FAST CAPITALISM

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Fast Capitalism is an academic journal with a political intent. We publish reviewed scholarship and essays about the impact of rapid information and communication technologies on self, society and culture in the 21st century. We do not pretend an absolute objectivity; the work we publish is written from the vantages of viewpoint. Our authors examine how heretofore distinct social institutions, such as work and family, education and entertainment, have blurred to the point of near identity in an accelerated, post-Fordist stage of capitalism. This makes it difficult for people to shield themselves from subordination and surveillance. The working day has expanded; there is little down time anymore. People can 'office' anywhere, using laptops and cells to stay in touch. But these invasive technologies that tether us to capital and control can also help us resist these tendencies. People use the Internet as a public sphere in which they express and enlighten themselves and organize others; women, especially, manage their families and nurture children from the job site and on the road, perhaps even 'familizing' traditionally patriarchal and bureaucratic work relations; information technologies afford connection, mitigate isolation, and even make way for social movements. We are convinced that the best way to study an accelerated media culture and its various political economies and existential meanings is dialectically, with nuance, avoiding sheer condemnation and ebullient celebration. We seek to shape these new technologies and social structures in democratic ways.

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Introduction: Napster at 25

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In 1999, I was in high school, cruising around in my car with a CD case that held around 100 CDs. That case held my entire music collection, which I acquired through purchases and gifts. The only places I could buy music were at shows, my local record store (Echos in Williamsburg, VA), or through Columbia House (a service that sent you free CDs each month for signing up). Gifting was a key element. My first two CDs were gifts from my sister. First, she gave me the Red Hot Chili Peppers' *Blood Sugar Sex Magik* when she got bored with it. I'm not quite sure how she got bored with it; I still listen to it regularly to this day. Second, for my birthday in 1995, she gave me Alanis Morrisette's *Jagged Little Pill* as my first new CD. As a 16-year-old, I was proud of my music collection—but longed for more music.

At the time, finding music on the Internet was laborious and ineffective. Internet radio provided low-quality access to music but contained the pitfalls of all radio in its lack of choice. MP3.com was a great site that allowed users to buy independent music. With your purchase, you could download mp3s and they would ship CDs with mp3s to you. In my opinion, MP3.com provided radical potential in its circumvention of major labels and its ability to provide alternative distribution, but it was limited in options. To this day, I still have some albums purchased through MP3.com in my music rotation. However, finding what you wanted online and downloading at an adequate speed was a challenge in the late 1990s.

A little later, in 1999, a friend told me about Napster (founded on June 1, 1999). This easy-to-use software application opened the world of music to me. Using peer-to-peer (p2p) networking, Napster allowed users to search for files on anyone's computer (in their shared folder) connected to the network. People could share most types of files, but the most popular were mp3s (Garofalo 2003; McCourt and Burkart 2003; Sterne 2012). All of a sudden, the world of music was available with a few clicks of a mouse, from independent artists to major artists and new music to old music. Where record stores contained limited catalogs of music, Napster felt limitless.

But Napster's importance goes far beyond the distribution of music. Shawn Fanning, a student at Northeastern University at the time (see Breen, this volume), founded Napster by expanding on internet relay chat (IRC) technology to facilitate the transfer of files. Napster became the first peer-to-peer file-sharing technology to be available widely. By facilitating the transfer of files on a free platform, Napster and Fanning embodied the Internet ethos where "information wants to be free" (Ashworth, 2023; Levy, 2014). It was this ethos described by Richard Barbrook and Andy Cameron as the "Californian Ideology" (1996), an ideology that was never put into action as the free Internet became a giant shopping mall funded by venture capital investors at the turn of the century.

Napster made everyone take account of the idea that, yes, information can be free. However, the Recording Industry Association of America (RIAA), major record labels, and Metallica (see Patch and Szrot, this issue), among others, fought Napster and, later, every p2p file-sharing platform developed. They filed lawsuits against file-sharing services, and when that wasn't sufficient, they sued music fans. In 2007, I wrote my master's thesis contending that what the RIAA did was criminalize independent music (Arditi 2007). According to the data I found, there was as much concern among the RIAA and major record labels that music fans could find music online that was not controlled by the major labels. This means that not only was major label music available, but also music by potential competitors.

Reflecting on Napster 25 years after its founding, one thing is clear: it changed the way we listen to music. First, the RIAA pushed music fans to download music from iTunes (Arditi 2012, 2014, 2020). This was a change in mediation (see Mueller, this issue) that led to the "celestial jukebox" (Burkart 2013; Burkart and McCourt 2006). Music went from $15 CDs to free downloads to $0.99 downloads. Second, the music industry coalesced behind a subscription model. With subscriptions, music consumption becomes constant and consistent in what I call "unending consumption" (Arditi 2021). For example, the average music consumer spent $45 per year most years, even when the music industry was supposedly in decline (Arditi 2020). But the subscription model means subscribers now pay about $120 per year for access to music (Arditi 2018), a 300% increase, which doesn't include the revenue from the so-called vinyl revival (Aswad 2022; Palm 2019). The seductive drive to subscriptions stemmed from the celestial jukebox's solution to scarcity (see Behrendtz and Knowles, this issue) by appearing to make all music available for a fee. Coincidentally, Dr. Dre sued Napster (Kane 2000), alongside Metallica, only to go on to develop Beats Music, a streaming company that would later become Apple Music (Arditi 2018).

In *A&M Records, Inc. v Napster, Inc.*, major record labels won by forcing the closure of Napster's p2p file-sharing platform (Scharf 2011). Closing the original Napster stalled the development of new file-sharing platforms, but it also stifled the creation of new technologies. New scientific discoveries and technologies build from previous scientific and technological developments. When technologies become locked down and controlled by corporations, it limits future creations (Benkler 2006; Gillespie 2007). The architecture of Napster allowed others to tinker with it, which means more people using Napster fostered new ideas that could one day reimagine the way we use the Internet (See Cornelius-Bell, this issue). Corporate oligopolies tend to limit new technologies because they protect intellectual property rights at the expense of the public.

Napster was built on an open-access, open-source ethos ingrained in *Fast Capitalism*. It is with this in mind that we celebrate and commemorate the 25th anniversary of Napster.

References

Arditi, David. 2007. Criminalizing Independent Music: The Recording Industry Association of America's Advancement of Dominant Ideology. VDM Verlag.

Arditi, David. 2012. "The State of Music: Cultural, Political and Economic Transformations in the Music Industry." Dissertation, George Mason University, Fairfax, VA.

Arditi, David. 2014. "iTunes: Breaking Barriers and Building Walls." Popular Music and Society 37(4):408–24.

Arditi, David. 2018. "Digital Subscriptions: The Unending Consumption of Music in the Digital Era." Popular Music and Society 41(3):302–18. doi: 10.1080/03007766.2016.1264101.

Arditi, David. 2020. iTake-Over: The Recording Industry in the Streaming Era. 2nd edition. Lanham, MD: Lexington Books.

Arditi, David. 2021. Streaming Culture: Subscription Platforms and the Unending Consumption of Culture. New Milford, CT: Emerald Publishing Limited.

Ashworth, Boone. 2023. "The Whole of the 'Whole Earth Catalog' Is Now Online." Wired, October 13.

Aswad, Jem. 2022. "Vinyl Sales Soar — and Even CDs Rebound — as U.S. Recorded Music Industry Posts $15 Billion Year-End Revenue." Variety, March 9.

Barbrook, Richard, and Andy Cameron. 1996. "The Californian Ideology." Science as Culture 6:44–72.

Benkler, Yochai. 2006. The Wealth of Networks: How Social Production Transforms Markets and Freedom. New Haven [Conn.]: Yale University Press.

Burkart, Patrick. 2013. "Music in the Cloud and the Digital Sublime." Popular Music and Society 37(4):393–407.

doi: 10.1080/03007766.2013.810853.

Burkart, Patrick, and Tom McCourt. 2006. Digital Music Wars: Ownership and Control of the Celestial Jukebox. New York: Rowman & Littlefield Publishers.

