes necessarily arise between traders or those affected by traders' activities.

Achieving unanimous agreement between states on the ratification of the Constitution faced a hurdle by way of the "one man one vote" principle. Its complete application would require smaller states to consent to signing away their sovereignty to a body in which their interests would always find less representation than that of their fellows. Madison writes on the topic that "A government founded on principles more consonant to the wishes of the larger states [i.e. one man, one vote] is not likely to be obtained from the smaller States" (Hamilton et al. 375). The Constitution's drafters thus found themselves in a dilemma: remain ideologically coherent and lose the membership of the smaller states, or achieve the creation of community, compromising principles along the way. They chose the latter.

Madison describes the compromise over congressional representation as powered not by "theory" but "a spirit of amity," expressed in participants' "mutual deference and concession" (Hamilton et al. 375). In other words, community took precedence over coherence. While the institutional structure is sub-optimal as viewed from each parties' point of view--larger states want proportionally equal representation, smaller states want substantively equal representation--the fact that a common structure exists is better than none at all, or one only encompassing *some* states. The decision to compromise on principle is the decision to embrace the "lesser evil": "The only option...lies between the proposed government and a government [or lack thereof] still more objectionable" (Hamilton et al. 375). Tellingly, Madison deems this an act of "prudence," a word whose connotation of practicality reminds us that at the heart of the

founder's conviction is not a coherent ideological position, but a real-life hungering for the economic benefits of community.

b. Hamilton

For the anti-Federalists, the incoherent position taken by the Constitution's founders in order to achieve unanimous support "only proves, that we cannot form one general government on equal and just principles" and thus that "we ought not to lodge such extensive powers" within a central government at all (Farmer 10). If a community cannot express coherence in its principles of justice, they argue, then that community is unwarranted; community should only exist for the sake of expressing a principle of justice. Though this is not the position held by the Founders, the anti-Federalists can be excused for thinking it is; Hamilton himself provides evidence for their claim.

The Constitution's drafters, Hamilton writes, were to determine "whether societies of men are capable...of establishing good government from reflection," or whether they are slave to "accident and force," seemingly privileging theory and reflection over materiality and accident (Hamilton et al. 27). He seems to be expressly endorsing the value of coherence above all else, speaking as if coherence were the ultimate goal, and the founders the first humans to attempt to achieve it by adopting poses of reflection. Thus it would seem that insofar as the Constitution expresses incoherence he would consider it invalid as it goes against the fundamental ethos of its drafters. However, Hamilton goes on to show that the *reason* being employed by the Founders through "reflection" is not myopic, judging the rationality of each law by itself, but contextual,

viewing the document as a whole in light of numerous reasons favoring the adoption of any constitution at all.

He describes constitutional deliberators as having had “many particular interests” which created “prejudices little favorable to... truth”(Hamilton et al. 27,28). If that were the case, and coherence the ultimate goal, it would seem reasonable to exclude those biases which preclude the attainment of truth, only taking into account those that do not. At the very least, others could attempt to persuade those who are prejudiced of the errors of their ways. This position is taken by the anti-Federalists, who only seek to “induce” the “sensible and virtuous part of the community” to agree to their laws, suppressing resistance from the rest (Farmer 7). However, Hamilton denounces this strategy on two grounds: the innocence of those who are biased, and the inevitability of bias itself.

Of those who hold prejudiced positions in relation to the Constitution, Hamilton writes:

...much of the opposition which has made its appearance, or may hereafter make its appearance, will spring from the sources, *blameless at least if not respectable*--the honest errors of minds led astray by preconceived jealousies and fears. So numerous indeed and powerful are the causes which serve to give a false bias to the judgment, that we, *upon many occasions, see wise and good men on the wrong as well as on the right side of questions* of the first magnitude to society. (Hamilton et al. 28)(emphasis mine)

Here he is making two moves. First, he proclaims the innocence (“blameless...honest errors”) of those who hold biased positions, making their exclusion by the anti-Federalists rather suspect. Though we may attempt to show the biased their mistakes, it seems very anti-democratic to dismiss a portion of the population for an action of which they are blameless. Second, he problematizes the appearance of bias. If both “wise” and “good” men often fall prey themselves to bias, how are we--the spectators--to conclude who is biased and who is not. Its like attempting to bet on the results of a weightlifting competition and learning, during your inspection of the participants, that muscles do not help one to lift weights. Our usual heuristics of judgment--

wisdom means one is not prejudiced towards the truth, or muscularity means one can lift weights--are no longer operative. While the weightlifting bettor may get around this problem by betting randomly, Constitutional deliberators do ultimately need to decide whose plan to follow and whose to ignore. Without the strict command of: follow *these* men, *they* are wise and thus provide truth, deliberators are hard-pressed to discover the absolute truth on each and every constitutional decision.

Thus we find that bias is both inevitable, blameless, and liable to befall even the most honest of deliberators. In consequence, it is difficult to spot: its beholder is not marked by any deficit that others do not share. With this in mind, it is clear that the Founders' "reflection," which Hamilton refers to as guiding their deliberations, is directed towards the Constitution as a whole, not each of its individual parts. Were it not, agreement on any single law would be close to impossible; some would declare it truth, others falsity. Instead, deliberators' reflections reveal to them the rationality--in light of this ontological status of bias--of viewing the Constitution as a whole. More than a set of rules for defining justice, it is a measure towards building community. The benefits of community are simply too great, and the pursuit of truth too fraught, to think otherwise. The question is not: "do each of the Constitution's clauses express a uniform idea of justice?" but rather "is the incoherence expressed within the Constitution's idea of justice devastating enough for us to forego the immense benefits of forming a common sovereign?" For Hamilton and Madison, at least, reflection tells us "no."

#### *iv. Conclusion*

In this chapter, I argued against global movements towards devolution on three grounds. First, I explained that movements away from globalization have to contend with the fact that their political positions will almost certainly injure citizens' economic well-being. Because of this fact, I argue, devolution is unlikely to be carried out in practice, amounting to no more than a token gesture and a catchy slogan. As an example, I pointed to the U.K.'s decision to sign a trade agreement with the E.U. after its exit from the association. Attempting to retain their legitimacy, they restrict the terms of trade to a minimal set of rules, leaving them unprepared to deal politically with problems which arise such as externalities, disputes between traders, or citizen's ethical concerns. They are not any less entangled with other nations, just less prepared to deal with the issues entanglement brings.

Second, I argued that devolution creates instability in two ways. For one, it sets a precedent that individual interest in some good may override the common interest in remaining unified politically. Once out of the bag, this cat is hard to stop. Thus Abraham Lincoln viewed the South's secession as not *just* an act of betrayal and an end to the American Union, but a step towards the evaporation of democracy from the face of the earth. For another, devolution leaves smaller political communities in its wake. Smaller communities, for both Aristotle and the Federalists, are more liable to instability. For them, a nation is unable to retain stability when only two factions exist: each will continually gain power only to use it to invade the rights of the other, who previously did the same to them. Thus they urge the adoption of a larger state for, as John Adams noted in his defense of the Constitution, "The United States of America calculated their governments for a duration of more than ten years"(Adams 298).

Finally, I showed that the Federalists expressed a preference for globalization by affirming the primacy of forming community over achieving ideological coherence. This is important because many present calls for devolution base their claims on a pursuit of coherence, whether it be “progressiveness, “French-ness” or “America first-ness.” Faced with a choice between upholding the principle of “one man one vote” or sacrificing this principle to gain the consent of smaller states to be ruled, the Founders chose the latter. As they acknowledge, they were not going to let “theory” get in the way of the “voice” of the people which called for a dominant sovereign to regulate commerce between themselves. Unlike the Brits, who follow the economic interests of their citizens in signing a free-trade deal with the E.U., while indulging their political fantasies by foolishly relinquishing the power to coordinate in the regulation of this international trade, the Founders acknowledged the practical interests of their people and set about forming a reasonable political structure to further them.

## II. Pericles' Payments

In the previous chapter, I ended by showing the American Founders' commitment to community over coherence; for them, the end of political deliberation is finding agreement, not expressing a coherent ideal of justice. However, a devolutionist can short-circuit this argument by claiming that if participants' ideas of justice *wildly* diverge, any government they are capable of founding will be ineffective for carrying out the will of the people--the people's *will* will too confused.

For example, though the U.K. relinquished its ability to regulate international commerce by leaving the E.U., perhaps that is better than the limited regulation it was able to influence as a member of the E.U. In essence, the argument is that while forming community is economically beneficial, those benefits can be minimal if the individuals forming community are *too* ideologically diverse, creating stifled and ineffective governance.

However, as I will show, the Federalists encountered this claim as well, finding it unconvincing. Both sides of the debate--the Federalists' and their opposition--found support from the work of Baron de Montesquieu, an influential political theorist of the time. However, Montesquieu himself ultimately affirms that while ideological diversity *can* hinder the work of governance, this hindrance can be overcome through increased *communication*. Through vocalization, citizens' diverse interests become objective, and thus able to be viewed dispassionately alongside the vocalized interests of others. Communication makes each citizen more able to alter their own interests in response to others' by making clear to them their own subjectivity; it is hard to maintain a notion of oneself as a sole purveyor of truth when encountered with the *truth* as it is understood by other equally rational creatures. The solution to

ideological diversity within a community, then, is not to disband that community for fear of intransigent government, but to allow citizens a greater amount of political speech--thereby pushing the community towards a more unified ideology and resulting effective governance.

***i. Diversity Stifles Governance: Montesquieu's Size Requirement***

In a letter dated October eighteenth and addressed to the "Citizens of the State of New York," one writer employing the pen name Brutus cites French political theorist Baron de Montesquieu to criticize the proposed Union for its unwieldy size. In the opinion of the "wisest men who have ever thought," he writes, "a free republic cannot succeed over a country of such immense extent<sup>13</sup>"(Brutus 8). For Montesquieu, the "interest of the public<sup>14</sup>" becomes increasingly opaque as a nation grows in size. Accordingly, citizens feel their interests are at odds with those of their compatriots: if an interest is not shared, it is in competition. They begin to feel they can "raise...to grandeur on the ruins of [the] country," a thought disastrous to any form of government(Brutus 8). Furthermore, due to democracy's reliance upon citizens' ability to "all come together to deliberate," its authority must be restricted "to such bounds as that the people can conveniently assemble"(Brutus 9). Thus he concludes it is not "practicable" for a country so "large and numerous" as the United States to elect representatives which will "speak their sentiments" without their number thereby becoming "so numerous as to be incapable of transacting public business"(Brutus 10). "A free republic," therefore, simply "cannot long subsist" over a nation "of the great extent of these states"(Brutus 13).

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<sup>13</sup> "It is natural to a republic to have only a small territory, otherwise it cannot long subsist"(Montesquieu 124).

<sup>14</sup> "In a large republic, the public good is sacrificed to a thousand views; it is subordinate to exceptions, and depends on accidents. In a small one, the interest of the public is easier perceived, better understood, and more with the reach of every citizen; abuses are of less extent"(Montesquieu 124).



Responding to his detractors' circulation of the "observations of Montesquieu on the necessity of a contracted territory for a republican government," Alexander Hamilton, writing under the name Publius, finds two faults in their argumentation (Hamilton et al. 68). The first is perspectival: for Montesquieu, the smallness "natural" to republican government was "of dimensions far short[er than] the limits...of almost every one of the States" (Hamilton et al. 68). To follow his logic, then, we would be forced to reject not only the Constitution, but the pre-existing constitutions of each of the thirteen states-- surely not what Brutus had in mind. The second is contextual. In the same work, *The Spirit of the Laws*, Hamilton notes, Montesquieu states that in a *confederate republic*, where "several smaller *states* agree to become members of a larger *one*," the benefits of a democratic government *can* be reconciled with the executive powers of a monarchy (Hamilton et al. 69). This arrangement preserves the representation of a republican government<sup>15</sup>, while allowing the sovereign--through creation of a centralized executive---to act, when necessary, swiftly and as one<sup>16</sup>. He concludes that Brutus fails to accurately represent Montesquieu, instead providing his own "novel refinements to an erroneous theory" (Hamilton et al. 71). Consequently, Brutus fails to prove the alleged necessity of rejecting the proposed constitution (Hamilton et al. 71).

While Hamilton successfully shows that Montesquieu's size requirement is irrelevant to the question at issue, he fails to address a more pressing claim upon which his opposition is rooted. This is the claim that as a nation grows beyond its original bounds, it becomes more and more difficult to discern what is in its "public interest." A legislature composed of representatives

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<sup>15</sup> "The proposed Constitution, so far from implying an abolition of the State governments, makes them constituent parts of the national sovereignty, by allowing them a direct representative in the Senate" (Hamilton et al. 71).

<sup>16</sup> "[A confederate republic] is a kind of assemblage of societies that constitute a new one, capable of increasing, by means of new associations, till they arrive to such a degree of power as to be able to provide for the security of the united body" (Hamilton et al. 69).

whose “manners and habits differ as much as their climates and productions,” anti-Federalists argue, is run by such “heterogeneous and discordant principles” as to render it ineffectual (Brutus 10). Rather than pursuing common goals, legislators would be “constantly contending with each other” (Brutus 10). This claim finds familiar support: Montesquieu remarks that as the “character of the spirit and the passions of the heart [of men]” differ according to climate, so too should laws “be relative to the[se] differences” (Montesquieu 231). Though a centralized government *does* possess the advantages of monarchy in expanding its territory and providing for defense, it is still threatened with a loss of authority as it incorporates new lands and peoples whose ways of life differ from those expressed in the state’s pre-existing laws. Too much diversity in incorporation, and the citizenry loses that shared sense of goodness which allowed it to function effectively.

### ***ii. Aristotle’s Positive Feedback Loop of Democracy***

Montesquieu’s conviction that a state must express a coherent ideal of goodness to function is found in Aristotle. “A state exists,” he wrote in his *Politics* “for the sake of a good life, and not for the sake of life only” (Aristotle 73). For him, the state is not only a negative set of restrictions upon its peoples, but a positive force working towards bringing about the ideals embodied in their state. For example, Sparta makes its citizens war-like, Athens makes them political. Without an ideal to pursue, a state becomes a “mere society,” the same as that which “slaves and brute animals might form” (Aristotle 74,73). Man’s unique ability to reason, and thereby form notions of the ideal, means his society need not *only* work towards his survival--as any collective of animals would do--but also towards his ideal of justice.

With this consideration in mind--the necessity of ideological consensus among citizens for the state to express a coherent ideal and become more than a mere association--Aristotle argues that “such a community can only be established among those who live in the same place,” and attend “amusements which draw men together”(Aristotle 74-75). For him, intercourse and the feelings of mutual concern it instantiates between citizens is a necessary component of finding mutual interests and founding a political society. Unlike Montesquieu, however, he provides no express restriction on the society’s eventual size *after* this establishment. In fact, he assumes a well-run state will outgrow its humble, community-based beginnings and become something larger--as is to be expected from the man who believes the “end of a thing is the best”(Aristotle 13). The successful political society, once forged out of familial bonds, outgrows these fetters to become self-sufficing, relying upon no other contingent facts--such as citizens’ location--besides its own existence: “to be self-sufficing is the end and the best”(Aristotle 13). Democratic community becomes detached from its progenitor, mutual ideology, to become a self-sufficient creator of its own mutually-held ideology.

This enlarged state, however, which has “outgrown [its] original size” and had its “revenues...increased,” does not maintain its sense of community by accident: “out of...necessary causes,” it shifts its administrative form to a new “kind of democracy”(Aristotle101). Aristotle explains:

“...when cities have far outgrown their original size, and their revenues have increased, *all the citizens have a place in the government*, through the great preponderance of the multitude; and they all, *including the poor who receive pay*, and therefore have leisure to exercise their rights, share in the administration.”(Aristotle101)(emphasis mine)

The enriched state compensates for an increased diversity of peoples and interests by paying those peoples to speak for themselves, “exercising their rights” to share their interests in pursuit

of favorable administration. It puts some of the practical gains had from globalization towards easing the ideological dissension which globalization has brought along with them. This process I will term the *positive feedback loop of democracy*: as the state grows in size and wealth due to its pre-existing unified conception of goodness and resultant effective governance, it loses that sense of community upon which that particular idea of goodness was forged. At the same time, it uses this increased wealth, providing payments to the poor for civic duty, to form a larger more inclusive political community which, Aristotle implies, will coalesce around its own newfound sense of goodness.

Aristotle is referring specifically to Athens under the reign Pericles, during which time payment for civil service and attendance at the Assembly was instituted. According to one historian, “no single other reform furthered democracy as much as pay for service”<sup>17</sup>. Under this system, not only was every citizen *formally* able to attend the Assembly, but all--because they were receiving pay for doing so--had a *substantive* freedom to do so. Furthermore the Assembly, recognized no system of seniority: all citizens could speak, provided they were not subsequently shouted down by the multitude.

Aristotle himself endorses this move to a fully-enfranchised political society, describing it as the “*latest* in the history of states”(Aristotle 101)(emphasis mine). Given his commitment to *telos*--“the end of a thing is the best”--it is clear that for him the last, or *latest*, form of a thing must be its very best. Also, while discussing various forms of democracy, he states that “a council is the most democratic *when there is not the means* of paying all the citizens,” implying that payment for citizens, when the means exist, is the *most* democratic form of government

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<sup>17</sup>Bailly, Jacques A. "Athenian Democracy." *Athenian Democracy*. University of Vermont, n.d. Web. 02 May 2017.