Garofalo, Reebee. 2003. "I Want My MP3: Who Owns Internet Music?" Pp. 30–45 in Policing pop, Sound matters, edited by R. Garofalo and M. Cloonan. Philadelphia: Temple University Press.

Gillespie, Tarleton. 2007. Wired Shut: Copyright and the Shape of Digital Culture. Cambridge, Mass.: MIT Press.

Kane, Margaret. 2000. "Dr. Dre Sues Napster -- and Users?" ZDNET, April 25.

Levy, Steven. 2014. "Hackers at 30: 'Hackers' and 'Information Wants to Be Free.'" Wired, November 21.

McCourt, Tom, and Patrick Burkart. 2003. "When Creators, Corporations and Consumers Collide: Napster and the Development of On-Line Music Distribution." Media, Culture & Society 25(3):333–50. doi: 10.1177/0163443703025003003.

Palm, Michael. 2019. "The New Old: Vinyl Records after the Internet." Pp. 149–62 in The Dialectic of Digital Culture, edited by D. Arditi and J. Miller. Lanham, MD: Lexington Books.

Scharf, Nick. 2011. "Napster's Long Shadow: Copyright and Peer-to-Peer Technology1." Journal of Intellectual Property Law & Practice 6(11):806–12. doi: 10.1093/jiplp/jpr137.

Sterne, Jonathan. 2012. MP3: The Meaning of a Format. Durham, NC: Duke University Press.

Napster "freedom" at Northeastern University: a distanced ethnography

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Boston College

In 2004, when I joined the Department of Communication Studies at Northeastern University, it was an engaging organization focused on undergraduate education using the "Co-op Model." This model celebrated the roots of Northeastern as a working class college for commuter students from around Boston, a place where most of them were earning a degree as best they could while working. Consequently, the campus had been a vast parking lot of asphalt. Surrounding the campus, on the other side of the tracks beyond Ruggles Railway Station[1], the disenfranchised black community lived mostly in poverty and unnoticed, among a smattering of the Irish working class along with many students in private and college accommodation.

Northeastern was, in the tradition of US higher education, a vehicle for upward mobility. The Co-op Model was celebrated as almost a guarantee for employment after graduation because students earned credits through internships at communication and media firms, but more expressly in engineering, nursing and physical therapy, with the result that the majority of those internships translated into full time employment upon graduation. (In the interests of full disclosure, two of my children graduated from Northeastern, one being awarded a tuition break the other a partial break, as many of the professoriate's children do as a somewhat curious strategy to retain faculty with financial privileges. One of my children, an English major received no assistance in the co-op system, while the other child, a music major, had a good co-op run in media production). None of this was familiar to me when I started at Northeastern as an untenured associate professor. In being recruited, I was encouraged by James Stellar the Dean of the College of Arts and Sciences at the time, to bring my international academic, journalism and consulting knowledge and experience to the faculty. At the time, all I really knew about Northeastern was two things: the department was chaired by P. David Marshall, another Australian although originating in Canada, who I had engaged with through cultural studies at The University of Queensland and secondly, Sean Fanning/Napster.

Who could not be interested in Sean Fanning? With a background in music industry journalism, research and teaching, as well as technology consulting, I told myself that he represented radical cultural potentialities, and perhaps Northeastern did as well? As the Internet swept everything up into its digital maw, this young man's name represented a full affront to the music industry through his development of a networked system of file sharing. He was by any standard measure a public nuisance, presented in the media as a figure whose repurposing of music files in MP3 digital streaming form was a threat to the music industry which was on its way to working out how to further maximize its exploitation of creative artists, namely musicians, through digitization. By 1999, his last year at Northeastern, Sean had beaten them to it in a radical turn that offered music free, as a kind of universal public good. Suddenly, the Internet looked like it might deliver on the hopes and aspirations some of us had for it – to offer culture in its broadest possible form as a disrupting agent to all cultural industries in their excessive capitalist manifestations, emancipating human capacity to create new forms of creative

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1 Ruggles Railway Station

experience. In so doing, music "streaming" would undo the system of finance wealth extraction from artists, possibly even the public. This was especially true for working class culture's popular music that had been reduced to commodified form, accessible through record company mediation. In the context of the working class history of Northeastern, Sean Fanning offered more than a celebrated "disruption" to the existing economy in the mode of Harvard Business School types drawing on the liberal capitalist theory of Joseph Schumpeter. Sean Fanning's intervention into the digital horizon of cultural circulation, generated radicality and with it a moral panic from the powers that be. For thousands of others it shifted the calculation, making access to culture "free" as a source of pleasure, entertainment and cultural expression, perhaps even food for revolt. Pew Research Center summarized the situation:

> Before Napster, internet users had limited access to digital music through legitimate channels. After Napster's software allowed fans to share their entire catalog of music files online, the music ecology radically changed (Madden 2009).

More censorious in its approach, *The New Yorker's* Stephen Witt summarized Napster as:

> a generation-wide flouting of both social norms and the existing body of law, with little thought for consequences (Witt 2015).

Witt's 2015 *New Yorker* article provides a liberal overview of how established power is embodied in intellectual property law, and what became the lawfare case against Napster, Sean Fanning, peer-to-peer networking and the possibilities for free streaming culture in general. For the opponents of Napster, such as the Record Industry Association of America (RIAA) it was a pirate activity, for users it marked a short-lived disruption into chaos, out of which might emerge a new world cultural order. That indeed had been an argument put in the 1980s by the anarchist Hakim Bey, in his theories about Temporary Autonomous Zones or TAZ (1985).

This is not the place for me to theorize any relationship between TAZ and Napster: that is a task that others can undertake, perhaps in a misguided belief in the inherent virtues of anarchist disorder. The fact remains, that in the digital moment of sonic chaos, Napster at Northeastern was generally pushed to the side of campus consciousness, an embarrassment in the rush to pursue academic prestige at a selective admissions university. Still, on arriving on campus in 2004, Sean Fanning and Napster existed like a beacon for the possible emergence of a different kind of mediated musical world. He offered a point of access for the free circulation of music culture.

My ethnographic efforts at observing and participating in the quest for digital freedom originating at Northeastern University are a shadow of struggles in the university and society, to help transition capitalism out the door.

Boston Zeitgeist – radical imaginaries

For community activists from the Boston/Cambridge Massachusetts area, Fanning was in some respects their progeny: a computer user pushing open doors for access to cultural products that were otherwise tied down by industrial ownership structures. He can be viewed as a continuation of the idea that computerization could be put to use to mobilize public activism in the overthrow of capitalist exploitation. In effect, Fanning's action was not disconnected from the culture of the computer activism scene in Boston. For my purposes, a scene is considered in the sociological sense of creating a generalized environment in which political action occurs because of the sense of change that permeates culture and social relations. In this way, a scene, "work[s] upon the social and institutional foundations of cities so as to produce distinctive complexes of knowledge and behavior" (Straw 2004).

In recounting his first-hand participation in the Boston scene, Peter Miller told me that Boston in the 1970-1990s had been rich with innovation dedicated to the creation of social movements connecting

black, minority and radical science communities in a shared commitment to "community media and technology," drawn in his case, from the UC Berkeley School of political theory (Miller 2019). In the early 1990s, community technology centers became community computing centers, generating the "Community Technology Center's Network" with over 1000 members nationally. By the end of the 1990s there were 20,000 Community Technology Centers across the United States.

Miller's activism was concentrated around the "Community Action Agency of Somerville" then with "Playing to Win at Scale," the second community computing center set up in the US, based at the Somerville Center for Adult Learning Experiences in Boston. (The first such community computing center was set up in a public housing basement in East Harlem, New York in 1981 by Antonia "Tony" Stone (2020), who moved to Somerville, Boston in the late 1980s). As Miller tells it:

> She designed the (Somerville) center to teach people computers, how to use them and how to
> have access to them; primarily populations that didn't have ordinary access. She worked
> with prisoners, she worked with low literacy populations, she worked with non-English speakers
> (Miller 2019).

The centers were premised on the notion that technology could be a tool utilized within society to remake it through the use of autonomous communication by the working class and the racialized subaltern. For sections of the activist community, the zeitgeist of Boston leading into the 1990s was constituted by this new potential. It was almost the antithesis of the control economy that at that stage, was defined by formal structures of the government regulated media industry. That was until the 1996 U.S. Telecommunication Act deregulated all digital communication, opening the floodgates through which Sean Fanning found a way to create Napster (Breen 2011).

For Bostonians, there was the possibility of making it yourself in the digital space. Left radicals accepted that a libertarian philosophy enabled them to be able to express freedom on this new "thing" – the internet. After all, it was public, and as Miller noted, many thousands of users could log into community action projects through local libraries – all of which are publicly funded and free for public use. In this context, the early internet offered the continuation of the ideal of emancipation through digital communication, where new users and businesses would break the existing hold of monopoly owners of communication technology.

Reconstructing Napster within this historical trajectory involves theorizing one of the key themes of Marxism: that the political economy of human development involves the unhindered creation and development of human ingenuity in service to the bulk of humankind, the proletariat, not profit (Draper 1971). This concept, also generically described as "emancipation," was incorporated into the community projects – not, it must be said, explicitly as Marxist exercises, but as opportunities for humanistic community realization through networked communication technologies. The antithesis of free creation is destructive competitive activity within society, transitioning to its intended expression as monopoly capitalism. Monopoly capital persistently over determines human agency, denying the potential for the emergence and refinement of the socialist objectives incorporated within Marxism. In the latter category, a million flowers bloom, in a way not defined by profit-seeking exploitation of human labor, but by the need for culture imagined, innovated and produced to meet human needs, primarily those of the working class. Marxism recognizes that "free competition" is destroyed by the concentration of exploitative interests whose priority is profit, not people or culture (Mattick 1943). With the invention of digital streaming and the "always on" communication environment of the internet, a "new mode of production" (Sweezy 2004) emerged that offered opportunities for freedom, and what is now its contradictory opposite: totalized domination by a select few platforms known as "The Magnificent Seven:" Tesla, Microsoft, Apple, Amazon, Nvidia, Alphabet, Meta (Edelsten 2024).

What happened?

When I investigated Napster at a rudimentary level at Northeastern, David Marshall cautioned me: "No one likes to talk about Sean Fanning at Northeastern." When I asked a student who seemed to know a few things about ripping music files, he told me that he thought Fanning's uncle was more involved than Sean. It was a comment that went nowhere when I inquired further. After several emails and phone calls led to nothing, the effort to fill in the gaps to my knowledge had produced merely a casual comment that suggested that Sean had disappeared in Silicon Valley to find a way forward for Napster, as much as to avoid the RIAA litigation that sought to "cease and desist" his streaming music innovation while personally crushing him. The research, with suggestions that Fanning be invited to talk to Northeastern students about his experiences, came to nothing. I accepted that the chase was over and history would miss the originator's perspective. (I did however have an apocryphal experience in 2007, in the Central Australian desert with 20 Northeastern students on a month-long summer academic program. A student who seemed to be listening to his headphones all the time, thereby missing the sounds of the desert and the instruction, informed me that thanks to file sharing developed by Napster, he had 5000 songs stored on his phone. Before the emergence of platforms with almost infinite choice, this sounded as perverse as it was pointless, reducing music to a social activity where bragging rights about quantity mattered to some people more than the songs and sounds of music culture).

Given the research failure to unpack information about the source of Napster, the best that I could do was to pursue two streams: talk with students in my classes about Fanning as a symbol of what the Internet could have been and secondly, to connect those critical classroom efforts with the legal scholar and colleague Lawrence Lessig. Larry and I met during the Internet Bubble in 1997 at a conference convened by the Government of Cayman Islands. We were critics among a small group of academics, consultants and government officials looking uncritically for ways to ride the new technology to economic success. That the Caymans became known as a haven for tax cheats and evaders, should not be omitted from this history of digital monopoly development. That the islands extend the unregulated power of the Magnificent Seven reinforces their refusal to engage with public policy obligations such as paying taxes.

> A series of studies by a leading international tax economist and colleagues concluded that just six U.S. MNCs — Apple, Cisco, eBay, Facebook, Google, and Microsoft — underpaid their federal corporate income taxes by a combined $277 billion between 2009 and 2022 because of their abusive profit shifting practices. The IRS recently sued Microsoft to recover $29 billion it claims the company owes for tax years 2004-2013 alone (Mazerov 2024).

Monopolists like nothing more than domination. As for free culture, they like it when it lines their pockets.

Educational free culture meets monopoly capitalism

University education in the United States is grounded in the history of an orientation to knowledge that flows freely in a positive relation to the development of society. In this sense it is ostensibly THE liberal project, because it is quintessentially "progressive." At least this was the case as defined by the champion theorist of a liberally educated America, John Dewey, whose idea of "practice-theory-practice" informed the creation of a kind of pragmatic-instrumental pedagogy directed at American development. His philosophy of education, defined in 1916 in <u>Democracy and Education: An Introduction to the Philosophy of Education</u> is a reference for a few contemporary holdouts in the critical, liberal and humanities orientation (Dewey 1916). This includes educational theorists in the US Government (Gibbon 2019). In fact, Dewey was one of several thinkers whose progressive ideas opened the door to the role of public education in furthering a democracy informed by ethics in an America being remade after the Civil War. It was a country deeply influenced by left and Marxist thinking in the 1930s, with the

resulting red baiting, anti-communist surge (known generally a "McCarthyism") against the kind of ideas progressives realized in education. Aspects of progressive educational theory included concepts of free play, open investigation of ideas and practice combined with social justice (Hildebrand 2024). This kind of liberal college education was taken up as a national project of dual development: technological innovation as the engine of capitalism, especially after World War 2. During Dewey's day, it would not be excessive to claim that for the US Government, free culture was homologous with academic freedom and "talent cultivation," in a kind of emancipatory free-for-all of creativity aligned with the state and business interests (Chen and Ming 2021). It fact, it was a radically progressive educational theory that still serves as a benchmark for some analysis. For example, a 2024 definition of academic freedom in the context of protest encampments against the genocide of Palestinians in Gaza noted the liberal claim to: "everyone's right to be free of content-based speech restrictions in the public sphere" (Srinivasan 2024).

Of course, such a narrative risks privileging one theory of education against the reality of deeply conservative forces who constrained then circumvented progressivism with business fetishism. In this deeply contested terrain, Henry Giroux has been especially clear on the way US higher education and education in general has been unmade by corporate interests. For example, Stealing Innocence: Youth, Corporate Power and the Politics of Culture, makes a case with a clarion call to identify and stop the profit maximizing corporatization of academic life (Giroux 2000). The challenges in working in the US college system to expand ideas such as those of Dewey's in the interest of an emancipatory system of teaching and learning are complex, yet now mostly directed by private interests in the service of contemporary monopoly capital (Breen 2011). Somewhat thankfully, the contradictions are constituted by an innovation culture that identifies cash flow within a mostly liberal social science and humanities educational context, which, to be effective, includes criticism of business fetish culture. And yet, industrial capture by "vested interests" has the upper hand, as the corrupt Magnificent Seven technology sector dominates. They admit however, that the continuation of liberal education in related institutions has value in so far as liberal arts education makes for more sophisticated extractors of profit (Ivywise 2024).

It is (still) possible to express a version of academic freedom in the contemporary university by teaching texts such as Dewey's Democracy and Education, and in relation to Napster, texts such as Lawrence Lessig's CODE (Lessig 2006). Indeed, CODE still provides empirical evidence within a liberal legal Constitutional framework for how corporations structured or "coded" the attack by the RIAA and the music industry on free culture, Napster and Sean Fanning. This aspect of monopoly capitalism was achieved through legislative procedures that produced a legal apparatus intent on denying freedom to innovate culture. Corporate claims to private property ownership used Intellectual Property law, specifically The Digital Millennium Copyright Act (1998), to capture culture in cyberspace at an industrial level by redirecting the Bill of Rights, as Lessig put it, to remove the guarantees for certain freedoms, such as "speech, privacy and due process" (Lessig 2006: 14).