(Aristotle 154)(emphasis mine). Finally, in his history of *The Constitutions of Athens*, Aristotle describes the effect of the discontinuation of these payments for the citizenry: oligarchy. He recounts that when Athenians became convinced Persia would be more likely to form an alliance if they were under oligarchic rule, they elected the council of “the four hundred,” whose first law was that “nobody was to receive pay for any office”(Aristotle 233). Effectively limiting the role of governing to men of excess wealth, this law established rule by the wealthy. Avoiding debate on the relative merits of democracy versus oligarchy, it is clear that *if* one is committed to democracy, payment for citizen’s public participation is the best way to ensure its continued existence.

To briefly recap, prior the ratification of the Constitution, a debate occurred between its supporters and detractors on the possibility of the proposed democratic governance being effective over such a large and diverse territory. Those opposed to integration, Brutus and the anti-Federalists, cited Montesquieu, whose ideas on the topic derived from an Aristotelian principle: for the state to exist legitimately, it requires a shared conception of the good among its inhabitants. This allows it to express this ideal legislatively in a coherent set of laws promoting the good life as it is thus defined. Given the diversity of both modes of life and of opinion to be found within the thirteen states, they argue, reconciliation under one Union is unwise: diverse opinions create a conflicted, and therefore stifled legislature, detracting from any benefits globalization may bring.

However, we have found that Aristotle not only provided for, but encouraged, a democratic state’s expansion over new and diverse territories. Putting some of the funds accruing to it as a result of expansion towards paying citizens to participate civically, the expanded state

enlarges its pool of representatives, vocalizing their diverse interests. In doing so, it ensures that an increased diversity of opinions will not necessarily lead to legislative gridlock; providing financially for their representation, the state brings newly encompassed interests into consideration, eventually coalescing into a new, shared conception of the good.

### *iii. Communication Breeds Coherence*

It is appropriate to ask exactly *how* a larger, more diverse body of representatives is supposed to coalesce around a unified idea of good. After all, Brutus did consider the possibility of increased representation, finding it “too numerous to act with any care”(Brutus 10). The difficulty for Brutus is not the sheer size of the representative body, but the diversity of opinions held therein. Were the latter to decrease, the former would cease to be an impediment. This can be seen from the fact that, should groups of representatives agree upon certain principles amongst themselves, they could act as a representative microcosm wherein fewer representatives speak for the interests of the many, who then agree to support them.

The problem is one of reason-responsive change: if deliberators are unable to modify their desires in response to those expressed by others, they will remain a “heterogeneous” and “discordant” bunch. Conversely, if they are willing to modify their desires, a common solution can be found: like a negotiation, the actors begin on opposite sides and gradually come together. This would effectively create a smaller, more manageable representative body because there would be fewer diverse interests to be represented. For Montesquieu, the answer is communication: “the more communicative [a] peoples are,” he writes, “the more easily they change their manners”(Montesquieu 311). Through witnessing one another, individuals are more

able to recognize the particularity of their own desires: “because each man is...a spectacle for another...one sees the singularities of individuals better. The climate that makes a nation like to communicate also makes it like to change”(Montesquieu 311). By communicating, individuals are forced to confront the fact that their own good is not yet an objective good capable of founding a state. Thus it requires modification--in response to others’ good-- for it to become so.

If Montesquieu is correct, Aristotle’s extension of the deliberative body is *itself* enough to provide for the conception of a new, more inclusive good in response to a new, more inclusive state. The means by which representation is increased--payments providing citizens the leisure to attend debate--simultaneously engenders increased communication by placing citizens within a common space--the Assembly--and within earshot of one another. Attendance at political discussion thus replaces what was for Aristotle once the function of “amusements”: establishing community<sup>18</sup>. With this in mind, we can expand our model of the *positive feedback loop of democracy*. As the state grows in size, and correspondingly wealth, it puts some of that wealth towards providing citizens the leisure to partake in political deliberation. As the number of deliberators grows, the various conceptions of the good held by members of the state become, through their verbal presentation, increasingly evident to the deliberative body, making them available for incorporation into the common good. All that is required from citizens themselves is a commitment to avoiding the community’s splintering, adopting a position of flexibility towards their own interests in response to others’. This should be forthcoming irrespective of a commitment to democratic community, because--as both Aristotle and Nayan Chanda mention--globalization is always in the citizenries’ economic best interest.

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<sup>18</sup> (Aristotle 74-75)

#### iv. *Benefits of Increased Enfranchisement*

Aristotle viewed Pericles' increased enfranchisement positively for other reasons as well. This can be gleaned from his *Politics*. He writes, for example, that "true forms of government" are those which govern according "to the common interest," opposing this to the private interest, "whether of the one, of the few, or the many"(Aristotle 71). A government, to be legitimate, must prior to acting discern those interests which are common to its citizens. Contemporary political theorists Josh Cohen and Archon Fung share this conviction, writing that in "a deliberative democracy...laws and policies result from processes in which citizens defend solutions to *common problems* on the basis of what are generally acknowledged as relevant reasons"(Cohen and Fung 4)(emphasis mine). This is contrasted with *popular* problems that affect the majority, but not the whole. While commonality seems to be an impossibly high bar to set for an issue to become available for political discussion, we should keep in mind that an interest need not be *directly* had by all citizens, but that citizens need only have an interest in *someone* whom that interest does affect. In contemporary culture, this amounts to just about everyone for, as Philip Kitcher notes, "given the technological possibilities for violent retaliation now increasingly available to the poor and oppressed," it becomes in the interest of all to to satisfy the rights of marginalized groups(Buchanan and Powell 17). Placing citizens within a common space, a la a Periclean assembly, does the exact same thing: when all citizens have the ability to invade one another's personal space with speech or action, it becomes difficult, if not impossible, to ignore their concerns. Attempting to assuage these concerns through negotiation thus becomes the optimal route of action because ignorance is no longer an option.



Clearly, this awareness of what is a common interest cannot be performed *a priori*, but requires knowledge of all citizens' actual desires; hence the distinction between the *many* and the *common*--government cannot appeal to a utilitarian logic. By aiding the citizenry in the expression of their desires, increasing their political speech, Aristotle makes this task of discerning what is common easier. Further, finding a commonality of interests can have practical, strategic benefits for society as a whole. Discussing the arts, Aristotle claims that "the many are better judges [of merit] than a single man." While "some understand one part, and some another," through combination they are able to "understand the whole". Whether this principle applies to democracy, he admits, "is not clear," but contingent upon the make-up of the deliberative body assembled. Contemporary democrats Cohen and Fung agree, noting that "some radical democrats argue that a more participatory and deliberative democracy would be better at solving practical problems," concluding that "nothing [they] say is intended to dispute this proposition about practical advantages" (Cohen and Fung 2). Regardless, to the "mass of freemen" *must* be accorded "some deliberative and judicial functions" in order to avoid dissension: "a state in which many poor men are excluded from office will necessarily be full of enemies"(Aristotle 76-77). Thus universal enfranchisement provides two practical benefits, one certain and one probable. By including the masses in deliberation, it helps gain their acquiescence to any subsequent exercise of power, diminishing dissension. Simultaneously, by increasing the quantity of political speech, it offers the possibility of better political solutions, just as "a feast to which many contribute is better than a dinner provided out of a single purse"(Aristotle 76).

### *v. Conclusion*

The anti-Federalists, fretting over Montesquieu's concern that a proposed Union would be too vast for a democratic constitution, fail to pay heed to this idea's progenitor--Aristotle. Had they done so, they would have discovered two responses to their worry. First, although a democratic government initially arises from communal bonds and mutual feeling, it is natural--and indeed beneficial--that it outgrow these bonds to encompass a greater amount of land and people. This is in line with Aristotle's belief in *telos*: through the expansion of successful states and the contraction of failed ones, the map is redrawn. Second, the dissension that threatens a democracy during its attempt to expand can be remedied through administrative reform: providing citizens with the leisure necessary to perform political speech attacks both the social and political causes of unrest. Socially, it eases tension by preventing the poor from becoming "enemies" of the state through their inclusion in the state apparatus. Politically, it makes it easier to discern the *common* good, allowing a state, in Aristotelian terms, to be formed.

Returning to our initial discussion on devolution, its proponents have been defeated once again. Whereas I previously showed that devolution is undesirable, here I showed that devolutionists' primary concern--that their current governing structure is too ideologically diverse to represent their interests effectively--can be remedied by increasing political speech. Further, this method is endorsed by Aristotle, whose idea of the state aligns with devolutionists' in that it begins with ideological coherence. Unlike devolutionists, however, Aristotle recognizes the benefits of territorial expansion; instead of political deconstruction, he encourages states follow the lead of Pericles and institute payment for civil service. By doing so, Pericles was able to maintain unity during periods of increased diversity, capitalizing on globalization's economic

benefits to do so. Thus, given the clear undesirability of devolution, the question becomes: how can Pericles' Assembly--and the ideological coherence it brings about-- possibly be realized in modern-day America?

### III. Social Media and the Athenian Assembly

Thus far I have shown that *devolution* is undesirable for its practical as well as its ideological consequences. While its proponents value coherence of ideology over the formation of community, this position has been expressly denounced by thinkers in a tradition from Aristotle to the Founders of the American republic. Furthermore, I showed that the increased ideological diversity which results from globalization, and which threatens to render democratic governance ineffective--a worry underlying devolutionist's concerns--can be remedied through a *positive feedback loop of democracy*. Under this method, some of the financial gains from globalization are put towards paying citizens to perform civil service. This increases the overall amount of political speech, and makes objective the interests of each constituent in society. This in turn places citizens in a more flexible mindset; aware of their own subjectivity, they do not see themselves as rigidly representing absolute truth.

However, if we are to take Aristotle's *positive feedback loop* seriously as a means toward remedying broad political disagreement, we must find a way to make operative Pericles' Athenian Assembly for the modern age. Not every aspect must be identical--members need not wear togas and sandals--but there are certain aspects which are vital to its functioning as a means toward solving disputes.

Specifically, if the *end* of the positive feedback loop is to include the voices of marginalized groups in a communal brokering of interests, then the modern assembly must meet two requirements naturally following from this end. First, it must be open to all to both attend and speak; we are seeking *common*, not popular, ground. Second, individuals must be able to

trade responses with their peers in order to learn in which direction to pivot ideologically to achieve greater commonality. In the Periclean Assembly for example, while all were allowed to speak, the duration of this speech depended upon its reception by ones peers; if the speech was unpopular, the speaker would be jeered until they stopped. In combination, these criteria allow for two-way communication to occur between all members of society. This paves the way for realization of one's own subjectivity and subsequent concession of personal interest to the interests of others, slowly bringing about ideological coherence.

As I will show, *social media* can provide the platform for this type of discussion. It is formally free to all, and attendance could be made possible--just like in the Assembly--by a governmental provision of income allowing individuals the necessary leisure to partake. Furthermore, social media allows the kind of back-and-forth between one's peers and oneself in the form of *shares, likes, reposts, retweets*, etc. All of these are ways of indicating one's support or disapproval of a statement made by another, much like the cheers or boos heard within the Assembly. Thus the contemporary analog to Pericles' payment for civil service is *payment for social media usage*.

In this chapter I will provide support for the claims made above regarding social media's ability to function as an Assembly. Then I will provide a specific example of social media engendering an ethical change within society which resulted in political action. In doing so I hope to show not only that social media is comparable to the Assembly, but that social media--regardless of this comparison--has proven itself capable already of bringing about greater ideological agreement and subsequent political change within the United States.

## ***i. Social Media as Athenian Assembly***

### **a. Usage**

During oral arguments on the constitutionality of a North Carolina statute banning sex offenders from using social media, Justice Anthony Kennedy said that social media sites have a “utility” and “coverage” which is “greater than the communication you could ever have had, even in the paradigm of the public square”<sup>19</sup>. Meanwhile Justice Kagan noted their political import, stating that because every member of Congress has a Twitter, the platform is a “crucially important channel of political communication.” Thus it seems even the nation’s highest court shares my conviction that social media is the best analog to the Athenian Assembly as a place to meet for political dialogue. However, let’s look more closely into the specifics of its workings.

Social media use is widespread, and is only likely to become more so. From 2005 to 2015, usage increased across all American adults from 7% to 65%<sup>20</sup>. A majority of Americans--62%--reported in 2016 to be getting their news from social media, an increase from 49% in 2012<sup>21</sup>. One poll--albeit of only 1,000 workers--found that 67% regularly checking social media even while at work<sup>22</sup>. Further, what happens on social media--much like the Assembly--doesn’t stay on social media, one Pew poll finds that:

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<sup>19</sup> "Packingham v. North Carolina." *The Supreme Court* 1194th ser. No..15 (2017): n. pag. Alderson Reporting Company, 27 Feb. 2017. Web.

<sup>20</sup> Perrin, Andrew. "Social Media Usage: 2005-2015." *Pew Research Center: Internet, Science & Tech*. Pew Research Center, 08 Oct. 2015. Web. 02 May 2017.

<sup>21</sup> Gottfried, Jeffrey, and Elisa Shearer. "News Use Across Social Media Platforms 2016." *Pew Research Center's Journalism Project*. Pew Research Center, 26 May 2016. Web. 02 May 2017.

<sup>22</sup> Nanji, Ayaz. "How Much Time Do Employees Spend on Social Media at Work?" *MarketingProfs*. MarketingProfs LLC., 29 Sept. 2016. Web. 02 May 2017.

Some 14% of workers have found information on social media that has *improved* their professional opinion of a colleague; at the same time, a similar share (16%) have found information on social media that has *lowered* their professional opinion of a colleague<sup>23</sup>.

Thus, social media is widely used (even when not permitted, e.g. at work) for both consumption (getting news) and production (providing information). Furthermore, its effects do not remain within the bounds of social media, but overflow into personal life.

However, also like the Assembly prior to Pericles, social media usage remains skewed towards the privileged even amongst internet users. Pew finds:

Over the past decade, it has consistently been the case that those in higher-income households were more likely to use social media...Turning to educational attainment, a similar pattern is observed. Those with at least some college experience have been consistently more likely than those with a high school degree or less to use social media over the past decade.<sup>24</sup>

Even while social media usage increases for all, lower-income and less-educated individuals remain left out of the conversation. Coincidentally, less-educated individuals split heavily towards the devolution-favoring Donald Trump. Perhaps this indicates that their absence from social media did in fact lead to communal ignorance of their interests, leading them to seek separation from the sovereign structure. Regardless, the solution is the same as it was for Pericles: provide leisure through payment. While in Athens they had to ensure each individual arrived at the Assembly, only receiving their payment upon doing, we can assume--if the last decades' growth is any indication--that individuals will drive themselves to social media when given the leisure to do so. Once there, however, how do they behave?

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<sup>23</sup> Olmstead, Kenneth, Cliff Lampe, and Nicole B. Ellison. "Social Media and the Workplace." *Pew Research Center: Internet, Science & Tech*. Pew Research Center, 22 June 2016. Web. 02 May 2017.

<sup>24</sup> Perrin, Andrew. "Social Media Usage: 2005-2015." *Pew Research Center: Internet, Science & Tech*. Pew Research Center, 08 Oct. 2015. Web. 02 May 2017.

## b. Possibilities for Dialogue

In a study of self-creation on the internet, Toshi Takahashi reproduces the following quote:

“Today, without a feel of the social environment (*kuuki*) or how others may think, it is difficult to be sure if one is going the right direction....So, one is always trying to connect with others on social media such as Facebook and Mixi, and one is always bothered about the number of followers one has on Twitter. “Does anyone *recognize* me? And do others see me as a valuable person, one who has friends around?” Thus he or she cannot help but care about *recognition* from others” (Takahashi 50).”(emphasis mine)

He goes on explain the mechanism by which this “recognition” occurs:

While the number of comments or “likes” young people receive shows recognition from others, some people view the comments or “likes” that they make on other’s social media content as a form of self-expression and proof of self-existence. (Takahashi 48)

He concludes that individuals growing up in the digital age undergo a mutual, global process of recognition and “self-actualization” through the “reinforce[ment] of intimacy” with others via digital platforms (Takahashi 49).

While we need not share Takahashi’s optimism regarding social media’s effects on promoting self-actualization, his account points us towards what makes the platform ideal as a space for deliberation. First, it prompts individuals to express themselves in an attempt to gain *recognition*. He quotes one young student who admits: “I guess I use [social media] as a way of reminding people that I exist”(Takahashi 47). Like attendees at the Assembly, this student refuses to be ignored, posting until he is heard: “I do want to stand out in a way... not by what I post but by who I post it to and how often”(Takahashi 47). Further, social media provides not just for immediate self-expression, but an active back-and-forth. Sharing one’s opinion of another’s self-expression is seen as just as valuable a form of self-expression as sharing one’s own. Our student for example, searching for recognition, admits he makes “maybe five or ten comments a day. Well not even comments, you can also just press *like*”(Takahashi 47).



These prevalence on social media of these processes--self-expression through speech and self-expression as opinion upon another's speech--render it effective for replicating the kind of dialogue found in the Assembly. While all can speak, some may be silenced, others promoted, by the reaction of the crowd. In turn, those seeking recognition may alter their speech to accord better with the wishes of the populace. However, it is unlikely that in doing so they will lie or promote beliefs they do not hold because, as our interviewee notes, they seek recognition *as whom they believe themselves to be*: "this," he says of his social media profile "is the image I want to give people" (Takahashi 47). It is unlikely blatant dishonesty would be a part of anyone's ideal self-image.

c. Cohesion

We still need to answer how this global interaction of back-and-forth speech and opinion is supposed to bring about the type of ethical change demanded by the need for ideological coherence. Following Montesquieu, it is once again a question of an individual's gaining awareness, paying "witness" to another. By recognizing the other, along with the political and economic ties that bind one to the other, one is forced to confront the interests of the other, providing the grounds for a process of mutual concession. So we ask: does social media allow one to confront "the other"?

In the same paper, Takahashi describes social media's ability to introduce one to cultural novelties:

With social media, young people seek and receive information, images, and cultural values *which may be different from those prevalent in their country or region*. The Internet and digital media give them alternative social and cultural values that make it possible for them to *create a new identity in the global world*. (Takahashi 49,50)  
(emphasis mine)

Through its total inclusiveness, social media allows individuals to “witness” cultures with values much different than their own. Kathleen Yancey describes this process of witnessing as “mak[ing] the familiar strange,” a process able to dismantle “entrenched and unproductive pedagogical thinking”(Yancey 8). Her formulation is similar to Montesquieu’s: “because each man is...a spectacle for another...one sees the singularities of individuals better”(Montesquieu 311). Both understand the presence of the “other” as a force leading the individual to confront their own singularity. Furthermore, both see recognition of one’s own singularity as a necessary precursor to modifying one’s entrenched values. Because social media provides this objectification of heretofore unheard interests, presenting them directly to one’s fellow digital citizens, it too makes “the familiar strange.” It forces one to confront the “other,” allowing the forging of a “new identity” in response.

Furthermore, evidence suggests that social media may actually be *more* effective at revealing the “other” than the Assembly ever could have been: one’s search for the “other” on social media may have a neurological basis both encouraging and promoting a depth of understanding of the “other”. Thomas Parsons writes in his book *Cyberpsychology and the Brain* that:

Internet searches reflect the ‘seeking’ circuitry described by the affective neuroscientist Jaak Panksepp. ***Our brains have evolved to seek out our environments for information*** that will help us survive....Dopamine is released each time one explores his or her environment. Interestingly, the dopaminergic-induced sense of euphoria we experience is typically not just a product of a reward, but of seeking itself. For example, a person could decide to do a quick Google search to find out what the Japanese word “otaku” means only to find an hour later that one’s quick search has lead to an hour of Googling(Parsons 84).

Science aside, the experience of obsessive googling is something we can all probably identify with. Importantly, Parsons evokes the idea of a discovered “environment” surrounding the initial search. What follows from that search is not randomness, but a discovery of context; there is

always a causal chain at work. While this claim is trivial in that it only implies the existence of a search history, we can infer further meaning into it with one reasonable assumption. Specifically, web pages one click away from each other--those likely to bring about a prolonged searching binge-- are likely have *some* bearing on each other. If so, as one continuously clicks these links, the information which piles up in the form of web pages provides *context* for one's initial click.

As such, Parson's example continues:

While it only took us a minute to find out that "otaku" is a Japanese term for persons with obsessive interests--regularly anime and manga fandom--*it leads to an hour of dopamine-charged searching for information about its contemporary usage, its origination* with Akio Nakamori's essay in Manga Burriko, then to Haruki Murakami's Norwegian Wood, next to the Beatles, then to Thomas Mann's Magic Mountain, and so on (Parsons 84).

Setting out in pursuit of a simple definition, our protagonist returns with an informal history in hand. Notice the import of the information discovered, providing both modern context (its "contemporary usage") and historical significance ("origination") as well as a group of cultural works in which the object of our search can be found.

Thus users do actively seek out the "other" on social media. As Takahashi explains, and many of us know, information on the web comes from all corners of the earth. Just by *not* purposefully avoiding it, one is certain to come into contact with foreign cultures while surfing the net. Further, this knowledge gained of the "other" through social media is not superficial--or it need not be--deepening our understanding of their interests and desires. Panksepp contends that the very act of searching itself sets in motion further searches as the brain seeks a release of dopamine. Because web pages which are linked--allowing the viewer to surf easily from one to the other--are likely to be relevant to one another, surfing by its very nature provides context to our initial search.

## *ii. Social Media in Action*

Having shown theoretical promise, I will now explore social media's concrete ability to bring about modifications to the common *good*. To do so, I employ the framework for ethical change outlined by Philip Kitcher in his book *The Ethical Project*. Specifically, I utilize his concepts concerning proper ethical deliberation to analyze a case study of political change wrought by social media: the retirement of Confederate flags outside the South Carolina statehouse. I will conclude that social media is an improvement in ethical deliberation due to its ability to *present facts* and *mirror opinions*: it confronts the entire community with shared facts, as well as other's opinions, and others' opinions on those opinions.

Kitcher's method is appropriate because of its reliance upon ethical *progress* as opposed to *truth*<sup>25</sup>. As I previously noted, it is the notion of a singular, fixed truth which leads devolutionists to favor political isolation over integration. This avoidance of mutual concession is a position I hope to avoid. Kitcher's own position stems from his understanding of ethics as a social mechanism meant to provide practical benefits to the community at large: the "original function of ethics" he writes, "is to remedy those altruism failures provoking social conflict"(Kitcher 223). His understanding parallels that of Aristotle who sees notions of the good as underlying a legitimate state. Under both practices, a continuously modified notion of goodness undergirds a thereby functioning, rather than conflict-ridden, community.

Kitcher defines progressive ethical change as a move to a code which "contains precepts enjoining altruism of wider scope or greater range than the code it replaces"(Kitcher 215). By

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<sup>25</sup> In order to distinguish between the relative value of different ethical systems, he writes, "we do not need any concept of ethical truth. It is enough to recognize which kinds of changes would be progressive or regressive"(Kitcher 210).

*altruism* Kitcher means taking into account, and responding positively to, the interests of others. Presumably this is the kind of change that is needed for the *positive feedback loop of democracy* to work; it must allow wider swaths of individuals to feel included within the community by way of recognizing and responding to their ethical concerns. Thus, Kitcher's use of *wider* as opposed to *better* (he explicitly rejects concerns for Darwinian fitness<sup>26</sup>) provides the perfect blueprint for a method of ethical deliberation which does not rely entirely upon pre-conceived notions of goodness, for doing so would foreclose the possibility of enlarging democratic community. It is instead highly malleable and responsive to the voices of participants, voices which are promoted through the *positive feedback loop*.

Under this system, validity of any ethical change must be measured against the validity of the process leading to that change. An ideal ethical deliberation, Kitcher argues, takes place under conditions of "mutual engagement," which requires certain stances among its participants (Kitcher 343). Among these conditions, two are particularly important:

1. (KE) In their deliberations, the participants do not rely on any false beliefs about the natural world.
2. (KW) Each participant has complete knowledge of the wishes of others, and of the ways in which these wishes are modified through the course of their interactions with one another.

(Kitcher 345)

While the first ensures that deliberators are discussing the same object, the latter ensures that their ideas are pliable--as per Montesquieu--in response to communication with others.

Combined, they provide necessary and sufficient requirements for ethical exchanges to occur within a deliberative space.

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<sup>26</sup> "Progressive transitions are not to be identified with those promoting Darwinian or cultural success" (Kitcher 213).

a. The Dylann Roof Case

To discuss the interactions that make up a social network, I will borrow the term “social organism” from Oliver Lockett (Lockett and Casey). This “organism” is not restricted to traditional heavyweights--Twitter, Facebook, Instagram--but covers any arena where messages are exchanged, including chatrooms, message boards, and text boxes that appear alongside other media. He calls this an *organism* to emphasize its similarity to other forms of life: through evolutionary fitness, its appearance is constantly in flux. Further, through the social network, he contends, the evolutionary fitness of ideas is rapidly put to the test, constantly reforming our ideological landscape. This landscape is then reflected back and objectified in that social network. In a powerful example, Lockett highlights the aftermath of Dylan Roof’s attack on a Bible study group in Charleston, South Carolina.

Despite “growing recognition...that the symbol is offensive to many Americans,”<sup>27</sup> the Confederate flag has for decades flown outside seven southern state capitols.<sup>28</sup> In 2010 it was estimated one-third of the African-American community lived under a confederate state flag.<sup>29</sup> Contestation of the issue has not been lacking--a Google search for “fights over confederate flag” will bring up such titles as “Fight over Confederate flag ends in criminal charges”, “Fla. man struck by wife in fight over confederate flag”, “Brawl Breaks Out in Front of SC Statehouse Over Confederate Flag”, and a BBC article entitled “Why do people still fly the Confederate

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<sup>27</sup> "Confederate Flag." *Anti-Defamation League*. N.p., n.d. Web. 02 May 2017.

<sup>28</sup>Queally, James. "The Confederate Flag: Where It Flies, Where It's Coming down and Why It's Still Used." *Los Angeles Times*. Los Angeles Times, 25 June 2015. Web. 02 May 2017.

<sup>29</sup>Ingraham, Christopher. "The Seven US States Still Living under Confederacy Flags." *The Independent*. Independent Digital News and Media, 22 June 2015. Web. 02 May 2017.

flag” penned two years prior to the massacre--yet political action had only maintained the status quo, as it is sometimes wont to do.

After news broke of Roof’s crime, along with the discovery of pictures of Roof holding a Confederate Flag, the absence of attention which had allowed political movement to stall was no longer available. We can only speculate as to why Roof’s crime went viral but, following Lockett’s biological metaphor, it was most likely because the story itself perfectly fit well-developed news “receptors.” That is, it contained two storylines--racism and mass shootings--which have become “familiar enough to be comprehensible...within cultural comfort zones”(Lockett and Casey 99). In the era of Sandy Hook and Black Lives Matter, a misguided white youth firing rounds into a crowd of unsuspecting African-Americans serves only to continue, not alter, the narrative. Such *conformity*, found in stories or ideas which allow their consumer to remain within pre-existing social mores, is one feature Lockett identifies as favoring chances of replication, increasing its evolutionary fitness(Lockett and Casey 99).

Another boon to a stories’ reproducibility, as Takahashi predicted, is its novelty (Lockett and Casey 99). To become a successful meme [a heuristic containing information spread throughout the web], a story must not only have “coherence with a host’s preexisting cognitive framework,” achieved through conformity, but must offer something unique to catch viewer’s attention(Lockett and Casey 99). By combining two previously distinct issues, namely the availability of firearms and the prevalence of racism, this story did just that, taking proven ingredients and putting them together in a distinct way. In doing so, it was able to provide moral indignation to one’s own living room.

What is the upside to all this? What is the import of a murderous teenage racist becoming notable enough to warrant a CNN article asking “Who is Dylann Roof?”<sup>30</sup> As I noted, his crime took place within an environment--South Carolina--which served as the grounds of an ongoing dispute regarding the statehouses’ bearing of the confederate flag. Less than one month after the shooting however, that flag came down, ending a fifty-four year run outside the capitol. Despite prompting a thirteen-hour debate in the House, final vote tallies were overwhelming: 37-3 in the Senate and 103-10 in the House for its removal<sup>31,32</sup>. Ideological coherence was beginning to form. State Senator Vincent Sheheen explains the relation between the murder and the legislature’s change of heart:

"When we vote for this bill to remove the flag it won't be because of what happened a couple of weeks ago. But what happened a couple of weeks ago opened the eyes of many people in this chamber and many people in this state."<sup>33</sup>

Many other politicians involved echo that they had their *eyes opened*. Thus they claim the connection between the Confederate flag and racism is a new phenomena. To wit Sen. Joel Lourie explains the flag removal as a response its being “used...as a a symbol of hatred and bigotry” by the “alleged killer of the Charleston nine,” speaking as if it hadn’t been used as such before<sup>34</sup>. Similarly, speaking to the *WSJ*, a Baptist priest Bill Feus expresses ambivalence towards the removal, admitting he “understand[s]...the Confederate flag has been hijacked by

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<sup>30</sup> Payne, Ed. "Charleston Church Shooting: Who Is Dylann Roof?" *CNN*. Cable News Network, 16 Dec. 2016. Web. 02 May 2017.

<sup>31</sup> Wire Service, CNN. "South Carolina House Voted 103-10 to Remove Confederate Flag from Capitol Grounds; Senate Vote next." *FOX6Now.com*. Cable News Network, 23 June 2015. Web. 02 May 2017

<sup>32</sup> Chappell, Bill. "S.C. Senate Takes A Strong Step Toward Removing Confederate Flag." *NPR*. NPR, 06 July 2015. Web. 02 May 2017.

<sup>33</sup> Chappell, Bill. "S.C. Senate Takes A Strong Step Toward Removing Confederate Flag." *NPR*. NPR, 06 July 2015. Web. 02 May 2017.

<sup>34</sup> Herron, Antwan. "South Carolina's Final Senate Vote Moves To Remove Confederate Flag." *Wear Your Voice*. Wear Your Voice, 06 Mar. 2016. Web. 02 May 2017.



hate groups...but it also represents the flag my kin fought and died under”<sup>35</sup>. Once again, the decision to remove the flag is a response to a new fact, that the flag has been hijacked, and not a change of heart on the part of the legislature. Had they been alerted to this fact earlier, it is implied, they would have removed it then. Thus they claim ignorance of a long-standing issue, making their political action appear an urgent response to an emerging problem.

However, as Naomi Shavin of the *New Republic* notes, “This is an impossible case to make”<sup>36</sup>. Not only is the flag one of only three used by the Ku Klux Klan, but its recurrent popular emergence seems to coincide with “challenges...[to the] white supremacist way of life.” For example, the flag was first raised over Southern statehouses in the 50’s and 60’s, during desegregation and the Civil Rights movement. The possibility that the flag then continued to fly for decades due solely to support from white supremacist groups is not so remote when considering that according to Euan Hague, a Confederate commemoration scholar at DePaul, neo-Confederates “are far from a ‘fringe group’ and in fact have significant support among Whites in the South”<sup>37</sup>. If this is the case, it lends support to the sentiment expressed by social worker Yvonne Pygatt to the *Washington Post*: “This is a proud moment,” she says, “but this...should have happened a long time ago.”<sup>38</sup> For her, this indeed was a change of heart and

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<sup>35</sup> Bauerlein, Valerie. "Confederate Flag Removed From South Carolina Statehouse." *The Wall Street Journal*. Dow Jones & Company, 10 July 2015. Web. 02 May 2017.

<sup>36</sup> Shavin, Naomi. "The Confederate Flag Is a Racist Symbol. Just Ask the KKK." *New Republic*. N.p., 01 July 2015. Web. 02 May 2017.

<sup>37</sup>Gallagher, Charles A., and Cameron D. Lippard. *Race and Racism in the United States. an Encyclopedia of the American Mosaic: N-T*. N.p.: n.p., 2014. Print.

<sup>38</sup> Gallagher, Charles A., and Cameron D. Lippard. *Race and Racism in the United States. an Encyclopedia of the American Mosaic: N-T*. N.p.: n.p., 2014. Print.

not of facts. The legislature, willfully ignoring the problem for decades, only relented under the condemning glare of the nation as objectified in social media.

b. Return to Kitcher

How can we make sense of this change from a Kitcherian point of view? Presumably, the change is progressive: it responds to the ongoing ethical concerns of minorities living under a confederate flag, while not overstepping the ethical concerns of those who previously supported the flag: as they contend, the awareness that the flag was connected to a hate group forced them to change their position to one in support of its removal. Thus, the circle of altruism expands, without contraction. But how did social media do this?

First, it ensured (KE): that the object of deliberation was the same for both parties. Previously, the Confederate flag was understood by one group as a sign of hatred, and another as a sign of heritage. While the latter may be accused of willful ignorance, there is no evidence to support the claim. With the viral spread of the images of Roof alongside a Confederate flag, however, willful ignorance *can* be alleged if they continue to hold onto their conception of the flag as a purely historical object. Senator Lourie, in being confronted with this possibility, acknowledges the status of the flag as a hate symbol, though is sure to add that it is only the images of Roof that alerted him to this fact. Otherwise, he implies, he assuredly would have advocated its retirement earlier. Thus, the images connecting racism-fueled Roof to the Confederate flag made sure that those who deny a connection between the two can be accused of

“rely[ing]” upon “false beliefs about the natural world”--a status no sane politician or citizen would hope to portray--alternative facts notwithstanding<sup>39</sup>.

Secondly, social media promoted (KW): knowledge of the wishes of others, and how those wishes are modified through their interaction with others' wishes. This is achieved through what Kitcher calls “extended mirroring,” akin to the back-and-forth action of the Assembly which I noted earlier. A, for example, becomes aware not only of B's desires, but of C's assessment of B's desires, and D's assessment of C's assessment of B's desires and so on and so forth (Kitcher 347). When a piece of speech is widely supported or condemned, it goes “viral,” as the Dylan Roof story did. Through “sharing,” “liking,” or “retweeting,” one consumes information and expresses one's response to that information. And it doesn't end there: Facebook allows one to “like” a “like,” and Twitter to “retweet” a “retweet,” allowing a third level of assessment. The build-up of all of these diverse opinions responding to each other creates what Kitcher terms an “analog of the ‘ideal spectator’”(Kitcher 347). Through its sheer volume, this network-wide spectator is able to correct for the biases and distortions of individuals. It is analogous to Aristotle's description of the judgment of the multitude: through combination, citizens are able to “understand the whole” (Aristotle 76).

### c. Fake News

One damning charge against social media is that it breeds “fake news.” That is, individuals pen sensationalized, unfounded stories, knowing they are likely to be shared. By the time it is found

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<sup>39</sup> However, it is the presence of imaging--in this case of the smaller crowds for Trump's inauguration as opposed to Obama's--that allows the charge of Trump's reliance upon *alternative* facts. Without images, spread through social media, there could simply be two separated accounts of inauguration, each imbued with the ideology of the storyteller. Instead, we are able to say that *clearly* Obama's inauguration had more attendees, allowing us to criticize Trump for failing to acknowledge reality.

that the stories are false, the damage has been done; readers have mistaken a falsity for a real feature of the world. Further, a story's blatant falsity many times only helps it spread more quickly. As per Johnathon Swift: "Falsehood flies, and the Truth comes limping after it".