While looking for Sean Fanning, I was the academic sponsor through the Communication Department, of a lecture by Lessig at Northeastern in March 2006. The "Free Culture Forum" was arranged by the Northeastern University Library and attracted an overflow audience. The event served as an indicator that some academic researchers and students were conscious of the way the university had been structured around the interests of monopoly capital, chasing the Napster innovation off campus. Through loosely held alliances with each other we worked in an attempt to sustain the university as a free space for the innovation of theoretical and practical ideation. This challenge persists. The protest encampments against the genocide by Israel in Gaza share elements of the same impulse for academic freedom in the university: the freedom not to be overwhelmed by narrowing, fascistic forces of reaction that expect the university to be an exclusionary site of elitist business interests. In reflecting on the case, it is clear that Napster and Sean Fanning at Northeastern University serve as an early example of the unmaking of the liberal university as a site of innovation for free culture.

References

Bey, Hakin. 1985/2003. <u>The Temporary Autonomous Zone, Ontological Anarchy, Poetic Terrorism</u>. Autonomedia.

Breen, Marcus. 2011. <u>Uprising: The Internet's Unintended Consequences</u>. Common Ground Publishing.

Wang, Chen and Liu, Min. 2021. "Liberal Education in the American Context: Practical Trends." <u>Higher Education Forum</u>. Vol 18: 141-156.

Dewey, John. 1916. <u>Democracy and Education: An Introduction to the Philosophy of Education</u>. New York: Macmillan.

Draper, Hal. 1971. "The Principle of Self-Emancipation in Marx and Engels." <u>Socialist Register</u>: 81–109.

Edelsten, Simon. January 23, 2024. "Where next for the Magnificent Seven?" <u>Financial Times</u>.

Gibbon, Peter. 2019. "John Dewey: Portrait of a Progressive Thinker." <u>Humanities: The magazine for the National Endowment for the Humanities</u>.

Giroux, Henry. 2000. <u>Stealing Innocence Youth, Corporate Power and the Politics of Culture</u>. Palgrave MacMillan.

Hildebrand, David. 2024. "John Dewey." <u>The Stanford Encyclopedia of Philosophy</u> (Summer 2024 Edition), edited by E. N. Zalta & U. Nodelman

Ivywise database, 2024. <u>The Value of a Liberal Arts Education in Today's World</u>.

Lessig, Lawrence. 2006. <u>CODE 2.0</u>. Second Edition. New York: Basic Books.

Madden, Mary. June 15, 2009. "The State of Music Online: Ten Years after Napster." <u>Pew Research Center</u>.

Mattick, Paul. 1943. "Competition and Monopoly." <u>New Essays</u>. vol. 6, no. 3.

Mazerov, Michael. March 29, 2024. "States Can Fight Corporate Tax Avoidance by Requiring Worldwide Combined Reporting." <u>Center on Budget and Policy Priorities</u>.

Miller, Peter. 23 September, 2019. "Technology History in Boston." <u>Boston Media Theory</u>.

Srinivasan, Amia. 23 May, 2024. "If We Say Yes." <u>London Review of Books</u>. Vol. 46 No. 10

Straw, Will. 2004. "Cultural Scenes." <u>Loisir et Société / Society and Leisure</u>. 27 (2): 411–422.

Stone, Antonia. 27 November, 2020. Obituary. <u>New York Times</u>.

<u>The Digital Millennium Copyright Act</u>. 1998

Sweezy, Paul. October 5, 2004. "Monopoly capitalism." <u>Monthly Review</u>. Vol. 56, no. 5. Accessed 15 June 2024.

Witt, Stephen. 20 April, 2015. "The Man Who Broke the Music Business." <u>The New Yorker</u>.

Inciting Infringement and Innovation: from Napster to Now - the dialectic of law and technology

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Abstract

The original Napster had only a short life, but what it set in motion has lasted and been significant. From 1999 to 2001(2), the Napster platform offered the first widely known and widely adopted music file-sharing download service, combining internet distribution and MP3 file compression with its own central server acting to enable user uploading and downloading of music. Whilst Napster was shut down for 'contributory infringement' on the grounds that its central server directly facilitated copyright infringing downloading, its closure on these grounds saw the rise of fully peer-to-peer (P2P) services such as Kazaa. When P2P uploaders were targeted for infringement, Torrent-based services replaced them with peers-to-peer (Ps2P) sharing sites (most famously The Pirate Bay).

Legal targeting of Torrent sites saw the geographical distribution of servers and the rise of temporal evasion by means of live-streaming services (a form of peers-to-peers software). Where Napster directly pressured record companies to do a deal that enabled the creation of iTunes, its longer-term impact was on laying the foundation for today's legal streaming services, the most famous of which is Spotify. Today's legal services provide what Napster offered 25 years ago: free access to recorded content and a consequent reduction in opportunity costs, which has seen the rise of live performance ticket prices and sales volumes. The cat-and-mouse battles between law and technological evasion have made recorded content freely available at the same time as increasing the earnings of live performers.

Keywords

Napster 1999-2001(2)

The advent of the compact disc (CD) in 1982 saw a perfect storm of profit for record companies (David 2019a), with increased prices combined with increased sales due to reformatting and reduced manufacturing costs (Sandell 2007). However, the same digital reduction in the costs of production that benefited record companies had the reverse impact once it became possible for end-users to also make digital copies for themselves at zero marginal cost (Rifkin 2014). Domestic CD burners became available in the 1990s, but it was Shaun Fanning's Napster that brought together commercially developed compression formats, digital network technologies, and his own addition, a web-based portal/server that enabled users to locate each other to upload and download music files between themselves (David 2010).

Court action by the Recording Industry Association of America (RIAA) saw Napster required to cease operations in 2001, which then saw the company declare bankruptcy in 2002. The US Courts' 1984 Sony Ruling (in the case heard, the particular technology in question was the Betamax video cassette recorder, but the principle was set in general) declared that a technology that enabled infringement of copyright was not intrinsically criminal if that technology had 'dual use' (i.e., potential legal uses) (David and Kirkhope 2004). Where Sony did not actively encourage infringement and also did not directly partake in individual users' acts of recording, Napster was found guilty of contributory infringement because users who made files available (uploaders), in fact, uploaded those files to Napster's own server from which downloaders would then be able to make copies. As such, Napster was directly 'handling' the infringing content and directly enabling the infringement. As such, Napster's central server saw it successfully targeted and shut down within a relatively brief period. However, whilst short-lived, Napster set in motion changes that have lasted.

The most immediate impact of Napster was the willingness of record companies to look for a copyright-compliant alternative form of digital sales. In the 1990s, individual record companies experimented with stand-alone encrypted platforms to sell downloads of their musical content directly to fans of those artists signed to their particular label. Labels were not keen to hand over control of their content to any single external platform. Napster offered a generic service combining access to the content of multiple labels, giving users far greater ease and range. That major labels became willing to sign over access to their content to Apple and, in so doing, afford a legal download service was in large measure due to the threat of an infringing alternative (Napster). Apple's iTunes was launched in 2001. Initially, record companies had required iTunes to encrypt downloads to limit further copying. The removal of the 'Fairplay' encryption software was itself something Apple undertook in 2007/8 under pressure from free, copyright-infringing services that had filled the gap left when Napster closed and because the practice of uploading content was made easy by the fact that record companies were selling CDs (from which copies could be taken) without any form of encryption (David 2010).

Kazaa, plus, plus: peer-to-peer distribution

Where physical manufacture of records requires a substantial level of capital, and where digital storage, manipulation, and distribution reduced this need, first for record labels and then for end-users, the law was used to maintain the control formerly enabled by the need for such fixed cost (capital). Whilst Napster's innovation afforded a zero-marginal cost for the reproduction of copies by downloaders, its central server made it legally vulnerable. With the closure of Napster, however, a new generation of file-sharing platforms emerged that did not use Napster's central server-based model. Services such as Kazaa, Morpheus, and Grokster arose in or just after 2001, offering uploaders and downloaders the opportunity to share files directly between themselves rather than for files to pass through the software providing the platform's own servers. Users simply downloaded the search software from the service provider and transferred files directly between themselves. This was, therefore, a genuinely 'peer-to-peer' (P2P) based exchange. This exempted software providers from liability for infringement, at least as long as the platforms did not directly promote their products for the purpose of infringement (as some initially did).

Again, in the cat-and-mouse game of technical evasion and legal targeting, services like Kazaa++, Morpheus, and Grokster were able to deny direct contributory infringement so that record companies instead went after the uploaders of files. If a P2P platform user was to make an MP3 music file available for others to download copies from, that uploader could be accused of infringement on the grounds that the file being made available to others might lead to a reduction in lawful sales of the same content. Whilst the claim regarding like-for-like lost sales (the claim that every download made was a sale lost) is hard to prove, it was the case that record sales fell dramatically in the years after the emergence of Napster and its descendants, and a number of legal cases were brought against uploaders in an attempt to intimidate fans, even as the financial gains made in such cases did not cover the cost of the

lawyers (David and Kirkhope 2004). Claiming hundreds of thousands of dollars of losses against often relatively poor music fans was not a good look and never a profitable one. In an additional twist, user uploading data was gathered by Kazaa to sell to advertisers. Disquiet over such 'spyware' led to the production of pirate versions of Kazaa's software (Rojas 2002), but pirated versions like Kazaa Lite, which claimed not to be installing such spyware, were themselves accused by the owners of the 'official' Kazaa platform, of doing exactly that, and even that harvested data was then used by record labels in identifying downloaders for legal targeting (Billboard 2003). These legal and technical tactics then had the consequence of incentivizing the development of a new level of evasion.

The Pirate Bay: peers-to-peer distributed liability and networked evasion

Whilst legal targeting against Napster focused on its central server, leading to the development of peer-to-peer services, the targeting of the uploaders using such P2P services led to the development of what can be called peers-to-peer (Ps2P) services. Where P2P software allows a file to be downloaded that has previously been uploaded, what Ps2P (otherwise known as Torrent or BitTorrent) services enable is for a downloader to assemble a copy of a file from a large number of elements taken from multiple uploads. Rather as if ten students making ten copies of ten percent of a book each; and then sharing these elements such that each student ends up with a full copy of the work even as no one student has copied more than they are legally allowed to copy[i]; so it is that a Torrent-based file-sharing service distributes legal infringement in such a way that no one uploader can be identified as 'the' source. Whilst it would be possible to target the downloader using such a service (as one might target the downloader of any infringing service), this is not an attractive option as targeting the downloader would only address the infringement involved in making a copy of the individual file being downloaded (as opposed to the potentially large number of infringing copies that could be made from a single file that an uploader makes available). The likely fine that could be set against any downloader, relative to the cost of taking such a legal course of action, therefore, makes such a strategy unattractive.

With peers-to-peer (torrent) services making users relatively immune, legal attention returned to service providers. The most famous torrent service, The Pirate Bay, which was initially launched in Sweden in 2003, actively promoted itself as a means of infringement, so it was doubly targeted (for infringement and for incitement). Legal actions against the site, and its owners, have been 'successful' in some senses, seeing closures, imprisonments, fines, domain name seizures, and more, but the ability to relocate servers to different and multiple jurisdictions witnessed another set of technical evasions and innovations relative to legal developments taken against such service providers.

Whilst Napster did promote its service as enabling users to access content without paying for it, the various technical innovations that led to The Pirate Bay saw the denial of such intent turn to active and political incitement of infringement, such as with the creation of Pirate Party lists in a number of countries (Dobbin and Zeilinger 2015).

Live streaming: peers-to-peers temporal evasions

Just at there had been seventeen years of feast for record companies after the introduction of the compact disc in 1982 and before the advent of Napster in 1999, so the rolling out of digital sports broadcasting in the 1990s saw a profit storm for early adopting companies in that field (most notably Rupert Murdoch's Sky in the UK and Fox in the US) (see David and Millward 2012). The development of live-streaming channels and developments within the cat-and-mouse logics of technology and law that have so far been documented in this article brought a new level of evasion to the dynamics of free access versus firewall-protected digital media content.

Streaming developed the parallel legal and infringing affordances of digital circulation that Napster set in motion. Where digital broadcasting enabled the encryption of what had previously been free-to-air terrestrial broadcasting, it was easier for a company like Sky/Fox, once it had bought up rights to

broadcast live sports, to charge access to de-encrypt such content. It was also much easier to sell those rights to wider (global) audiences via new digital satellites and ariels. Yet, with a delay comparable to that seen between the CD and Napster, it was in time that free live-streaming services emerged when broadband speeds allowed live visual content to be circulated through domestic Internet bandwidth. Initially, free streaming channels (Birmingham and David 2011; David, Kirton, and Millward 2017) offered a form of temporal evasion insofar as service providers were not responsible for user streams so long as the service provider acted to remove infringing streams when notified (by which time sports events had likely already ended). When rights holders pressed for faster (automated) shut-downs, users could simply switch to alternative streams; or else service providers who actively promoted free copyright-infringing access to live sports coverage (incitement as well as infringement) could simply relocate their servers to other jurisdictions – and users could access these live-streaming channels via VPNs (virtual proxy networks) when rights holders pressed ISPs (Internet service providers) to block channels (Brown 2015). Nevertheless, the most profound impact of live, copyright-infringing streaming services (like Justin.tv and FirstRowSports and their many alternatives) was the development of legal streaming services, the most famous of which being Spotify.

Spotify and its discontents

Spotify is a commercial music streaming service. It originated as a technical system in Sweden in 2006 (in part as an attempt to create a legal alternative to Sweden's The Pirate Bay). Spotify was launched as a commercial service in London in 2008. Initially, Spotify adopted a business model not unlike file-sharing, torrent-based, and live-streaming-based sites to the extent that it gained payment from advertisers. Advertisers are attracted to the site as they believe the site will be viewed/listened to by music fans with disposable income. Spotify offers its ad-funded users the opportunity to stream (listen to but not record/download) music of the listener's choice, and this has attracted many millions of users to Spotify's service. However, subscription-based users can now download content. Spotify successfully raised significant amounts of venture capital, and with this and its advertising revenues, Spotify was able to pay musical copyright holders (rights holders, most often record companies) for the license to stream their musical (intellectual) property.

Users can choose between a free service or a premium subscription service. The free service enables users to stream the songs of their choice from Spotify's extensive catalog, but in the free-to-use version, users can only listen to the same tracks a certain number of times per month, and they are also exposed to advertiser messages after every three (or so) tracks they listen to. Different countries have slight variations in this arrangement in terms of how the limits work on non-subscription accounts. In exchange for the 'premium' (subscription payment) service, users gain unlimited 'plays' of their preferred tracks, can download content, and are not required to experience commercials between tracks.

In its early years, Spotify gained a limited subscriber base. Three-quarters of users signed up for the free service in these early years (David 2016). Whilst generating large revenues, income was eaten up by payments made to rights holders (record labels not artists), such that Spotify did not make operating profits for its first decade (first posting a profit in 2019). At the current time, with around six hundred million users worldwide, 239 million of these are subscribers (40%), generating almost ninety percent of the company's revenue (Stassen 2024). Still, whilst the company generates most of its revenue from subscribers, most users pay nothing.

Critics of Spotify point to the fact that whilst billions of dollars/Euros/Pounds, etc, are paid over to rights holders each year, payments to artists remain low (Marshall 2015). This is because rights holders (record companies, for the most part) receive the Spotify payments and only pass on to artists a small percentage of this revenue. This payment model is in line with the royalties-based record deals artists sign with labels (Albini 1993). Spotify does not create this issue, but neither does it remedy it. A multiplicity of alternative streaming services (Deezer, BandCamp, Tidal, and SoundCloud, to name but a few) claim to offer better deals for fans and artists by means of the same basic streaming technology. There is even a streaming service called Napster, though it is not the actual descendent of its original namesake. What

remains the case throughout is that, whether from physical or digital sales, artists receive only a tiny fraction of their earnings from royalties. Most artists get paid the most for live performances. Most fans access streaming content without payment, and streaming services promote fandom. If accessing them is free, such services do not compete with payment for live performance in terms of opportunity costs. This is the true legacy of the original Napster.