PolitiFact, a Pulitzer-prize winning, non-partisan site which fact-checks politician's statements, deemed "Fake News" to be 2016's Lie of the Year<sup>40</sup>. As they describe the phenomena:

Fake news is made-up stuff, masterfully manipulated to look like credible journalistic reports that are easily spread online to large audiences willing to believe the fictions and spread the word.

If, as some claim, fake news is endemic to social media, it would render inoperative our requirement for ethical deliberation (KE), that individuals hold only true facts about the world. And it seems to be. Google found the problem troubling enough to warrant an alteration to their search algorithm, their most valuable asset<sup>41</sup>.

Further, the promotion of fake news has real-world consequences, as citizens then operate under false assumptions regarding their shared world. For example, Facebook was recently sued by a Syrian migrant to Germany, Anas Modamani, after articles appeared linking him to the terrorist attacks in Brussels. Anas had recently posted a selfie with Angela Merkel and, due to his "passing resemblance" to one attacker in Brussels, found himself at the center of a social media-fueled investigation into his whereabouts. As Anas describes, "friends advised that I stay at home and avoid going out in public, which I did."<sup>42</sup> Anas was excluded from public life because his

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<sup>40</sup> Holan, Agnie Drobnic. "PolitiFact's 2016 Lie of the Year: Fake News." *PolitiFact*. Tampa Bay Times, 13 Dec. 2013. Web. 02 May 2017.

<sup>41</sup> Bergen, Mark. "Google Rewrites Its Powerful Search Rankings to Bury Fake News." *Bloomberg.com*. Bloomberg, 25 Apr. 2017. Web. 02 May 2017.

<sup>42</sup> Staff, Our Foreign. "Facebook Sued by Syrian Migrant over 'fake News' after Being Falsely Accused of Terrorism on Social Media ." *The Telegraph*. Telegraph Media Group, 14 Jan. 2017. Web. 02 May 2017.

peers believed he had committed treason. Albeit not the usual case of fake news, his story highlights the dangers of the rapid spread of false belief on social media.

One particularly concerning area of false news is medical information. As more and more Americans seek second, or sometimes first, opinions on the web, it becomes important that the decisions they subsequently make are based upon truth. Because of the heightened sensitivity of the topic, discussions on stopping false news in the medical realm provide a useful blueprint for our own concern of false news at large. In “Rating Health Information on the Internet”, published by the AMA, its authors--Alejandro R. Jadad and Anna Gagliardi--come to the following conclusions regarding tools to filter out falsity: “It is unclear...whether they should exist in the first place, whether they measure what they claim to measure, or whether they lead to more good than harm”(Jadad and Gagliardi 611). Their desirability is unclear because some may “view any attempt by the academic community...to control the production of information...[as] threatening the new level of freedom of expression...that the internet has generated”(Jadad and Gagliardi 613). In other words, adding stamps of approval will do no more than push the problem back one step; if any seal of approval is to work, the individual would have to trust that source, which was the problem to begin with. Further, now that citizens have gained their voice by destroying traditional gatekeepers through their use of an open internet, they do not want to relinquish power to any regulations imposed by experts, as had traditionally been the case. Second, the tools may fail to achieve what they claim, evidence of which leads the authors ask rhetorically: “is it possible to evaluate information on the Internet?”(Jadad and Gagliardi 613). Given the “complexity, variability, and dynamism of the information on the Internet” they state, “any attempt to develop instruments to evaluate such information has been and will be futile”(Jadad

and Gagliardi 614). Not only is knowledge highly contextual, but any scheme meant to sort “fake” news from real news is sure to lead to an arms race wherein “fake” news makers will continually tweak their platform to appear real, as they already do (“masterfully manipulated to look...credible”). Thus, it seems we are stuck with fake news, with our experts both unwanted and unable to help.

However, another review of medical information on the web points to a possible solution. In “Consumer health information seeking on the internet: the state of the art,” authors R.J.W. Cline and K.M. Haynes describe the problem thusly: “Meager information-evaluation skills add to consumers' vulnerability, and reinforce the need for quality standards and widespread criteria for evaluating health information”(Cline 1). The question being asked in both of these papers--can quality standards and criteria be developed to sort out false information from true?--is understood by these authors as contingent upon the poor “evaluation skills” of consumers. If consumers themselves were better able to recognize information supported by fact from that supported by falsity, they could self-regulate their own consumption of news, rather than instantly devouring all they see.

This indeed can be achieved. Pew found in 2012 that American teachers already saw teaching students “how to ‘judge the quality of online information’” as a “top priority”<sup>43</sup>. How can this be done? One online learning institute believes it is quite simple: “The more time and effort students allot researching and evaluating information online, the better they will become at selecting reliable, valuable information from trusted authorities and understanding digital

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<sup>43</sup> Purcell, Kristen, Lee Rainie, Alan Heaps, Judy Buchanan, Linda Friedrich, Amanda Jacklin, Clara Chen, and Kathryn Zickuhr. "How Teens Do Research in the Digital World." *Pew Research Center: Internet, Science & Tech.* Pew Research Center, 31 Oct. 2012. Web. 02 May 2017.

functionality.”<sup>44</sup> The more one searches the internet, becoming acquainted with its ways, the more one is able distinguish truth from falsity. The same goes for the experienced philosopher; with time, and recognition of contradictions, she ceases to believe claims immediately and instead assumes a skeptical position towards them. Further, because of the flexibility of the internet, any top-down scheme is certain to fail as fake news incorporates proposed criteria of truth to give itself a false veneer of respectability. Instead, learning how to discern substantiated facts from unsubstantiated hearsay is a skill that each individual must learn herself through experience. In doing so, the crowd becomes better able to judge on its own, forgoing the need for expert guidance.

Moving back to the Assembly, we find a similar grassroots method in play of deciding truth. Despite the prevalence of aristocrats, under Pericles it was the people who ultimately made decisions, with magistrates simply presiding over the process. Classics scholar Josiah Ober notes that under Pericles “Athens was in fact ruled by the *demos*. Neither the orators nor the critics of democracy defined *demokratia* as a system wherein the citizen masses were effectively taught or guided by a benevolent, historically-minded elite”(Ober 85). Power was given to the people in a non-trivial way and they were expected to wield it wisely, their multitude filtering out those opinions which were too radical. Ober elsewhere reminds us that “in Athenian juries, there was no judge,” and rather than “deferring to elite expertise... ‘the citizenry believed itself to be the best judge of important matters’”(Ober 92).

Thus it is not a modification to social media that is needed to filter out fake news, but an increase in social media usage. As individuals become increasingly digitally literate, they can

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<sup>44</sup> Blois, Zack. "5 Ways to Increase Digital Literacy via Blended Learning Models." *Wowzers Blog*. Wowzers LLC, 8 Oct. 2013. Web. 02 May 2017.

provide their own ability to distinguish expertise from presumption. Not only is this method in line with the “free expression” ethos of the internet, but it also is more responsive to changes in fake news as it rapidly alters to avoid detection. Sometimes, top-down coordination by experts is simply too slow.

### ***iii. Conclusion***

First, we found that social media--due to its expanded reach and the impulse it breeds towards searching for the “other” in a non-superficial way--is theoretically an ideal medium to replicate the Athenian Assembly under Pericles. Then turning to the practical, and borrowing Philip Kitcher’s method for ethical change, we found that social media replicates the foremost qualities Kitcher identifies as necessary for ethical deliberation to occur. Specifically, it has the ability to bring about ethical change by including more citizens’ interests and relevant facts in the deliberative process. Following Kitcher, it does this by ensuring that all deliberators are discussing a common object (KE) and that opinions are filtered through a *Hall of Mirrors* (KW), correcting for individual biases by reflecting each opinion through other’s opinions of *it*, and so on and so forth. The process is akin to the reception one’s speech receives in the Assembly. A lone jeer is not enough to silence a speaker but must find support within a chorus in order to force a speaker to sit down. Finally, we found that the oft-noted problem of “fake news” is indeed a problem, but that its solution lies not in the creation of a filtering mechanism, but in the increased digital literacy of the citizenry--brought about by increased internet usage. This accords not only with many expert’s opinions on the matter, but also the democratic workings of the Assembly itself. In conclusion, increased social media use--achieved by providing increased



leisure to the citizenry--is liable both theoretically and practically to bring about ethical change, paving the way towards greater ethical consensus and political action.

#### *iv. Looking Forward*

Of course, instituting these payments for social media usage would entail a significant redistribution of wealth from the rich to the poor. In light of this fact, along with conservative American's longstanding resistance to wealth redistribution--as exemplified by their deadly fear of socialism--it is necessary to now justify this mode of redistribution *on liberal's own terms*. That is, insofar as conservatives believe they are guarding "liberty"--understood as free-market liberalism--from a creeping socialism, they must be convinced that any proposed transfers of wealth are to be done in the name of promoting that free-market liberalism that they associate with liberty. For example, one can *not* justify redistribution with an appeal to "community," as I--along with many others--have tried. Because of liberalism's commitment to individual autonomy, such claims fail *prima facie*, reliant as they are upon a political value not expressly promoted by liberalism.

For the second half of this project, I will employ liberalism's own credos to fend off the hypothetical liberal's knee-jerk reaction of opposition to the wealth redistribution I have just proposed. To do so, I analyze two pieces of liberal dogma: first, Locke's chapter *On Property*, in which he derives a right to property from labor, and second, a Lockean liberal justification of "workfare"--the form of welfare payments cemented by Bill Clinton in which recipients must perform specified labor-- as provided by liberal political scientist Oren Levin-Waldman. I argue that when taken in light of recent developments in capitalist production, the principles upheld in both arguments in fact point towards the type of non-market distribution which I have argued for

thus far. To remain faithful to Locke, therefore, is to simultaneously follow Pericles and institute payments for leisure and corresponding social media usage.

#### IV. Locke, Private Property, and the Efficiency Thesis

In this chapter, I show that Locke's justification for a right to private property rests upon his understanding of that right as *instrumental* in achieving a common good. This contrasts with a popular understanding of private property as a moral right in itself, outside of any communal context or societal effects. While the former would allow for an abridgment of these rights insofar as it achieves the communal good which they initially aimed at, the latter would restrict government action to protecting preexisting property, regardless of the consequences of doing so. By establishing the instrumentality of property rights, I hope to show that Locke held private ownership of land in no particular high esteem--indeed he affirms that land is given by God to *all* in common--but that he nonetheless remained within a private property scheme of ownership because he believed it was necessary to do so for the community--in this case mankind--to reap the rewards that the earth has to offer.

### *i. Property Rights Paradigms*

John Locke, along with Hobbes and J.S. Mill, is considered the “ideological forefather” of modern liberalism (Hirschmann 9). Of his most decisive contributions is the chapter “On Property” from his *Second Treatise of Government*, in which he derives necessary and sufficient conditions for a right to property. It is important to note that he does not question the *existence* of a right to property, but only its specific form, or, *who* it should be given to. Having spent his first *Treatise* denying Adam and his heirs’ dominion over the earth, he is not “content” with the natural conclusion that *no* man “should ever come to have a property”(Locke 18). Thus to replace these now-defunct monarchic property titles, Locke assumes a premise of property and works backwards to justify its proper foundation.

Among competing theories of Locke’s justification for property, I side with the *efficiency thesis*<sup>45</sup>, wherein property rights are understood as instrumental in achieving an efficient exploitation and division of resources. As one author puts it: “Individual property rights are promoted *only* insofar as those rights promote the use of labor in advancing *society’s welfare*”(Henry 615)(emphasis mine). While as a matter of fact a right to property can only inhere in one person or organization, the benefits which are expected to flow from that right, and which justify the existence of that right, flow to society at large.

This is in contrast to the more absolutist version of property rights held by libertarian thinkers such as Nozick or Rothbard. For them, a right to property is a right held by the individual in isolation from her community; in fact, it is meant to protect her and her things from

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the encroachment of that community. Therefore, any “interference with property is an interference with a moral right, and therefore wrong in and of itself *regardless of its consequences*” (Barros 40-41) (emphasis mine). For them, Locke should be understood as placing property rights in the hands of the individual because to do so is morally right: the laboring individual *deserves* that which she produces. Property thus relies upon no other justification than the existence of individuals laboring to earn it; once secured by the individual, it is theirs to keep.

In an influential work, *John Locke and the origins of private property*, Matthew H. Kramer explicitly attacks the efficiency thesis. He also argues that Locke’s attempt to derive a right to property from one’s ownership of their own subjectivity, fails. However, both of Kramer’s views--rejection of the efficiency thesis and rejection of the cogency of property rights in themselves--are predicated upon a fundamental misconception of what Locke means by “labor.” I engage with Kramer’s work specifically because I believe this misconception regarding “labor” is widespread. Through a close reading and subsequent redefinition of “labor,” closer to what I believe Locke himself intended, I provide a novel method of reviving the efficiency thesis. In doing so, I preserve the notion that Locke does not hold property to be a *moral* right, indivisible from the individual, but an *instrumental* requiring a communal context.

I begin by outlining Kramer’s objection that Locke fails to establish property rights derived from the ownership of one’s subjectivity. Then I present another, more minor, charge of incoherence leveled by Kramer. After, I will provide my own--and what I believe to be Locke’s--definition of “labor”. Support for this definition is to be found in its ability to resolve both problems posed by Kramer to Locke’s theory. Finally, having proved the appropriateness of this

definition, I will employ it to overcome Kramer's denial of the efficiency thesis, responding to objections at the end.

### ***ii. Kramer's Objection***

According to Kramer, Locke "unwittingly confirmed...his argument [for property] was invalid"(Kramer, 150). Apparently, Locke's argument rests upon an equivocation of "labor." While "we indeed can tell...he was drawing an *inference* [from labor to property]," says Kramer, the argument is invalid unless he is drawing an *identity*. His reconstructs Locke's main argument as follows :

1. In the state of nature, the labor of each person *P* belonged exclusively to *P* himself.
2. Each person *P* who improved some unowned assets by working on them had thereby mixed his labor with them.
3. In the state of nature, the labor of each person *P* belonged exclusively to *P* himself. (Kramer 150)

For Kramer, in premises 1 and 2, the referent is located "within the subject," akin to "an activity or a capacity or a flow of energy"(Kramer149). In conclusion 3, however, the referent of "labor" moves from within the subject to "within the object"(Kramer 150). He concludes: "the argument could not be valid" for it allows the possibility that "true statements about one kind of labor [would be] false when advanced about the other kind"(Kramer 150). We must also assume that Locke was not claiming an identity, for otherwise "there would have been no need whatsoever for [him] to construct an argument"(Kramer 150). Thus, Locke's syllogism a non sequitur, doing little by way of establishing a right to property.

### *iii. Consumption as Property*

Kramer goes on to identify other flaws in Locke's reasoning elsewhere in *On Property*.

Discussing Locke's description of an Indian picking up--and thereby gaining property in--berries before appropriating their "nourish[ment]", Kramer says Locke for "conflat[es] possession and ownership, or, enjoyment and exclusive dominion"(Kramer 115). Locke's assumption that ownership is necessary for survival is undermined, Kramer claims, by recognition that within his state of nature, people "could readily survive without owning any goods, as long as they all had privileges to use and consume the goods"(Kramer 115). In the context of the definitions Kramer provides of Right and Privilege (from Hohfeld)<sup>46</sup>, this amounts to claiming that *a right against others' interference in one's enjoyment of a good* is superfluous to one's enjoyment of that good. All that one *really* requires, in order to enjoy a good, is the *lack of a duty to abstain from* the enjoyment of that good. In other words, one need not be assured that they will be undisturbed in order to consume a berry; rather, one need *only* be assured that they themselves are not forbidden to consume that berry. Once this assurance is met, one is free to begin consumption, come what may. Thus, *ownership* is not strictly necessary for consumption and thus survival, only the mere *privilege* to consume is.

Logically speaking, Kramer is correct: for the freedom to X, the lack of proscription against doing X is sufficient. However, this is only to reject Locke's premise, not his argument.

Specifically, it seeks to bring into question the very necessity of property rights and their

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<sup>46</sup> Right--"being endowed with a right consist in being normatively protected against someone else's interference or in being entitled to someone else's assistance or remuneration, with regard to a certain action or a certain state of affairs."

Privilege--"to have a privilege to engage in a certain action is to be free from a duty to eschew the action; likewise, to have a privilege to abstain from a certain action is to be free from a duty to undertake the action"(Kramer 16).

ontological status. However, for Locke, the question at hand is not *if* men come to have property, but “*how* men might come to have a property,”(Locke 18)(emphasis mine). Locke is supposing humans *do* have property at some point in order to then move backwards to find its rightful justification and starting point.

The purpose of the indian example is thus vastly different than what Kramer takes it to be. It is not to show that an individual *must* obtain a property right to consume food, for this would be absurd. As Locke himself notes, “If such a consent as that was necessary, man [would have] starved”; there is simply no time to await the rise of civilization and the granting of property rights when one needs nourishment(Locke 19). Instead, the example makes the unobjectionable observation that, *if we are* to grant property rights, as has already been the case for hundreds of years by the time Locke is writing, the best place to begin looking for them is the certain ownership one has over the things they have consumed. “He that is nourished,” Locke says, “has *certainly* appropriated...to himself”(Locke 19)(emphasis mine).