The legacy of Napster as the rise of live

It can be disputed that Napster and its descendants directly 'cause' specific individuals to suspend decisions to buy a recording when they instead choose to access a free digital download or stream instead. Individuals who download/stream more free music also spend more money on recorded music than do persons who do not download or stream (David 2010). However, it is true that the advent of free digital file-sharing also saw a collapse in the sale of recorded music. Alan Krueger and Marie Connolly (Krueger and Connolly 2006) map out how this decline in the sale of recorded music also coincided with a parallel rise in concert ticket sales and volume of tickets sold (their regression analysis suggests the relationship is causal). The mechanism they claim explains why the decline in record sales produces an increase in live performance spending is simple, the declining opportunity cost for those with an interest in music: when free digital downloads (and today that would extend to streaming as well) retain and even promote interest in music, the fans who would previously have spent some of their money on a recording now have that money to spend on additional concert tickets (or else to be able to pay more, and sometimes much more, for what tickets there are to buy).

Because record contracts most often leave artists in debt to their record labels, as royalties are only ever a tiny fraction of net sales, and from these royalties, artists are required to repay much of the money record companies invest in them up-front, the decline in the sale of records makes little impact on artists' earnings (David 2019b). Because a greater part of most artists' earnings comes from live performances and associated sales of merchandise, etc., the 'rise of live' is good for performers precisely because it is bad for record sales (Love 2000). Even whilst COVID-19 crashed the live music economy for a year, it was digital forms of hybrid performance and distribution that enabled many performers to sustain themselves, and the subsequent and powerful recovery of live performance since 2021 has been the main engine of rebuilding artists' finances and careers (David 2025), not any reversion to yesterday's record based 'business as usual.'Nonetheless, the US Department of Justice's antitrust action against the concert promotor Live Nation highlights that the struggle between capital and living labor is also ongoing in the live performance arena Tencer 2024).

Conclusions

Record labels have sought to resist what Napster set in train and have, in many respects, adapted to and appropriated the innovations developed by those who created sharing technologies in the very face of such record labels' legal resistance (Arditi 2020). The cat-and-mouse interplay of law and technology has incited infringement and incited innovation. Laws designed to extend intellectual property protection (in duration, depth, and geographical reach) in the face of global networks of infringement have been strengthened even as these very laws have acted to incite the creation of new generations of technology designed to evade such forms of closure (David and Halbert 2015). This cat-and-mouse interplay is something akin to what Alvin Gouldner (1982) referred to as the dialectic of ideology and technology: culture is knowledge generalized, whilst capital is knowledge privatized.

Napster was crushed within a couple of short years after its creation, a testament to the power of major record labels in defending their interests against the threat of free sharing, a threat/promise to reduce marginal cost (and hence price/profit) to zero. Napster's demise, however, witnesses repeated re-inventions of free digital sharing, each new form adapting to the legal restrictions set in place to defeat the previous adaptation. From the central server of Napster to the next wave of peer-to-peer, then peers-

to-peer, and then peers-to-peers forms of free sharing, Napster's descendants have evaded the power of law set against them, even as record labels have likewise sought to adapt themselves. Nevertheless, such an adaptation as Spotify (in making music free to most of its users) is itself, in part, carrying forward the very logic of free digital distribution it was created to resist. A similar dialectical struggle takes place between recording as capital and performance as living labor; artists are being exploited by labels even as the free circulation of recorded works promotes live performance and as record labels seek to embed themselves ever more within the live music economy (such as with 'record' deals that include a slice of performance, publishing, and merchandising rights). Laws that seek to contain can incite, even as innovations designed to evade, can themselves incite new forms of appropriation and control.

References

Albini, Steve. 1993. "The Problem with Music." The Baffler. [online] No. 5. Available from: https://thebaffler.com/salvos/the-problem-with-music [Accessed May 3, 2024].

Arditi, David. 2020. iTake-Over: The Recording Industry in the Streaming Era. Lanham MA: Lexington Books.

https://rowman.com/ISBN/9781793623010/iTake-Over-The-Recording-Industry-in-the-Streaming-Era-2nd-Edition

Billboard. 2003. "KaZaA Hits Back Against Record Labels." Billboard Magazine. September 14, 2003. https://www.billboard.com/music/music-news/kazaa-hits-back-against-record-labels-68949/ [Accessed May 20, 2024].

Birmingham, Jack, and Matthew David. 2011. "Live-streaming: will football fans continue to be more law abiding than music fans?" Sport in Society. 14(1): 69-80. https://doi.org/10.1080/17430437.2011.530011

Brown, Ian. 2015. "Copyright technologies and clashing rights." Pp. 567-585 in The Sage Handbook of Intellectual Property, edited by M. David and D. Halbert. Sage: London. https://uk.sagepub.com/en-gb/eur/the-sage-handbook-of-intellectual-property/book240109

David, Matthew. 2010. Peer to Peer and the Music Industry: The Criminalisation of Sharing. London: Sage. https://uk.sagepub.com/en-gb/eur/peer-to-peer-and-the-music-industry/book232217

David, Matthew. 2016. "The Legacy of Napster." Pp. 49-65 in Networked Music Cultures: Contemporary Music Cultures, edited by R. Nowak and N. Whelan. London: Palgrave. https://link.springer.com/chapter/10.1057/978-1-137-58290-4_4

David, Matthew. 2017. Sharing: Crime Against Capitalism. Cambridge: Polity Press. https://www.wiley.com/en-usSharing%3A+Crime+Against+Capitalism-p-9781509513239

David, Matthew. 2019a. "CD." Pp. 361-367 in A History of Intellectual Property in 50 Objects, edited by C. Op Den Kamp and D. Hunter. Cambridge: Cambridge University Press. https://www.cambridge.org/core/books/history-of-intellectual-property-in-50-objects/cd/C01C6ECA4E26386E72D88D94019CB6F9

David, Matthew. 2019b. "Incentives to Share in the Digital Economy." Pp. 323-337 in Society and the Internet: How Networks of Information and Communication are Changing Our Lives, edited by M. Graham and W. Dutton. Oxford: Oxford University Press. https://doi.org/10.1093/oso/9780198843498.003.0020

David, Matthew. 2023. Networked Crime: Does the Digital Make the Difference. Bristol: Bristol University Press. https://bristoluniversitypress.co.uk/networked-crime

David, Matthew. 2025. "Music after Covid-19: capital, performance and sharing." In The Palgrave Handbook of Critical Music Industry Studies, edited by N. Ryan and D. Arditi. London: Palgrave.

David, Matthew, and Debbie Halbert. 2015. Owning the World of Ideas: Intellectual Property in Global Network Capitalism. London: Sage. https://uk.sagepub.com/en-gb/eur/owning-the-world-of-ideas/book245104

David, Matthew and Jamison Kirkhope (2004) "New Digital Technologies: Privacy/Property, Globalization and Law." Perspectives on Global Development and Technology. 3(4): 437-49. https://brill.com/view/journals/pgdt/3/4/article-p437_3.xml

David, Matthew, Andrew Kirton, and Peter Millward. 2017. "Castells, 'Murdochization', Economic Counterpower and Livestreaming." Convergence: The International Journal of Research into New Media Technologies. 23(5): 497-511. https://doi.org/10.1177/1354856515619247

David, Matthew, and Peter Millward. 2012. "Football's Coming Home?: Digital

reterritorialization, contradictions in the transnational coverage of sport and the sociology of alternative football broadcasts." British Journal of Sociology. 63(2): 349-69. https://doi.org/10.1111/j.1468-4446.2012.01413.x

Dobbin, Lisa and Martin Zeilinger. 2015. "Treasuring IP: Free Culture, Media Piracy and the International Pirate Party Movement." Pp 370-386 in The SAGE Handbook of Intellectual Property, edited by M. David and D. Halbert. London: Sage. https://uk.sagepub.com/en-gb/eur/the-sage-handbook-of-intellectual-property/book240109

Gouldner, Alvin. 1982. The dialectic of ideology and technology. Oxford: Oxford University Press.