Kramer himself contends that such an ownership over consumed goods is absolutely useless. Nobody would attempt to obtain bile-drenched food out of one’s stomach and, if they did, the act would be illegal regardless. However for Locke, this is precisely the point. Once food *has* been consumed it becomes “a part of” its consumer, and “another can no longer have any right to it,” as Kramer himself affirms(Locke 19). If property is ownership, then it should be uncontroversial to claim that the indian thus *owns* the food he consumes. As Kramer notes, this a trivial point and basically unobjectionable. It amounts to no more than a restatement of Locke’s initial premise, an idea at the heart of Anglican jurisprudence: each man has a right to his own body. In Lockean terms, “the natural liberty of man is to be free from any superior power on

earth”(Locke 17). The supreme triviality of this point for Anglo-American thinkers makes it the best place to begin our search for *when* this ownership--here in its final, most definite stage of post-consumption--begins.

#### ***iv. From Consumption to Labor***

If a consumed good is “certainly” the indian’s property, then “when did [it] *begin* to be his” property? (Locke 19) Because Locke wants to say that there *is* a time prior to a good’s consumption in which a property within that good is acquired, we must look back at the relevant actions leading to that good’s consumption, choosing amongst them to determine which action instantiated the doer’s property in the good. In pursuit of this action, Locke poses a series of possible answers: is it “when he digested?...when he eat [sic]?...when he boiled?...when he brought them home?...when he picked them up?”(Locke 19). He responds that it is “plain” that if it was not the initial “gathering” (of acorns), no other action could serve as the relevant instantiating act. By adding something “more than nature,” the gatherer gains a “private right” in the goods he gathered(Locke 19). The acquisition of property is thus *simultaneous with* the performance of the act that initiates the chain of actions which eventually allow for consumption--an action he terms “*labour*”(Locke 19).

What becomes evident in this analysis is the reliance of labor’s justificatory power to found property rights on the latter act of consumption. Such a reliance seems to leave property rights on rather shaky ground. If labor only justifies property insofar as it leads to consumption, the possibility is left open of laboring without acquiring corresponding property rights should one fail to consume what they produce, a puzzling result. Because a temporal gap often exists



between the time one labors and when one finally consumes what they have produced, the status of a stolen good appears in doubt. In other words, if it is only my *consumption* that can justify my invoking a right against another's interference with the goods I have produced, how can I claim an invasion of my rights when an apple which I have yet to consume is stolen from my cupboard?

***v. From Subject to Object--Redefining "Labor"***

The problem is identical in form to Kramer's more central objection to Locke's derivation of property rights. Both question how the fact of ownership over one's own subjectivity can then justify ownership of over objects existing outside of oneself. In the first case, Kramer was explicit in showing that Locke failed to cross the void between individual subjectivity and objective ownership. In the second, Kramer failed to understand why a consumed good was necessarily the consumer's property. However in denying these accounts of acquisition, while failing to provide their replacement, Kramer does not disprove the arguments, but rejects their premise that property as a right exists.

In order to answer this dilemma, while maintaining the existence of property right, we are left to conclude that *labor*, far from merely "an activity or a capacity" residing in the subject, is actually a concept describing that energy which is expended in the service of, and ultimately leading to, consumption. To provide the link between the subject and the object they both produce and have the rightful title to consume, *labor* must be understood as a teleology encompassing them both. It is not *any* labor, but that "flow of energy" performed in the service

of consumption. Because property thus requires consumption for its existence, a *right* to property does not arise until a good is consumed.

As for the apple from the cupboard, once consumption *does* occur and the teleology is complete, a claim can be made by the good's producer that the good was not consumed by its rightful owner. If the claimant can prove that the good's consumer did not produce the good, nor rightfully receive it from the original producer, or another whom had himself received it rightfully from the original producer, then its consumer can be charged with theft. Thus when our producer opens their cupboard with a mind to make apple pie, and sees their apple missing, they would file a claim as they ordinarily would for a stolen good. If the culprit is found, along with the apple, it is returned, he is charged with attempted robbery, and the producer enjoys their property right *a la mode* later than evening. If the culprit is found, apple already consumed, they are charged with robbery, and justice served.

However if the original producer only notices their is apple is missing during a daily surveillance of their antique apple collection, the thief can make a claim to the apple herself. If they can prove that the producer was unlikely to consume the good before it went rotten, and that they themselves or another to whom they had given it to was able to consume the good before it did so, no robbery occurred<sup>47</sup>. For example, if the producer had 300 apples which all were going to rot in the next ten days, and the claimant showed that the producer was unlikely to consume or aid in the consumption of thirty apples each day, the thief would have been justified in consuming apples on his own.

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<sup>47</sup> This also might be attempted robbery on behalf of the apple collector.

Identification of ownership thus rests not entirely upon the initial powers being expended but the actor's intent in doing so. If the initial laborer has plans for consuming, or providing for the consumption of, the good that they produce, the ownership title is theirs. If, however, they have so many goods that they neglect most of them, our sense of justice is served by saying that the thief who stole a good without being noticed because the producer had so many goods piled up, did not really steal, but aided in consumption. If he is caught, he has the opportunity to return the good, or convince a jury that the producer had no plans for consumption. Our sense of justice is well-served because property titles are consumption-centric, meaning one loses title as one gathers good which one cannot possibly consume. Imagine the producer as a sun, her goods in orbit; the more goods she accumulates, the farther away they are placed, and the weaker the tug of gravity becomes. The same goes for the owner who stockpiles goods: those within their immediate range of consumption are firmly theirs but, as we move outwards towards goods which are in excess of one's consumption abilities, their claim weakens.

#### *vi. Kramer and Efficiency*

I overturn Kramer's definition of *labor* in pursuit of a larger goal: to refute his denial of the efficiency thesis<sup>48</sup>. Once again, this thesis holds that Locke justified his scheme of individual property rights on the grounds that it provided a good for society as a whole: specifically, an efficient production and distribution of goods expropriated from a limited amount of resources. This is contrast to those who hold property rights to be absolute, reliant upon no other end for them to achieve, and thus inalienable by any legislative action. I aim to prove the former because

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<sup>48</sup> "Understood in the current language of economics, these passages [those which supporters of the "efficiency thesis" garner for their support] commend private property as the most efficient vehicle for apportioning wealth"(Kramer 118).

I believe Locke--in line with his Christianity-- held that land was by nature communal, and thus only accorded private title to it insofar as that would allow efficient production. The only consideration that could overrule his god-given communism was the necessity of making the land bear fruit in order to multiply the human race.

For Kramer, the efficiency thesis is incorrect because it is incoherent to base an *individual right* (to property) upon a *communal* good (of efficient production and distribution) unless a causal relation between the two can be firmly established. He disputes on two separate grounds the efficiency theorist's claim that this causal mechanism *does* in fact exist. First, he rejects the notion that ownership enables increased and efficient production. Then, even granting an increase in production, he attacks the idea that this increase in production is a communal good: without an explicit mechanism assuring that the increase in production is distributed amongst all, benefits may only accrue to a select group<sup>49</sup>. Thus, the efficiency theorist can not claim that the individual right to property is instrumental in achieving communal good because, as Kramer says, "we should not infer that every person fared better in the scheme of proprietary rights" (Kramer 125). I will briefly deal with the first contention, then attack the latter using my teleological definition of Lockean "labor."

#### a. Increased Production

Seeking the philosophical basis for Locke's implicit claim that "the most efficient uses of nature's bounty" depends upon "private ownership," Kramer suggests what he has in mind is

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<sup>49</sup> "Even though have avouched for the sake of argument that the scheme of mere privileges would have generated a somewhat smaller measure of output on the whole, **we should not infer that every person fared better** in the scheme of proprietary rights"(Kramer 125)(emphasis mine).

something like Aristotle in the *Politics* (Kramer 119)<sup>50</sup>. Kramer responds that this picture “presumes people were so voracious...they would refuse to work...unless they reaped all the material profits,” a premise not even Hobbes would endorse(Kramer,120). This refutation, however, stems from a failure to distinguish between self-regarding and other-regarding interests<sup>51</sup>. It is a trivial truth that individuals act so as to benefit themselves. By allowing them to benefit from their work, therefore, they are liable to work more. This benefit, however, is not dependent upon one’s “voraciousness,” in the sense that one seeks to consume all that they produce. Rather it includes such diverse interests as “help[ing] one’s friends, guests, or companions,” which, Aristotle notes, “one can [do] if one has property”(Aristotle 83). The distinction is not between hedonistic consumption and communitarian sharing, but more like the difference between taxation by a government in which one has a say on how that money is spent, and one in which an individual’s interests are ignored<sup>52</sup>. The incentive provided by ownership, therefore, does not rely upon a perspective focused solely upon oneself, but rather one which allows the placing of greater weight upon certain individuals’ interests due to one’s relationship with them--a common human incentive.

#### b. Restrictions on Ownership

Even granting that property rights increase output, Kramer still sees a “yawning gap” between the resulting “individual well-being,” and the supposed “collective well-being” which served as its basis (Kramer 124). For him, forge their identity would require some bold assumptions about

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<sup>50</sup> “when care for property is divided up, it leads to...greater care being given”...”Evidently, then, it is better for property to be private”(Aristotle 83)

<sup>51</sup> “Self-regarding actions are actions which effect only the agent and have no effect on others”(Ten 29)

<sup>52</sup> No taxation without representation.

the make-up of society<sup>53</sup>. However, Kramer missteps in assuming that the achievement of communal good is dependent upon *each and every* individual's increasing their labor and property. By neglecting the teleological aspect of "labor," Kramer fails to identify the redistributive mechanism implicit within Locke's theory.

If what justifies property is its consumption, it follows that one loses a claim to property that goes unconsumed<sup>54</sup>. If more property is amassed than is "to any advantage of life," the surplus must be either redistributed or "looked on as waste," liable to become "the possession of any other"(Locke 24). Though not all peoples are explicitly provided for--as this would require the coercion of labor--Locke's "waste" requirement ensures any output above that which satisfies human needs for livelihood will be given to other members of the community. This is as close to communism as Locke will tread.

Perhaps what disturbs Kramer is Locke's subsequent introduction of "gold and silver" into his state of nature, and the "disproportionate and unequal possession of the earth" which follows(Locke 29). As C.B. Macpherson notes, the introduction of money seems to "render inoperative the spoilage limitation"(Locke xvii). However, does it really follow from the use of currency that food no longer spoils? One is still responsible for distributing surplus goods; the difference is now the producer may "receive in exchange for the overplus gold and silver"(Locke 29). Because they are extraneous to the "support and comfort" of mankind, hoarding these metals is not injurious to others (Locke 18). Thus the spoilage limitation is indeed overcome, but not in Macpherson's sense. The introduction of currency does *not* "establish a natural right to unlimited

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<sup>53</sup> "One will have to maintain that every person within the state of nature had just the talents and likings that would cause him to get more wealth in a scheme of private property than in any scheme of privileges...however, such a contention will be ludicrously far-fetched"(Kramer 125).

<sup>54</sup> "If the fruits rotted, or the venison putrified...he had no right" and was "liable to be punished"(Locke 24).

amounts of private property” without regard for others(Locke xvii). Rather, it enables an individual, should he find “gold and silver” to be of value, to reap benefits from his labor in the form of these precious metals long after he has satisfied any need for consumption.

### c. Mechanism of Distribution

The question remains how these excess goods are to make it into the hands of those who need them. Given the latter’s *need* of these goods to sustain their body, the producer seems to hold unlimited power in negotiations for these goods. However, this leverage is diminished by the producer’s need to distribute his goods before they spoil, or face punishment. The case is analogous to a clearance sale. Still, the great power possessed by those with excess holdings is not to be overlooked.

This understanding of property enables us to make sense of Locke’s claim that “the desire of having in our possession...more than we have need of,” is “the desire ‘for the submission of other’s to one’s will’” and the “root of all evil”(Tarcov 142)(Levin-Waldman 44). In attempting to defend his own absolutist conception of property as being “joined to liberty,” Oren Levin-Waldman admits that many readers will be surprised to find that Locke holds such an opinion regarding its accumulation(Levin-Waldman 44). To escape the confusion, Levin-Waldman submits that what Locke was discouraging was not the desire for accumulation of property *as such*, but rather the “desire for property as power over others”(Levin-Waldman 44). Clearly his claim fails as it seeks to open up a space between the two terms which Locke expressly disavows by equating them.

If labor is the necessary precursor to the existence of comestibles, as well the creator of property rights over those comestibles, we can see why the accumulation of property would entail dominion over others. In accumulating that which is necessary for another's survival, the other, if unable to produce for himself, is at the mercy of the laborer. The only way to overcome this dominion, absent the presence of time-limits on sales for consumption, is to instill in citizens a willingness to give away that which they have produced. Coincidentally, this is the mindset Locke seeks to nurture through his educational system<sup>55</sup>, and one which he identifies as vital to the functioning of a liberal society.

### *vii. Objections*

By failing to recognize the teleologic nature of Locke's conception of "labor," Kramer is unable to identify the link between the laboring individual and her right to the nourishment consumed thereafter. In fact, they two are parts of the same action, relating to one another as cause and effect. This teleologic conception of labor allows us to identify the mechanism whereby individual benefits from property rights redound to society as a whole. If property rights only follow from work performed for the purposes of consumption, and each individual is bounded in the amount of consumption they need and can enjoy before spoilage, all excess production is distributed amongst those with less. Although prosperous laborers may seek gold or silver in return, Locke urges the act of giving as the proper mode of liberal civility. The link between individual and communal well-being is thus made operational-the efficiency thesis is alive and well.

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<sup>55</sup> "And by this Means, by a constant Practice, Children *having made it easie to themselves to part with what they have...*they may take Pleasure...in being Kind, liberal and Civil to others"(Tarcov 142)(emphasis mine).



I anticipate an objection to my reading of Locke due to its reliance on “consumption” to identify property rights. In an oft-cited passage Locke remarks that “a king of a large and fruitful [Native American] territory...feeds, lodges, and is clad worse than a day-labourer in *England*”(Locke 26). This is understood as an indictment of the subsistence farming system for its inability to cultivate wealth. As per Alan Ryan’s interpretation, the claim is “that even the worst off in modern society is better off than he would be outside it”(Locke and Sigmund 303). Having been “furnished as liberally as any other people, with the materials of plenty,” the Native Americans lack a desire to “improv[e]...by labour” and thus, while being “rich in land,” are “poor in all the comforts of life”(Locke 25). Though it is only the “penury of his condition” which forces man to labor, the benefits from labor do not cease following the achievement of those bare necessities which enable the prolongation of life<sup>56</sup>(Locke 21).

Construing my usage of “consumption” quite literally, it may be argued that I have overlooked this passage. In claiming that the only work which engenders property is that which provides sustenance, I seem to be advocating for a community whose sole aim is the continuation of life, and not its improvement--contrary to Locke’s expressed preference. However, my definition does not rule out the possibility of property in amenities. In fact, it is closer to the definition of consumption provided by economists--“the use of goods and services by households”.<sup>57</sup> This further definition, however, appears to strip “consumption” of its ability to distinguish between work that is property-enabling and that which is not. Lacking a clear

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<sup>56</sup> The world is given to men not only “to make use of it to the best advantage of life” but also for “convenience,” as well as the “comfort of their being”(Locke,18).

<sup>57</sup> "Consumption." *Encyclopædia Britannica*. Encyclopædia Britannica, Inc., n.d. Web. 02 May 2017.

delineation, no upward bound to an individual's accumulation exists, and thus the redistribution mechanism falls away. Can we ascertain a middle ground between these two definitions?

Indeed we can. The goods whose usage is titled "consumption" need not be a static category. It should progress along with society. As the economy matures, and more wealth created, the number of goods which are "consumed" should increase, reflecting the fact of greater abundance<sup>58</sup>. That which falls outside the scope we may entitle "luxury," a category used to render a judgment about a good: its primary worth is not in its utility. To use an example from Locke's era, large estates overseen by feudal lords are not wasteful by their very nature. They are a waste, however, when other individuals within the same society may be saved from starvation by gaining some ownership in of that land. The property of being a "consumed" or "luxury" good is thus relational.

In modern times, we recognize a "poverty line." This is a socially determined level of income below which we have deemed it difficult for individuals to continue a dignified existence. Though this level is too low, given comforts enjoyed by others within society, its form provides a blueprint for distinguishing between work performed in the service of consumption and that which is not. Until all individuals within society obtain the bundle of goods (or level of income) determined to be necessary for a worthwhile living, the accumulation of goods or income outside of that scope should fall under deep suspicion. This reflects the intuitive idea that all should be provided with shelter before an individual may expect a right to a castle.

It also allows us to extend the notion of "consumption" to durable goods. Let's take an example of a computer. Outside of extraordinary cases, we can probably assume that an

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<sup>58</sup> Televisions, for example, were once a rarity.

individual need not possess more than two computers at a time. This is not morally wrong, it is just highly unlikely that one individual would “consume” more than two computers at a time in the same way that an average person would “consume” a computer. He may, for example, use thirty computers at once, using each to open a single search tab, but this would not be entitled “consumption” of the good as it is a highly idiosyncratic usage. The same goes for a home: a family of four is unlikely to “consume” thirty bedrooms in the way bedrooms are typically meant to be “consumed.” All that we need to make such judgments is an understanding of how goods are typically “consumed.” Of course, if the mansion’s owner would like to keep property title to his bedrooms, he need only allow others to “consume” his excess rooms for sleep: because they are in fact consumed, and he initially produced them, no question of property title arises, and he remains in his abode.