Krueger, Alan and Marie Connolly. 2006. "Rockonomics: The economics of popular music." Pp. 667-720 in Handbook of the Economics of Art and Culture, edited by V. Ginsberg and D. Throsby. Amsterdam: North-Holland. https://doi.org/10.1016/S1574-0676(06)01020-9

Love, Courtney. 2000. "Courtney Love Does the Math." Salon [online] June 14, Available from: https://www.salon.com/2000/06/14/love_7/ [Accessed May 4, 2021].

Marshall, Lee. 2015. "'Let's keep music special. F--- Spotify'. On-demand streaming and the controversy over artist royalties." Creative Industries Journal. 8(2): 177-189. https://doi.org/10.1080/17510694.2015.1096618

Rifkin, Jeremy. 2014. The Zero Marginal Cost Society. New York: Palgrave Macmillan. https://www.thezeromarginalcostsociety.com/

Rojas, Peter. 2002. "Kazaa Lite: No Spyware Aftertaste." Wired Magazine. [online] Apri. https://www.wired.com/2002/04/kazaa-lite-no-spyware-aftertaste/ [Accessed May 20, 2024].

Sandell, Robert. 2007. "Off the Record." Prospect Magazine. [online] Issue 137, July 31, Available from: https://www.prospectmagazine.co.uk/magazine/offtherecord [Accessed May 3, 2024].

Stassen, Murray. 2024. "Spotify subscriber base grew by 3M to 239M in Q1, as company posts biggest ever quarterly profit." Music Business Worldwide. April 23. https://www.musicbusinessworldwide.com/spotify-subscribers-grew-by-3m-to-239m-in-q1-as-company-posts-biggest-ever-quarterly-profit/#:~:text=That%27s%20according%20to%20the%20company%27s,prior%20quarter%20(Q4%202023). Accessed May 3, 2024.

Tencer, Daniel. 2024. "The DOJ is suing to break up Live Nation. What exactly does the lawsuit aim to achieve – and could the concert giant win?" Music Business Worldwide. May 29. https://www.musicbusinessworldwide.com/live-nation-is-being-sued-by-the-doj-what-does-the-antitrust-lawsuit-hope-to-achieve-and-can-live-nation-win12/. Accessed June 1, 2024.

[i] I have often asked, and no student I have ever talked to has ever read the licensing agreement that is placed above every photocopier in my university – so I do not believe this legal loophole has any actual impact on what students actually do.

Napster's Mediations

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Napster was a significant artifact in the history of digital culture, though an odd one. It was a software application that emerged at the crest of the dot-com bubble's expectations for the World Wide Web. It was born from the culture of underground hackers and pirates, but it was nevertheless greeted by the business press in a largely celebratory fashion. It had no business model and was characterized as the future of business. Napster's strangeness helps put into relief the imaginaries that various actors placed in the digital: in other words, how people believed computer networks would reshape economics, politics, society, and culture and how those beliefs are rooted in deeper ideological investments. Investigating Napster clarifies that many of these ideologies have been divested from only incompletely a quarter of a century later.

When Napster reached widespread attention, it received a great deal of acclaim from the mainstream press. Critical voices, such as Lars Ulrich of Metallica and head of the MPAA Jack Valenti, were only marginally influential, though backed by the institutional power of the law. The program's founder, Shawn Fanning, graced the cover of Time Magazine on October 2, 2000 (Greenfeld, 2000). The magazine's laudatory profile portrayed him as the quintessential dot-com startup founder: a teen visionary who had dropped out of college in order to devote time to coding his dream project. Other mainstream coverage depicted the conflict between the Recording Industry Association of America (RIAA) and Napster as a generational one: *Fortune Magazine*'s coverage of the case referred to it as "David" against "the Goliaths" of the music industry and contrasted Napster's "20-million-kid user base" to "executives over 40" whose businesses were threatened by the software (Napster's own chief executive, Shawn Fanning's uncle John, was only 36 when he adopted the title) (Tully, 2000). The predominant image of Napster was a youth-driven underdog poised to unleash a revolution.

Indeed, "revolution" was an oft-used word to describe Napster. *Time* and *Fortune* deployed it, as did *Forbes* (2000) and *CNN* (Cohen, 2000). Innumerable subsequent retrospectives on the program would as well (see, for example, Van der Sar 2024), and it was the subtitle of the 2013 Napster documentary *Downloaded*. However, if Napster was a revolution, it was a particularly circumscribed one. Oddly, perhaps, for a service with no business model whose chief appeal was allowing users to freely download what would otherwise have to be paid for – stealing, as rights holders put it – Napster was not treated as a threat to the political system or to the capitalist mode of production.

Wired Magazine has traditionally been the chief mouthpiece of Schumpeterian digital "revolutions," by which new technology changes everything – except an economy based on commodities. Napster was no different. Columnist John Perry Barlow waxed rhapsodic, if somewhat incoherently, that Napster revealed both the influx of "DotCommunism" as well as a "free market of cacophonous expression": "We've won the revolution. It's all over but the litigation. While that drags on, it's time to start building the new economic models that will replace what came before." Wired editor Chris Anderson (2008) attempted to elaborate on the contours of these models in *Free: The Future of a Radical Price*, which rested its observations on the fact of the free digital content: "digital economics has revolutionized Free, turning it from a marketing gimmick into an economic force" (13). Former music journalist Matt Mason's *The Pirate's Dilemma* (a review in Wired rated it 9 out of 10) supplemented the technologically determinist Schumpeterian view of piracy as creative destruction with the subcultural appeal of piracy.

Here, a "DIY philosophy" that united punks, pirates, activists, and entrepreneurs is driving change. "DIY is about becoming more independent. The more independent we become as a society, the more industries become decentralized. Indeed, we may reach a point where there is no 'industry' left at all" (30).

Mason's invocation of "decentralization" connects to another aspect of the supposed Napster revolution. Napster's threat was not simply to intellectual property and its attendant business models but to social structures rooted in hierarchy. This hostility to hierarchies went beyond the methods users undertook to acquire music that disregarded the business models and value chains of large corporations. It was the novel architecture of the software itself that realized the possibility of new social relations: peer-to-peer. When users downloaded MP3 files via Napster, they downloaded from other users on the network rather than a centralized server controlled by Napster itself – Napster merely listed offerings from others. The architecture of peer-to-peer file sharing had, in fact, realized the essence of the internet. As Barlow put it, "But then along came Napster. Alternatively, more to the point, along came the real Internet."

The hierarchy in question-related to a then-popular understanding of the politics of copyright and intellectual property. While copyright nominally exists to reward creators and thus incentivize the production of new works, restricting the copying of information conflicted with a number of social and creative practices emerging in a digital context, such as sampling and remixing. Thus, in the internet era, copyright served to *limit* the production of new works for the benefit of large corporations, who retained monopolistic control over cultural markets and free expression (Vaidhyanathan, 2001). Law professor Lawrence Lessig (2001) was a notable popularizer of this position, emphatically describing cultural commodities as forms of speech that, therefore, should not be regulated – effectively collapsing free speech and free markets.

In this way, Napster pointed towards a future that appealed to both libertarian-inclined members of the technology industry and more critical voices in academic, hacker, and activist circles interested in questions of democracy, free expression, and open collaboration. Through a simple technical structure, peer-to-peer file sharing subverted the "gatekeepers" and "middlemen" of the state and large corporations by providing an alternative structure for distributing cultural works that had been digitized. Peer-to-peer realizes "decentralization," a term often used to describe both the structure and politics of digital networks (Schneider, 2019) and as a (notably imperfect) synonym for "democracy" (Golumbia, 2016).

However, rather than centralization (or lack thereof), I would like to use another term, less popular but also invoked, to reframe the question of Napster and its structure in terms of *mediation*. Napster, as an object, did not simply "decentralize" the music industry. Rather, it reshaped relations between the internet, digital cultural content, the music industry, audience practices, and so on, and in turn, influenced the common understanding of this reshaping. In what follows, I do not offer a comprehensive account of this reshaping. Rather, my goal is more modest: to reorient how Napster's history is told to better account for its political and economic effects. Napster has long been characterized as a force for *disintermediation*. As Yochai Benkler (2006), who coined the term "commons-based peer production," put it, "users of Napster could connect their computers directly — one person could download a song stored on the computer of another *without mediation*" (419, emphasis added). Economists have understood the effects of the digitization of music as a history of industry disintermediation, with Napster as the first chapter (Waldfogel, 2012).