Another objection may be leveled at the feasibility of the mechanism of distribution I indicate as latent in Locke’s theory. If an individual may stockpile gold, and then use that gold to purchase the surplus property of others, what is to stop him from sitting on that property rather putting it to productive purpose? This mistaken concern is analogous to Macpherson’s claiming that Locke “established a natural right to unlimited amount of private property”(Locke xvii). To the contrary, the introduction of coin does not uproot another’s right to appropriate one’s waste. Rather it is a method whereby those industrious men who “had agreed that a little piece of yellow metal...should be worth a great piece of flesh,” may feel that they have received something in return for distributing away their surplus(Locke 23). It is a tool to lubricate exchange by overcoming trepidation towards giving things away. Locke does not permit the

unlimited accumulation of truly necessary items, only these tokens of value<sup>59</sup>. Though Locke recognizes how foolish this is given that “things really useful...are generally things of *short duration*,” he feels no need to correct for this irrationality given the distribution of *really* useful goods it allows(Locke 28). While things people really need--housing, clothing, food--do wear down, albeit some sooner than others, gold and silver remain through time with a polish here and there.

### ***viii. Conclusion***

Basing property upon a teleological conception of “labor,” Locke achieves two goals. First, by requiring physical, value-adding labor, he denies monarchical property rights according to title. Then, by limiting title to labor *for consumption*, he places limits on the laborer’s holdings. While not expressly providing for the community, his threat of punishment for wastage--should a surplus be produced--ensures that surplus will be spread rather than allowed to waste. Finally, confronting the rise of capitalism--and the use of gold and silver--Locke allows *capital’s* unlimited acquisition, so long as it does not hinder the distribution of really useful goods.

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<sup>59</sup> “..if he would exchange his nuts for a piece of metal, pleased with its colour; or exchange his keep for shells, or wool for a sparkling pebble or diamond, and keep **those** by him all his life, he invaded not the right of others, he might heap up **as much of these durable things as he pleased**; exceeding of the bounds of his just property not lying in the largeness of his possession, but the perishing of any thing uselesly in it”(Locke 28). The proper objects for accumulation are not the nuts or wool, but the diamonds and shells.

## V. Workfare and Reciprocity

In the previous chapter, I upheld an *efficiency thesis* reading of Locke's private property rights against objections made to it by Kramer. I concluded that Locke meant to grant property rights to individuals in an effort to achieve a communal good--efficient production and distribution of goods--rather than as the prescription of an absolutist moral maximum. In doing so, I opened up space for governmental transfers of wealth which would have been foreclosed had property rights been understood as inalienable. By connecting property rights to an *end* they are meant to achieve, property rights are able to viewed--and altered--in light of their ability to achieve the end for which they were put in place.

In modern America, wealth transfers *do* in fact occur. Where they are not connected to a specific program, but meant to elevate the well-being of a disadvantaged individual, however, they take the form of *workfare*. Begun by Reagan and signed into law by Clinton in 1992, *workfare* requires participants to perform labor in return for the payments they receive. Because what I am proposing--payments for social media usage-- is in effect a welfare program, in this section I will explore this liberal *workfare* state, exposing its ultimate implicit reliance upon a notion of *reciprocity*. *Reciprocity* is understood as the principle that a state can only provide payments to its citizens insofar as the state is assured to thereby gain an equal benefit in return. In other words, the state is constrained in its giving of payments to instances of assured "mutual advantage," thereby making illegal any state attempt to provide payments to citizens merely out of mercy, fairness, or concerns of welfare.

I argue that *reciprocity* was originally invoked so as to privilege the economic over the political sphere in the distribution of property. This in turn was done to justify declaring monarchical property titles illegitimate for this was the predominant form of property title in England at the time, and one which the Founders sought to escape. Now, however, the economic sphere's ability to guarantee reciprocity has become sufficiently problematized as to warrant its closer scrutiny--the subject of my next and final chapter.

First, I present ongoing debates regarding the proper form the welfare state should take. Then, I present the liberal defense of American *workfare* state. Next, I show why this defense implicitly relies upon reciprocity. Finally, I discuss other relevant examples in which reciprocity was invoked, as well as briefly problematize its current status within the free market.

### ***i. Decommodification versus Activation***

Debates surrounding the "Welfare State," Richard Titmuss explains, revolve around its "principles and objectives" (Pierson and Castles 40). Using his distinction, we can identify two grounds of welfare policy disagreement-- its objectives and its principles. Or, what is its *end* and, what is the principle--as expressed in the particular *means* employed to reach that end--which grounds citizens' notion of the welfare state? Responses can be plotted along two axes: *de-commodification* versus *activation* and *welfare* versus *workfare*. The former deals with the ends of a proposed welfare system, and the latter its means towards getting there. I will present both debates, discussing the ideology behind each.

*Decommodification* refers to policies which free citizens from the "market compulsion to work" through the provision of "a socially acceptable standard of living," independent of their

market participation(Huo et al. 7)(Tabin et al. 133). To its supporters, decommodification is the political response “implied” by “modern social rights” in the face of a “hegemonic” capitalism which has left individuals “depend[ent] entirely” upon their ability to sell their labor<sup>60</sup> (Pierson and Castles 163). Describing the freedom not to labor for another as a *right*, supporters describe decommodification as a response to a change of facts, and not a change of opinion regarding rights<sup>61</sup>. Its potential beneficiaries are the “students, single mothers and artists..no longer be[ing] required to take jobs that would prevent them from pursuing the very lifestyles they were seeking to support,” as well as impoverished individuals freed from “tak[ing] the most menial, alienating and exploitative of jobs simply to survive”(Panitch 937). Severing the link between survival and employment, decommodification ensures the latter is not undertaken *purely* for the sake of the former. This in turn strengthens the bargaining position of the worker, allowing her greater control in her economic and material fate.<sup>62</sup> To one supporter, it means “the ‘real freedom’ to choose how to spend [one’s] time”(Panitch 935).

While decommodification holds sway in many Nordic states, it does not in more liberal regimes, such as the U.S.<sup>63</sup> Due to a commitment to achieving “high public employment,”<sup>64</sup> increasing labor market participation “takes [political] precedence over labor market exit.”<sup>65</sup>

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<sup>60</sup> “Capitalism is defined [by Marx] as a set of social relations produced by a mode of production characterized by the commodification of the product of labor”(Tabin et al. 129).

<sup>61</sup> “In pre-capitalist societies, few workers were properly commodities in the sense that their survival was contingent upon the sale of their labour power”(Pierson and Castles 163).

<sup>62</sup> “De-commodification strengthens the workers and weakens the absolute authority of the employer”(Pierson and Castles 163).

<sup>63</sup> “...Esping-Anderson identifies the Nordic welfare states as the most decommodifying type of welfare states,” while, “by contrast, the liberal welfare state regimes are the least decommodifying”(Huo et al. 7).

<sup>64</sup> Consider, for example, the Department of Labor’s monthly release of the “Employment Situation Summary,” or, so-called “jobs report.”

<sup>65</sup> “...the emphasis [for liberal welfare policies] is on involuntary and temporary separation from the labour market...and on maximum support for reintegration”(Huo et al. 8).

Thus, the goal of reinstating a “right”--as per decommodification--is replaced by the search for “a productivist reordering of social policy,” with the aim of putting individuals back to work (Pierson and Castles 458). The objective of liberal policies is *activation*. Instead of immediate economic freedom, welfare payments go towards long-term “social investment...facilitating labour market entry and...increasing productivity” (Huo et al. 8)<sup>66</sup>.

The motives behind these policies reflect normative stances towards different forms of “dependence”. For *activation*-minded policymakers, a dependence upon employment for survival is less harmful to an individual’s autonomy than a dependence upon the state<sup>67</sup>. By investing in “skills,” they argue, an individual “ensure[s] returns” on their investment in the future. Unlike decommodification programs, which rely on political consensus, activation policies only require upon an individual motivated to improve their skills, along with a functioning labor market. Thus, “among economists” and others who place great faith in the free market, activation policies “will always appear in a more positive light” (Jensen 60).

For decommodifiers, the obnoxious form of dependence is that of the worker upon his employer. Making clear a commitment to Marx, they describe their policy as a “revolt against proletarian subjection to the wage relationship, and hence to the capitalists’ rule” (Panitch 937). If the state provides income, they reason, citizens will not necessarily need to ask capitalists to do so as well. This cushions them against the “basic social risk[s]” endemic to markets, such as unemployment (Panitch 939).

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<sup>66</sup> “Contending that social policies do not play the sole role of allowing workers to ‘opt out’ of the labour market, Iverson (2005) shows that social policies can play a market-correcting role by inducing investment in specific skills. To the extent that workers and employers invest in skills and wish to ensure returns on these investments in the future, social policies protect the position of the works in the labour market” (Huo et al. 8).

<sup>67</sup> “And though the employment relationship causes individuals to rely on their labour and therefore commodifies them, market dependency may actually be less threatening to an individual’s autonomy than family or state dependency” (Huo et al. 8).



Differences in opinion regarding the desirability of market- as opposed to state- “dependence” stem from different understandings of the necessity of actions within these institutions. For activationists, political action relies upon consensus, while market action is undertaken by isolated entities who are viewed as passive responders to market forces<sup>68</sup>. Thus an individual ingratiated with market forces, possessing valuable skills, necessitates an offer of employment. Therefore the development of marketable skills is the best way to achieve independence insofar as it is defined as a guaranteed stream of income. While government action is determined by legislation which is out of one’s control, market actors perform necessary, predictable responses to the objective market forces brought about by oneself.

To a decommodifier, it is instead capitalists who wield a transient, changing power, while democratic governments instantiate assurances to protect rights<sup>69</sup>. Thus, they describe their policy as a preserver of “rights,” as opposed to a provision of privileges. The right to survival free from compulsion, they claim, is fundamental to the legitimacy of democratic governance. Therefore the expansion of capitalist practice, and the compulsion to labor as an employee it imposes, “implies” the necessity of establishing of decommodifying policies. It is the political body--forced to protect rights in order to retain legitimacy--and not the capitalist entrepreneur, whose actions are necessitated in response to objective facts, thereby making them conducive to the promotion of individual independence.

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<sup>68</sup> The idea of a purely reactionary, mechanistic market actor is best captured by an analogy made by F.A. Hayek: “the price system...enables entrepreneurs, by watching the movement of a comparatively few prices, *as an engineer watches the hands of a few dials*, to adjust their activities to those of their fellows” (Hayek 95)(emphasis mine). The entrepreneur passively receives information and responds accordingly, as if each situation entailed only one possible appropriate action--they are constrained.

<sup>69</sup> i.e. Due process, habeus corpus, bearing arms.

Both sides agree on the desirability of eradicating “dependence,” defining this as economic reliance upon another. They differ in their view as to which relationship--between the state and its citizens or between the capitalists and her workers--involves the more troubling form of dependency. For activationists, the unemployed individual has the “status of a dependent child,” emphasizing the reliance of the decommodified citizen upon the goodwill of a paternal government in the form of welfare payments (Minsky 22). Through gaining valuable skills, they argue, capitalists--in response to her newfound objective value--are constrained to award her employment and income, thus securing their freedom. Decommodifiers, on the other hand, view government as constrained to preserve rights, identifying one’s autonomy over survival as an example of a right. Furthermore, capitalists, because of their privileged position--after all it is not *their* survival on the line--will always be less dependent than the worker, likely to exploit the dependence of the latter. Thus, it is within the sphere of the political, and not the economic, that individuals are able to obtain meaningful freedom from dependence.

## *ii. Welfare versus Workfare*

Another axis of dispute concerns the principle behind welfare as understood by the relation of the individual to their economy. Specifically, it concerns notion of fault. When someone is unemployed, fault for this inability to secure employment may be attributed either to a “market” or to the individual. The choice of attribution determines whether payments should be guaranteed--as in the case of disability, the individual not needing to perform any labor in return--or stipulated--as in the case of typical contracts, with individuals performing specified labor in to obtain benefit. *Fault*, while not itself necessitating the usage of stipulations, is

necessary to ground any stipulation on payments because, as Judith Sklar explains, otherwise stipulations would be “coercive in that one who is forced to work due to a condition beyond one’s control is effectively being punished” (Waldman 122). If instead welfare is compensation for the ills of the “market,” and not an act of volition, the possibility of stipulation is foreclosed. If, however, it is a policy to correct the mistakes of the individual, the state has every right to ask for something in return.

Conservative author Lawrence Mead sums up the debate when he states: “Liberals [supporters of stipulation-free welfare] need to show why poor people are blameless, [and] therefore still deserving [of benefits without labor]; conservatives [supporters of payments with stipulations] need to show how the poor are competent and why they need to be held accountable [in the form of being made to labor]” (Pierson and Castles 116). Mead himself sees poverty as a “motivation problem” and champions Ronald Reagan’s “changing welfare into workfare<sup>70</sup>” (Pierson and Castles 116). His idea of the principle behind welfare--not remedy for “market” ills, but safety-net for personal failings--determined his justifying imposing stipulations<sup>71</sup>.

Combined, a state’s response to each of these two axes determine what form its welfare system will take. The chart below provides a simple visualization of the four options:

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<sup>70</sup> Workfare: a welfare system that requires those receiving benefits to perform some work or to participate in job training.

<sup>71</sup> Thus, Titmuss ask: “can we and should we, in providing benefits and compensation, distinguish between ‘faults’ in the individual and the ‘faults’ of society,” adding that a response is needed before we can “identify and discuss the next steps in progress towards a ‘Welfare Society’” (Pierson and Castles 45-47).

Objective/Method	Welfare	Workfare
<b>Activation (employment)</b>	Offer of skill investment, payments guaranteed	Conditioned on performance of skill-increasing tasks
<b>Decommodification (decreased reliance on market wage)</b>	Unconditional, guaranteed payments--"Universal Basic Income"	Conditions which are not investments in workers' skills

### *iii. American Welfare: The Liberal Defense*

Having outlined the questions to be answered by any welfare system, I will now turn to the responses they have received in America. To do so, I will examine the liberal defense of the modern American welfare state as offered by one of its apologists--Oren Levin-Waldman. While he provides separate arguments for upholding both an activation-minded and workfare-stipulating policy, I will show that they both ultimately rely upon a notion of "reciprocity". Specifically, the presumption that reciprocity is best met through the market system, and *not* politics.

In clear contrast to the "social rights" invoked by decommodifiers, Levin-Waldman, citing a Supreme Court decision, affirms that American welfare policy is predicated upon the voluntary "altruism of the community" and not its recognition of rights (Waldman 112). He affirms that citizens are only mandated to provide payments while "the social benefits...surpass the immediate costs"(Waldman 63). To ensure this happens, he concludes, workfare is employed.

If society is not constrained to transfer its goods, it must be induced to through the promise of “social benefit.”<sup>72</sup>

Once again, conditioned welfare implies individual fault. Though the Court does not address the question directly, its decision provides prima facie evidence for the prevalence of the individual-fault theory. Waldman also notes that opinion polls show that a majority of Americans view a “work ethic,” defined as holding a job, as “key” to citizenship(Waldman 122). If unemployment de-legitimizes one’s citizenship, it must be understood as a result of choice; any other cause would be unreasonable to motivate such a punishment. Thus, it is clear a majority of Americans view the individual as at fault in the case of their own unemployment, and therefore feel justified in requesting labor to be performed in return for their payment of income.

Waldman uses welfare’s status as a privilege to uphold its stipulated labor requirements. If the individual had no reasonable expectation that welfare payments would be provided--as he would if they were a *right* of his--it is not “punishment” when stipulations are attached. Then, further reifying the idea that unemployment is a choice, and thus the unemployed individual’s fault, Waldman compares these stipulations to environmental regulations on business. They are both, he says, the “attach[ment] [of] conditions to one’s pursuit of private interest in a market economy”(Waldman 124). Thus, he equalizes the position of the businessman looking to turn a profit and the unemployed individual seeking welfare payments: they are both undertaking voluntary “pursuit[s]”. In conclusion, Waldman holds that because unemployment is an

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<sup>72</sup> One author describes these programs thusly: “The workers can be outsourced to private charity groups to do any number of jobs that are currently not done. They might clean rivers, help the disabled, care for the elderly, clean up graffiti, plant public gardens... the list of potential useful things these people might do is boundless”(Montier and Pilkington17).

individual fault, a society which then voluntarily shares with that individual *may* expect the performance of tasks in return.

Turning the focus from welfare's contributors--society--to its recipients, Waldman also upholds a commitment to *activation*. He defines "the meaning of independence" within a modern state as "to have a job"(Waldman 60). This explicitly rejects the decommifiers' claim that wage labor is dependence. Instead, to achieve independence,<sup>73</sup> the state must pursue policies enabling citizens to gain employment.

Conveniently, both liberal commitments--activation and workfare--point to the same policy. Under workfare, not only is "something useful...presumably produced," benefitting society, but production itself helps *activate* the unemployed; the practice of laboring "instill[s] within recipients the values, as well as the skills, necessary to confidently enter and remain in the active workforce"(Waldman 122). Waldman concludes, along with numerous others<sup>74</sup>, that workfare is the necessary welfare policy for the liberal state, as it achieves both *activation* and, through *stipulation*, benefits to society.

Waldman's argument, however underdetermines its conclusion. His claim justifying activation--that independence is "having a job"--is premised upon a claim he makes earlier. When he denied the status of *right* to welfare payments, he implicitly affirmed that welfare legislation is politically voluntary, thus ensuring its recipients remain *dependent* upon society's goodwill, and therefore making the economy the site of dependence. His argument for denying this status, however, is missing, besides a brief comment that labeling something as a *right*

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<sup>73</sup> Elsewhere, Levin-Waldman affirms *autonomy* as the terminal value of a liberal state.

<sup>74</sup> Discussing the "Personal Responsibility and Work Opportunity Reconciliation Act of 1996," *The Economist* remarks that "ten years on, America's work-based welfare reforms have succeeded." "From Welfare to Workfare." *The Economist*. The Economist Newspaper, 29 July 2006. Web. 02 May 2017.

“shields us from responsibility”(Waldman 122). It is never made clear what this responsibility is *for* or *to*. Further, he fails to explain why the “social benefit” expected in return for payments can not be found in the payment itself a la the release of tension resulting from inequality, but must include the stipulation of labor. That is, while he has provided *justifications for* conditions on payments, namely their political voluntariness, he has not *foreclosed the possibility of* legislating *unconditioned--yet activation-oriented--policies*, leaving open the question of why the state can not “simply give people money and allow them to do as they please,” while offering the possibility of skill-increasing programs(Waldman 114). Thus, Waldman leaves us guessing at a crucial juncture.

However, by examining other liberal critiques of non-workfare policies<sup>75</sup>, as well American judicial thought and practice, we can discern the an oft-cited principle which could ground Waldman’s--*vis a vis* the Supreme Court’s--claim that individuals can not receive payments from the state without corresponding stipulations on labor to be performed: *reciprocity*.

#### ***iv. Reciprocity***

*Reciprocity* is at the heart of numerous liberal arguments. Responding to philosopher Philippe Van Parijs’ call for “unconditional basic income (UBI), Elizabeth Anderson writes: “in granting a basic income that is not conditioned on the willingness of the able to work” the UBI both “offends and undermines the ideal of social obligation that undergirds the welfare state”.<sup>76</sup> If the state *gives*, it expects to *take*, too.

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<sup>75</sup> Presumably the arguments they provide against non-workfare policies would simultaneously support its opposite--workfare policies.

<sup>76</sup> Anderson, Elizabeth. "Optional Freedoms." *Boston Review*. Boston Review, 17 July 2014. Web. 02 May 2017.

In the John Adams-authored Massachusetts Constitution of 1780, or the “model for the Federal Constitution,” Article VI states: “No man, nor corporation, or association of men, have any other title<sup>77</sup> to obtain *advantages*, or particular and exclusive *privileges*, distinct from those of the community, than what arises from the *consideration of services* rendered to the public”.<sup>78</sup> This establishes a one-to-one ratio between state-sponsored *giving* and *taking* which is later upheld in its reverse form in the Constitution. Amendment V to the Bill of Rights states: “nor shall private property be taken for public use, without just *compensation*.” What the state *takes*, it must *give*, too. Thus, deeming welfare a *privilege* not only provided justification for the possibility of conditioned payments, but blocked the very possibility of legislating unconditioned payments.

One is free to ask, however, why this notion of *reciprocity* seems baked into American liberalism, and why it necessitates “*services*” in return. Examining one of its founding documents--John Locke’s *Second Treatise on Government*--we can situate its importance historically. Specifically, it was meant to foreclose the possibility of a title to ownership stemming from one’s status by instead requiring it be founded upon labor. Locke begins: “It having been shown [in the *First Treatise*]...That Adam had not, either by natural right of fatherhood, or by positive donation from God, any such authority...or dominion over the world,” it should be “impossible that...rulers now on earth should make any benefit” from a claim to being his heir (Locke 7). The background to the *Treatise* is the rejection of the idea that a title to ownership deriving from a claim of political status--here being an “heir” to Adam--is legitimate.

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<sup>77</sup> “A comprehensive term referring to the legal basis for property ownership.” “Title.” *The Free Dictionary*. Farlex, n.d. Web. 02 May 2017.

<sup>78</sup> Benjamin, S.B. "EMERGING ISSUES IN STATE CONSTITUTIONAL LAW: ARTICLE: THE SIGNIFICANCE OF THE MASSACHUSETTS CONSTITUTION OF 1780." *LexisNexis® Litigation Essentials - Error*. Temple University Law Review, Sept. 1997. Web. 02 May 2017.



Instead, a claim to ownership must stem from a concrete contribution made by the potential owner. Thus, Locke claims it is the addition of “labour that was mine” which allows me to “appropriate [goods] to” myself (Locke 20). Similarly, he states of the now-owner that he had “annexed to [his recently obtained property] something that was his property<sup>79</sup>,” thereby giving him “title”(Locke 21). To *gain* property, then, one must *give* their property as well, annexing the two together. Once again, a one-to-one ratio between *give* and *take* is established.

Thus Locke, in breaking free from monarchy, had to privilege the economic sphere--of labor and value--over the political sphere--of status and consensus--in the distribution of goods. He did so by establishing the notion of *reciprocity* in regards to ownership title. To gain property, one must give some of one’s own property, labor-power, first--something no king would stoop to.

### ***v. But Wait, There’s More***

With the passage of time, Locke’s formula for reciprocity has become complicated. Not only have political status claims become more nuanced than a monarch’s claiming to be a descendent of Adam, but economic claims to reciprocity have become harder to detect. While for Locke, picking up acorns was sufficient to earn a title in them, very few such obvious appropriations occur in the modern economy. Most people are paid by wage for work that is increasingly distanced from the actual production of goods. Thus, to say they put out, in their labor-power, what they receive back in income, is a difficult claim to make.

However, that does not mean economists haven’t tried. One example is the “uncontroversial concept”--for orthodox economists, at least--of the marginal productivity of

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<sup>79</sup> i.e. his *labor*

labor (Felipe and McCombie 2). This states that labor is paid “only what he adds to the firm’s well-being or utility”.<sup>80</sup> As Nozick puts it, distributive justice within a liberal capitalist society is “To each according to how much he benefits others who have the resources for benefiting those who benefit them”(Nozick 158). Notice the reciprocity of the exchange: benefit for benefit.

However, evidence abounds that, due its circular nature, there is a “virtual impossibility of testing the marginal productivity theory” (Felipe and McCombie 12). While consensus has not been reached on this point, it is salient that the market’s capacity for guaranteeing reciprocity has been problematized. For example, how much value does one’s marketing of a product add to that product? While it may increase sales for one firm, there is no evidence that one has added value to the set of preexisting property. It is thus [ questionable] unclear if reciprocity is met better by market forces--as Locke contends--than political ones. I will further discuss this possibility in the next chapter.

## ***vi. Conclusion***

First, I discussed points of disagreement regarding *ends* and *means*, respectively, in debates on the future of the “Welfare State”: *decommodification* versus *activation* and *welfare* versus *workfare*. Then, I showed that these commitments themselves relied upon differences in ideas concerning *dependence* and *fault*. Next, I provided a simple visualization for a state’s four possible positions regarding welfare payments. After that, I discussed the American welfare state from the point of view of its liberal defenders. I showed that the supposed necessity underlying its dual commitments, to *activation* and to *workfare*, was left underdetermined by the liberal

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<sup>80</sup> The Editors of Encyclopædia Britannica. "Marginal Productivity Theory." *Encyclopædia Britannica*. Encyclopædia Britannica, Inc., 09 June 2006. Web. 02 May 2017.

argument and implicitly relied upon a commitment to *reciprocity*. Finally, discussing reciprocity in historical terms--its initial, specific purpose and its current, fraught status--I provided prima facie evidence for questioning its basis as a core tenet underlying the justification for workfare as *necessary* to a liberal welfare program.

In the next chapter, I will employ contemporary economics and accounting literature to bring more fully into focus the failure of the market to achieve reciprocity, as understood as a one-to-one correspondence between the value one creates and the value one receives in return. In doing so, I cast doubt on the notion that it is the economic sphere, and not political, that more fully realizes the liberal ideal of reciprocity. If Lockean property rights are instrumental towards communal good, and a political transfer of wealth can be made which both increases communal good, as well as does not overstep the principle of reciprocity, then the Lockean liberal fails to find recourse to object to its implementation.

## VI. Reciprocity under Informational Capitalism

In this final chapter, I combine my previous discussions of the Lockean *efficiency thesis* and the liberal commitment to *reciprocity* with economic history past and present. In doing so, I show that remaining faithful to Lockean liberalism under modern conditions of production requires political redistribution of wealth like those entailed in the Periclean payments for social media usage.

First I restate my contention that Locke instituted private property as instrumental towards the communal good. Defining this common *good* as increased efficiency of production (which under the wastage requirement will redound to society as a whole), I explain his position from a uniquely economic lens.

In light of this understanding, the choice to restrict the state's wealth-transferring abilities to principles of reciprocity appears as a move--in line with Locke's privileging of labor--to shift property titles from non-productive, rent-collecting *landowners* to productive, wage-earning *laborers*. Thus, reciprocity is instrumental towards achieving a greater correspondence of productive labor with remuneration. Insofar as it fails to do this, it loses validity.

Finally, I will show that the specific form of private property rights which uphold many of the largest firms emerging today--intellectual property rights--fail to achieve reciprocity. Instead of placing ownership in the hands of productive labor, it places it into a small subset of productive laborers who are then able to cease being productive, instead reaping rents from their ownership of a scarce resource.

I will conclude by noting a popular policy response suggested by others who have discussed the injustice of intellectual property rights. While mine is similar in style, its emphasis on providing leisure for civic duty responds more directly to mine own plan in this project.

### *i. Land: Common v. Private*

Debates have always raged regarding the morality of private property. While those in favor of property generally argue it is necessary for an effective exploitation of natural resources, implying the morality of economic growth and the building of civilization, those opposed generally hold that the appropriation of land is a grave injustice to the natural condition of nature, man included.

For example, Rousseau once remarked to his fellow men that “you are lost if you forget that the fruits of the earth belong to all and the earth to no one”(Rousseau 16). For him, not only is an unequal division of spoils--*fruits*-- illegitimate, but so is any initial parcelling out *the earth*. Lenin once famously demand that “private ownership of [estates] must be abolished immediately and without compensation”.<sup>81</sup> These claims have not disappeared, and neither has their practice: about three-percent of Israelis live in *kibbutz*, cooperatives “founded on principles of communal ownership of property, social justice, and equality”.<sup>82</sup>

Conversely, economist Ludwig von Mises, namesake of the libertarian Mises Institute, once declared that: “If history could teach us anything, it would be that private property is inextricably linked with civilization”.<sup>83</sup> While Rousseau may not disagree--he admits that private

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<sup>81</sup> Lenin, V.I. *Lenin: On the 'Unauthorised Seizure' of Land*. Lenin Internet Archive, 1999. Web. 02 May 2017.

<sup>82</sup> "About Kibbutz." *Kibbutz Program Center*. KPC, n.d. Web. 02 May 2017.

<sup>83</sup> Mises, Ludwig Von. "Human Action." *Mises Institute*. Mises Institute, n.d. Web. 02 May 2017.

property was a precursor to civilization as we know it--he would likely object to the normative force Mises imports to *civilization*. The strength of his arguments have proven strong enough to convince Americans to privatize what would seem to be the least likely place for such activity: the government. In 1991, long before public outrage at the activities of for-profit-prisons, it was noted in the Harvard Business Review that “Over 11 states are now making use of privately built and operated correctional facilities; others plan to privatize roadways. At the local level, communities are turning to private operators to run their vehicle fleets, manage sports and recreation facilities, and provide transit service”.<sup>84</sup> By placing the building of *civilization* as their end goal, these privatizers ignore the moral concerns of private ownership; if man is meant to build society, how can the step that allows him to do so--privatizing lands and goods--be immoral?

The two sides speak different languages. For the Rousseau and the communists, the act of privatization is a trespass on nature that no positive result can justify. For Mises and the capitalists, privatization is a necessary precursor to the building of a distinctly human nature--civilization. Thus, they do not truly engage each other, but instead fall back into a dispute between nature versus culture. As I will show later, this allows Locke to embrace both sides. He *both* holds that the earth is *by nature* communal, but that communality can be abridged insofar as it achieves civilization. However, should communality no longer be an impediment to civilization building, or should building cease to be of import, private property loses its binding force.

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<sup>84</sup> Loveman, John B. Goodman Gary W. "Does Privatization Serve the Public Interest?" *Harvard Business Review*. Harvard University, 01 Aug. 2014. Web. 02 May 2017.

Before further expanding on Locke's position, it would be helpful to understand exactly why private ownership is understood by capitalists as beneficial to efficient economic production. To do so, I once again turn to the Mises Institute. They are up to the task because, as their mission statement reads, they "seek a free-market capitalist economy and a private-property order that rejects taxation".<sup>85</sup>

## *ii. Economic Justification of Private Property*

For Mises economist Shawn Ritenour, the benefits of private property are threefold: the *division of labor*, the *accumulation of capital*, and the *flourishing of entrepreneurship*. He summarizes:

Without private property there can be no voluntary exchange nor division of labor. Capitalists will be discouraged from saving and investment and entrepreneurs will lack the incentive to engage in profitable production.<sup>86</sup>

Let me briefly explain each of claim:

1. *Division of Labor*- By placing the means of production<sup>87</sup> in the hands of one firm or individual, others are forced to "voluntar[ily] exchange" their labor in order to in return employ these means to produce goods which can then be sold. This allows the owner of the means of production to determine-- based upon who she decides to exchange with--what position a laborer will occupy in the scheme of production. This increases production, according to Adam Smith, for three reasons: "the increase of dexterity in every particular workman," the "saving of the time which is commonly lost in passing from one species of work to another," and lastly "the

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<sup>85</sup> "What Is the Mises Institute?" *Mises Institute*. Mises Institute, 18 June 2014. Web. 02 May 2017.

<sup>86</sup> Ritenour, Shawn. "How Can Economic Law Help Us Fulfill the Cultural Mandate?" *Institute For Faith, Work & Economics*. TIFWE, 24 Sept. 2015. Web. 02 May 2017.

<sup>87</sup> i.e. "The facilities and resources for producing goods." "Means of Production." *Oxford Living Dictionary*. Oxford University Press, 2017. Web. 23 May 2017.

invention of a great number of machines which facilitate and abridge labor”(Smith 83). By giving the worker a single repeated task, the worker becomes a specialist. This allows him to better understand the task, relaying this knowledge to the engineer who then builds machinery to work in tandem. Private property thus creates a division of labor by creating unequal bargaining positions between laborers and the owners of the means of production which allows an owner to dictate a worker’s position in the scheme of production, creating a division of labor. This in turn creates conditions favorable to increasing productive efficiency through repetition and increased knowledge.

2. *Accumulation of Capital*- “For people to have the incentive to accumulate capital,” Ritenour states, they “must be secure in their property.” Give property to one person, and that person gains incentive to earn profit from property because she will enjoy all that profit for herself. By allowing each individual to benefit exclusively from their own activity, private property utilizes each individual’s ambition towards their own economic gain to increase overall economic gain. Assured they will reap what they sow, producers give their utmost in sowing.

3. *Entrepreneurship*- This is closely connected to (2), though with an added negative dimension: because it holds resource-owning individuals to “strict liability,” private property “helps prevent the destruction” of the means of production. For example, Ritenour states, private property holds “would-be polluters...accountable,” deterring landowners from pursuing activities detrimental to their environment. Not only are individuals able to benefit from the productive use of their resources as in (2) but they are held accountable for unproductive uses, incentivizing the former.



Once again, by giving the individual a stake in the exploitation of their resource, private property is said to encourage proper and efficient economic behavior.

Thus, private property enhances economic productivity by: 1. creating a division of labor predicated upon differences in resource ownership, 2. allowing individuals to benefit from efficient production and, 3. making individuals responsible for inefficient production. We can collapse these distinction, however, into one primary engine of growth: *individual responsibility for resource ownership*. If one owns a resource, they are responsible for maintaining that resource in order to benefit from it, or face economic hardship. This applies both to owners of *means of production* as well as those who are forced to sell their *labor*, the difference being the resource which must be maintained: a piece of the world, or of the human body. This forces both the owner of the means of production to maintain his resource, as well as the laborer to sell his labor in order to earn a wage necessary for his upkeep, thus entering the division of labor. Therefore, private property creates responsibilities for resources which, although on the surface identical, are deeply different depending upon the resource owned--a means of production, or oneself.

A distinction is made, however, between two different owners of the means of production: the landowner and the capitalist. The difference stems from the resource owned: land or capital<sup>88</sup>. When agriculture was the dominant mode of production, land was the most sought-after resource. One's wealth, to a large extent, depended upon how much land one had. Thus, the presence of the "landed gentry" and the fact that colonists in the South--much more dispersed

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<sup>88</sup> "Wealth in the form of money or other assets owned by a person or organization or available or contributed for a particular purpose such as starting a company or investing." "Capital." *Oxford Living Dictionary*. Oxford University Press, 2017. Web. 23 May 2017

than those in the North--were much wealthier(Lindert and Williamson 1). At a certain point, however, agriculture was overtaken by industrial production which required primarily capital rather than land. What emerged was the *capitalist*, who owned means of production in the form of capital. Of course, land never ceased to be necessary, but instead required the existence of the capitalist as well, to place machines upon that land. The two forms of ownership continue to co-exist. While they are analytically distinct, their difference is one of degree, not kind, as opposed to the gulf between them and the laborer.

### *iii. Sources of Income*

Having detailed the economic justifications for private property, I will now turn to its results.

Specifically, the streams of wealth that accrue to each individual depending upon their placement within this scheme of property as either owner of a means of production or of one's own labor.

The income received by each of these three groups, respectively, can be classified as: rent, profit, and wages.

A. *Rent* (or *ground rent*) is the income received by a landowner simply in virtue of owning the land on which production occurs. While in his role as a landowner--as opposed to a farmer--he is *external* to the process of production, he receives some proceeds of production because, in order for production to begin, he must be convinced to allow the use of his land. By taking to himself a resource necessary for all production, he mediates between the individual and their possibility of producing; he has expropriated to himself "the social conditions of

production.”<sup>89</sup> Again, this expropriation in the case of land is understood as necessary for rational individuals to avoid the so-called “tragedy of the commons” wherein each individual actor takes from the resource out of self-interest until it is eradicated completely. By placing someone in charge of the resource, they are able assure--while in pursuit of their own self-interest-- that the resource is used appropriately over time, and not immediately depleted as such.

- B. *Profit* is the income that accrues to whomever invests their own capital. After purchasing labor and paying the rent for land, this individual receives income in the form of profit. This profit is the difference between the income made by the sale of the goods produced and the payments this capitalist owed to others for producing them. While at one point the profiteer was part of production--like the individual entrepreneur who runs her own business--she is increasingly distinct from the actual managing of production: the capitalist “can easily limit himself to providing the means of production,” like the rentier does with his land. Thus the capitalist, like the rentier, is *exterior* to the process of production.
- C. *Wage* is the share of the products of industry received by labor for its work. Because wages are remuneration for laboring, and not for a product itself, wages are typically based upon time spent laboring. Crucially, this is the *only* income stream which goes to those who “furnish labor required by the technology embodied in capital assets”(Minsky 172). In other words, wage-earners are the only group which actually *creates* using the means of production.

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<sup>89</sup> Rent is the “the result of a process of expropriation of the social conditions of production and reproduction”(Vasquez and Gonzales).

Thus only the wage earners are *absolutely necessary*, and not the product of contingent social relations. They are the “produce[rs] [of] the surplus-value<sup>90</sup> that is at the origin of the production of both profit and rent”; their work pays for the incomes of those who are extraneous to production (Vercellone). While the two former classes are results of the particular legal scheme of private property, existing to ensure resources are used effectively, it is only this last class that is actually necessary to produce goods using those resources. The former acts as management, the latter as workers.

To recap, we have found that the economic justification for private property rests upon the *responsibility* which it lays upon each individual to care for their own resources. Because individuals--or firms--are liable to shoulder the benefits of efficient production or suffer the consequences of inefficient production, it is assumed that individual's ambitions and concern for their own well-being will drive them to undertake the former. With each citizen maximizing production to the best of their abilities out of self-love, economic growth is thereby maximized for society as a whole.

We then distinguished between different kinds of resource-ownership, identifying the different streams of income which accrue to individuals for occupying each. We found that the groups which receive income due to ownership of private property outside of their own labor--rentiers and profiteers--are *extraneous* to the actual production of goods. It is only the last group, wage-earners, owners of their own labor power, who are necessary to produce goods regardless of the particular scheme of property rights in place. Put more somberly: “capitalists [rentiers and

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<sup>90</sup> Surplus value is the value created in goods by laborers which does not get paid back to those laborers. In that sense, “surplus value is generated by unpaid labor” (Fuchs 183).

profiteers] are unproductive...*they do not produce value*...profit stems from the production of value by workers that is exploited and appropriated by capitalists”(Fuchs 184)(emphasis mine).

#### ***iv. Locke & Property***

In light of these distinctions, we can revisit and better categorize our two liberal commitments: the *efficiency thesis* and the principle of *reciprocity*. Specifically, I will show that Locke’s efficiency thesis was a result of his both holding that land was *by nature* communal, but also that appropriation was necessary so as to achieve greater production of goods. After reaffirming private property, however, the question of who was to be given private property--thus becoming rentiers and profiteers--was up for grabs. Locke, in connecting property to *labor*, and in restricting government payments to citizens to cases in which labor is received in return, was attempting to shift property titles from the unproductive aristocracy who were extraneous to production, to the productive workers necessary for production. His privileging of the economic sphere over the political in the distribution of wealth, therefore, was not an absolutist position but one meant to achieve greater reciprocity between one’s productivity and one’s remuneration.

##### **a. Communal Earth, Private Property**

As I remarked earlier, the debate over private property largely centers around which virtue is fundamental to the state: the prevention of injustice, defined as the appropriation of what should be communal land and resources, or increased productivity, understood as a necessary precursor to building civilization. Locke himself is divided, though liable to sacrifice the former for the latter. At one point, he directly acknowledges the communal nature of the earth: “God hath given

the world to men in common”(Locke 19). Still, he affirms that in order for an individual to benefit from a piece of this earth which they were given “another can no longer have any right to it”(Locke 19). Thus for Locke, Rousseau states an impossibility when he says “the fruits of the earth belong to all and the earth to no one.” It is only by belonging to some individual--following classical economic theory--that the earth can be made to bear its “fruit.”

Thus Locke asserts private property rights along with a spoilage limitation to gain the best of both worlds. While private ownership allows the earth to be made fruitful, the limitation upon spoilage ensures that this fruit, while not given to all equally, will at least go to those in need rather than spoil. Even for a communist, this is better than a situation in which no excess is produced, as we can assume Locke believed would be the case if private property were abolished. While indeed the earth along with its fruits belong to all, it is only by giving *some* ownership over that earth that its fruit can come into existence. And, while the owner gains the right to enjoy the fruits of her labor--as is necessary to achieve the *responsibility* which enables efficient production--she is bounded by certain rules, only able to accumulate gold and silver, not useful goods.

#### b. Private Property, Reciprocal Title

Private property was not a new phenomena when Locke was writing. As I showed, he left it in place despite his communitarian sympathies for purposes of economic growth. What he did not leave in place was *to whom* this ownership of land was to be accorded. In England, his home, land title was accorded based on political privilege: “most farmers did not own the land they cultivated but leased it from a small group of landowners, mostly members of the

aristocracy”(Arnold-Baker 323). This practice began in 1236 with the Statute of Merton which established “the right of lords of the manor to enclose commons and waste lands.”<sup>91</sup> Thus while preserving a right to private property, Locke altered its foundation. Rather than political title--once justified as being due to royalty’s being descended from Adam--he places it within the economic sphere as a result of performing labor. In doing so, he shifts ownership of the means of production from *rentiers*, who owned property for political reasons, to the *wage laborers*, who received income from their productive activities. In other words, he moved the ownership of land from the non-productive class external to production to the class which produces actual surplus-value through work--the laborers. He did this by connecting property title to the individual’s ability to labor for consumption, and nothing else.

### c. Locke’s Economics

We can characterize Locke’s private property arguments--understood according to the *efficiency thesis*--as follows:

1. A continuation of private property due to practical economic concerns.
2. A spoilage requirement to ensure the excess production enabled by private property redounds to society as a whole.
3. A moving of ownership title from the non-productive rentier class to the productive laboring class.

The necessity of holding governments to the principle of *reciprocity* is clear. To ensure (3), or, the granting of value in the form of property titles to the laborer, and not the rentier, Locke formulated a direct connection between the state’s ability to grant wealth--in this case through a

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<sup>91</sup> Green, Lionel. "LIONEL GREEN, Responding to a Request from the Mayor, Explains THE STATUTE OF MERTON." Comp. Peter Hopkins. *THE STATUTE OF MERTON*. 138 (2001): n. pag. Merton Historical Society, June 2001. Web.

protected property title--and labor performed by the individual for the state. In doing so, he invalidated any purely political ascription of property title to aristocrat--as was the case in England-- unless that aristocrat was prepared to work for his keep, an unlikely scenario. Thus *reciprocity* was meant, within the framework of private property, to ensure the shift of property titles from *non-productive* to *productive* labor. While including labor as a necessary prerequisite for earning property created this link in the first place, reciprocity was meant as a check on government action to prevent its being overridden in favor of aristocrats.

#### ***v. From Land to Capital***

Land ceased to be the dominant resource once the Industrial Revolution and its factory systems took hold. Replacing the combination of man and land found in agriculture, the factory placed the machine between the two. Another resource, capital, in the form of the wealth necessary to acquire machines or just machines themselves, became the dominant means of production.

When capital took hold, a similar debate to the one over the morality of privately owned land occurred. Before 1933, America's monetary system was a gold standard, restricting the level of capital within the economy to a certain proportion with the amount of gold held by the nation . The means of production were no longer naturally restricted, but artificially so. To that end, labor-friendly politician William Jennings Bryan relayed at the 1896 Democratic Convention:

Having behind us the producing masses of this nation and the world, supported by the commercial interests, the laboring interests, and the toilers everywhere, we will answer [investors'] demand for a gold standard by saying to them: You shall not press down upon the brow of labor this crown of thorns, you shall not crucify mankind upon a cross of gold.<sup>92</sup>

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<sup>92</sup> "William Jennings Bryan's "Cross of Gold" Speech July 9, 1896, at the Democratic National Convention, Chicago." (n.d.): n. pag. Carnegie Mellon University, 2 May 2017. Web. 4 May 2017.



Like Locke, Bryan is siding with productive over non-productive labor, the wage-earner over the profiteer. Rather than call for the title of ownership to means of production be moved from one class to the other, Bryan seeks the expansion of the artificially scarce means of production so that profiteers cease to exist. Similarly, J.M. Keynes once called for the expansion of capital and thereby the “euthanasia of the rentier” or, of the “cumulative oppressive power of the capitalist to exploit the scarcity-value of capital” which allows her to dictate the division of labor and the collection of profits(Cate 24). The discussion has come a long way; where Rousseau argued against appropriation, these more modern figures restrict themselves to calling for the expansion of the existing means.

The Mises Institute is not mum on this point either, declaring their rejection of Bryan’s proposed “monetary debasement” as their second highest priority.<sup>93</sup> For Mises himself, the printing of capital makes the delivering of new, less valuable dollars to fulfill a preexisting contract akin to “what it would be if you agreed to deliver a horse to another party but instead of a horse you delivered a chicken, saying, ‘This is all right ... I say that this chicken means a horse’”(Mises 12). By increasing the level of capital, and making it easier to acquire means of production, government allows “individuals [to]...fail to fulfill promises they have made”(Mises 14).

The question is once again one of *responsibility*: if the individual knows it will become easier over time to acquire cash, she may sign contracts which initially appear difficult to fulfill, relying upon this expectation of later ease. If so, the individual is much less on the hook to bear the brunt of any potential default of their contract; their incentive to produce effectively is

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<sup>93</sup> "What Is the Mises Institute?" *Mises Institute*. Mises Institute, 18 June 2014. Web. 02 May 2017.

diminished. Bryan of course doesn't share Mises' concern for a lack of incentive to produce; his constituents, as he refers to them, are "toilers." However, following economic doctrine, Mises rejects monetary expansion because it decreases absolute individual responsibility, thereby dampening the ability of personal ambition to fuel the economy.

#### *vi. From Capital to Knowledge*

No longer agriculture or manufacturing, but "immaterial labor" is "increasingly recognized as the principal source of value in the contemporary economy"(Spence and Carter 304). *Immaterial labor* is defined as "labour which creates immaterial products such as knowledge, information, communications or relationships," typically breaking down into categories of either intellectual labor or service work(Spence and Carter 305). While autonomous machines increasingly take over the sphere of direct production, labor becomes "linguistic acts, a sequence of assertions, and a symbolic interaction" to regulate, surveil, and coordinate the labor performed by physical machinery (Lucarelli and Fumagalli 77).

Consider the three most popular jobs in the U.S. in 2013 according to the Bureau of Labor Statistics: salesperson, cashier, and food service. All three regulate customer's purchases of goods produced elsewhere, while providing "customer service with a smile." Labor is less demanding physically than it is emotionally. Or, consider the field of coding and software production--the top-five companies in the U.S. by market cap<sup>94</sup> all produce extensive software--which is less physically demanding than it is intellectually. While these types of jobs have always existed, it is their increasing prevalence that causes many to refer to the oncoming stage

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<sup>94</sup> e.g. Apple, Alphabet, Microsoft, Amazon.com, Facebook. "Largest Companies by Market Cap Today ." *Largest Companies by Market Cap Today - Dogs of the Dow*. Dogs of the Dow, n.d. Web. 02 May 2017.

of capitalism as “informational capitalism,” with “information jobs” in 2010 already making up 47.9% of all wage labor in the U.S. (Fuchs 180). The primary means of production are no longer land or capital, but the accumulation of and expropriation of knowledge.

P.F. Drucker describes this method of production as the application of knowledge “to knowledge itself”(Drucker 60). As opposed to industrial production, in which worker’s movements were studied so as to improve their efficiency, it is now data which is being studied so as to improve overall efficiency. For example, Google uses the data it collects on individual habits so as to better coordinate its search function, improving its product. Similarly, Uber uses the data it collects on cab requests to alter its pricing to better coordinate supply and demand<sup>95</sup>. It is these companies’ ability to compile data in one location--Google by serving as a portal to the web, Uber by acting as the meeting place of exchange between taxi drivers and would-be riders--and then serve up that data effectively that makes them so valuable.

Uber provides a good example of the primary types of jobs the informational economy offers: complex problem solving--the software engineers--and service work--the drivers. Importantly, both rely upon knowledge: the former theoretical knowledge, the latter emotional knowledge. The latter can be seen in riders’ ability to rate their driver’s quality: “social skills and a ‘good attitude’” are demanded from “workers in all spheres”(Spence and Carter 305).

What both these qualities have in common is that their production is not limited to the workplace--certainly coders come in with knowledge of software, and drivers the ability to deal with humans--but occurs within what some call the “social factory”(Spence and Carter 305). This is simply recognition that knowledge, in whatever form, is not simply the result of on-the-

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<sup>95</sup> "What Is Surge?" *Uber.com*. Uber Technologies, n.d. Web. 20 Apr. 2017.

job training as, say, machinists' work is, but is garnered throughout human experience. This "recognition of the General Intellect<sup>96</sup> as the main source of value in capitalism causes us to rethink the boundaries between work and life"(Spence and Carter 307). It also helps us to understand the current movement toward work-life balance<sup>97</sup>; rather than a conciliation to the laborer, it is an understanding by business that increasingly, what happens outside the office contributes to what happens within. Thus, the growing prominence of knowledge within capitalism--both theoretical and emotional--leads to the understanding that work is, in a certain sense, always being performed. If the brain is one's resource, one never ceases to refine it; fixed capital, or, *the means of production*, are "man himself"(Drucker 61).

Noting the fact that knowledge is socially produced and yet individually expropriated through intellectual property rights, Christian Fuchs writes:

In informational capitalism, knowledge has become a productive force, but knowledge is produced not only in corporations in the form of knowledge goods, but also in *everyday life*, for example, by parents who educate their children; citizens who engage in everyday politics; consumers of media who produce social meaning and hence are prosumers; users of MySpace, YouTube, Facebook, and similar sites, who produce informational content that is appropriated by capital; radio listeners and television viewers who call in live on air to discuss with studio guests and convey their ideas that are instantly commodified in the real-time economy, and so on. *The production process of knowledge is a social, common process, but knowledge is appropriated by capital.* (Fuchs 186)(emphasis mine)

With this in mind, he goes on to state that within information capitalism, "*nobody is unproductive* since each human being is producing and reproducing the commons appropriated

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<sup>96</sup> Understood as "that heritage of cooperative production marked in language, common feeling and enjoyment, and in science and technique, to invent ever most sophisticated forms of interdependence"(Cart Spence 306; or original quote from Harney 2007).

<sup>97</sup> "Work-life balance is a term that is thrown around a lot these days" Thompson, Melissa. "How One Tech Company Is Reinventing Work-Life Balance." *Forbes*. Forbes Magazine, n.d. Web. 02 May 2017

by capital,” referring to the social milieu which allows knowledge creation and dissemination as the “commons”(Fuchs 193)(emphasis mine).

We have come full circle from Rousseau. The means of production, here knowledge rather than land, is decried by labor-sympathetic authors to be the property of all, not some. While for Rousseau this is because the earth is held in common, for Fuchs and others, this is because the world of knowledge is *made* in common: “in a knowledge society, social life becomes productive”(Fuchs 193). This results from the nature of knowledge, as it disperses and grows through human contact.

Fuchs then identifies two classes of workers within this scheme: *direct* knowledge workers, such as coders, who produce the knowledge goods which are then patented by firms and sold to consumers, and *indirect* knowledge workers who produce the “social conditions” necessary for this knowledge accumulation such as teachers, student, parents, friends, and others who add to understanding, both theoretical and emotional(Fuchs 186). While both labor, only the former are paid in the form of *rents* for appropriating from this intellectual “commons,” through the use of patents and intellectual property rights (IPRs), while the the latter are forced to endure precarious employment.

Returning to Locke, it seems clear that IPRs do not serve the same ends which he had set for private property. Specifically, it does *not* increase reciprocity by creating a more direct link between labor and ownership, but instead decreases that link by cutting out ““the collaboration and coordination of a multitude of agents”” in favor of a single individual or entity who is then appropriated title (Vazquez and Gonzalez). Rather than shifting title from non-productive to productive labor, it shifts it from one group of productive laborers--society generally--to another,

select individuals who apply for patents. Thus, IPRs continue the practice of private property, and thereby rent, while decreasing reciprocity by failing to give property titles to productive laborers--society at large.

### ***vii. Conclusion***

If, as I have shown, the modern economy fails to respond to *reciprocity*, then Locke's justifications for restricting government transfers to the principle of reciprocity--meant to keep property titles in the hands of productive labor--is thrown in doubt. While for many authors, recognition of the shared nature of knowledge production implies the necessity of a universal basic income so as to compensate for the "literal theft" that is IPRs (Spence and Carter), I would take a different route.

If, as seems likely to continue to be the case, IPRs *are* granted, then we should hold those who appropriate the "General Intellect" to the same standard upon which we hold those who appropriate land--they are *responsible* for its care. In the case of land, this means that, should they destroy the land, they have lost their property. In the case of social knowledge this means that, should they appropriate the work of society at large, they must simultaneously ensure the continuation of a society capable of producing increased knowledge by enabling individuals to obtain the economic security and leisure time conducive to gaining an intellectual and emotional intelligence. Thus, my argument comes full circle. The provision of leisure through income which allows individuals to partake in social media, calming the storms of dissent, is the same governmental policy which Locke would propose in the face of informational capitalism.

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