Instead, I want to stress the necessity of attentiveness to mediation processes more generally in the analysis of digital artifacts. Focusing on mediation cuts against a number of tendencies in popular and academic discussions of technology and politics. Ironically enough, Leah Lievrouw (2015) has pointed out that scholarly analysis of media technologies is plagued by an idealism surrounding them, where the specter of what John Dunham Peters (1999, 9) describes as the possibility of a transcendent "wordless contact" haunts a more materialist discussion of how technologies always shape communicative practices (42). Describing mediation also pushes against what Anna Kornbluh (2024) has described as a cultural logic of immediacy – the lack of mediation – which is a hegemonic value in contemporary capitalism:

as she describes it, "the basis of economic value, the regulative ideal for behavior, the topos of politics, the spirit of the age" (10). Kornbluh reminds us that critical analysis has traditionally focused precisely on mediating processes of "making representation, connections, and meaning" (ibid). Mediation is an essential component of technological apparatuses, as well as of politics, and so we must contend with mediation if we want to be competent as analysts or as political actors. Simply disintermediating relations at the level of architecture or organization is both impossible and undesirable.

My brief discussion of Napster and its mediation focuses on three levels, analytically distinct if not always possible to completely disentangle. I begin with mediation at the protocol level, which discusses Napster's architecture and (aspects of) its infrastructure. I then describe mediation at the interface level, which discusses Napster's affordances. Finally, I outline some aspects of Napster's cultural mediation, which considers how Napster reshaped the meanings, values, and practices of individuals and groups online around a notion of "peer to peer." At each level, I seek to demonstrate how mediation provides a better description and an improved understanding of Napster's politics.

The Protocol Level

As Alexander Galloway (2006) has usefully pointed out, all internet traffic must abide by protocols, and thus is subject to power relations: "the Net is not simply a new anarchical media format, ushering in the virtues of diversity and multiplicity, but is, in fact, a highly sophisticated system of rules and regulations" (69). One might say the same of peer-to-peer ushering in the virtues of flatness and equality – nevertheless, there are rules.

Napster was not an open-source project and so its protocol remained closed off from view. However, efforts to reverse engineer it, to better understand it and to customize its features, yielded evidence of how it operated (Ding et al., 2004). This reveals something far less than the idealized many-to-many system that the term "peer-to-peer" implies. A fully decentralized peer-to-peer architecture did not prevail with Napster. While peers did download information from one another, Napster's architecture still relied upon a centralized server for purposes of listing files available for download. This architecture gave Napster as a company the ability to filter out specific kinds of information in searches, thereby preventing certain files from appearing. The company did indeed enact filters for one million copyrighted works in a desperate attempt to stave off a court injunction to shut it down (King, 2001).

This centralized listing function was ultimately fatal for Napster in its original file-sharing guise. While the company could successfully claim it did not host files and, therefore, was not responsible for providing pirated content, its listing function meant that it could have detected and expelled pirating users. Napster was thus vicariously liable for infringing activity, as the court determined the program functioned identically to the owner of a swap meet who knowingly permitted bootleg media sales on its premise. As a result of this decision, descendants of Napster, such as Grokster and Kazaa, became more fully decentralized, with search and listing functions also distributed across the network of users. This came at the cost of efficiency, and it did not protect these services from the charge of secondary liability. Rather than ruling that these programs had "substantial non-infringing use," courts found they had little appeal beyond their ability to contravene copyright (Burk, 2014).

Napster's protocols also relied on the IP address of computers connected to its network to match peers, which left users vulnerable. While Napster's sign-up process seemed to afford anonymity by allowing user-generated account names, this did not extend to its architecture. Thus, users could be identified via IP address, though the famous incident where Lars Ulrich from Metallica delivered 60,000 pages of users sharing Metallica MP3s to Napster HQ involved only user names. Napster's search also relied upon users querying one of two central servers, each with an IP address. Blocking access to those servers was a simple way for network administrators to block user access to Napster, though, of course, many workarounds were devised (Kasmir, 2002).

Notably, Napster's protocols only listed MP3 files for download. This had a number of effects. First and foremost, this solidified the MP3 as the predominant format for digital music until the streaming

era (McCourt & Burkhart, 2003). Users were less exposed to viruses and malware, as they could not download executable files. Nor could video files or other media be exchanged, further limiting liability and privacy issues. This led to the development of modifications to facilitate downloading of other kinds of files, such as Wrapster, which provided non-MP3 files with an MP3 "wrapper" that would be recognized by the system.

The Interface

The vast majority of users will never directly engage with software at the protocol level. Instead, they will use software packages and interfaces that organize and visualize information. Interfaces are also a site of power and interpellation (Stanfill, 2014). The theory of affordances provides a vocabulary for describing how the design of software and interfaces relates to the individual user's capacity to act, as well as the conditions in which design choices are situated (Davis & Chouinard, 2017). A full walkthrough method (Light et al., 2016) of Napster's original affordances is not possible at this time; additionally, the purpose of this essay is illustrative rather than exhaustive. What follows is a brief discussion of the significant affordances of Napster, as well as socio-cultural effects that go beyond the narrow consideration of record industry profits.

Napster, following the general approach of MP3 technology, afforded searching by individual song. This was not something determined entirely by technology (an entire album or live performance could also, theoretically, be encoded in a single MP3) but by conventions developed in the MP3 piracy scene prior to Napster. Napster's own approach to file sharing was drawn from the user directory structure. Users may have organized their MP3s according to artist, album, genre, or telescoping combinations of categories, but they might also have organized individual files into a generic and undifferentiated "Music" folder. Much commentary on the advantages of Napster had to do with how it "unbundled" albums, allowing users to download only the specific desired songs from an album, often just one or two, rather than purchasing the entire album on a disc. While causality is difficult to prove, a number of commentaries relate the decline (if not "death") of the album format to the rise of digital music files, for which Napster set the model (Leeds, 2007).

Napster also incorporated a chat feature, which allowed users to message one another. However, research on the program concluded that little genuine community engagement happened in its network. Prior to Napster, a participatory community of hackers and fans created a culture of organized digital piracy, which developed its own creative approaches to "releases," community norms, and political positions (Mueller, 2019). The development of Napster effectively automated the more laborious methods of accessing the digital piracy underground, and thereby reduced much of the subcultural community building that had adhered to music piracy (Schäfer, 2009). For all the discussion of "produsage" that circulated around peer-to-peer file sharing at the time (see Bruns 2008), Napster's affordances instead encouraged a simplified consumerist approach to music, falling short even of connoisseurship. There was little in the way of social discussion, identity construction, or music criticism on the program itself.

Cultural Mediation

Here, I want to discuss how understanding Napster at the level of its structure, popularized in a variety of accounts, has contributed to a particular political imagination around "peers." To a great extent, greater than I can go into here, it replicates much of the libertarian techno-optimistic discourse on the flattening of hierarchies and the equalization of power that is supposed to derive inherently from networked forms of organization, discourses that have been extensively critiqued since the 1990s (see Winner, 1997 and Barbrook and Cameron, 1996). Additionally, studies have probed the discourse of "sharing" that originates with Napster and takes on a wider valence in the platform economy (John, 2016). I wish to add a small piece to this larger body of critique by focusing on the way Napster's architecture was described in a disintermediated fashion as "peer-to-peer."

"Peer" is an odd word. In common usage, it means someone of equal status: The word derives from the Latin *par*, meaning equal. But a *peerage* is quite the opposite, an aristocratic title, often hereditary, that indicates a superior position to that of commoners. This meaning originates in the language of the Magna Carta, which insisted that an English nobleman was subject to judgment by peers (*pares*) – other aristocrats – rather than the whims of the monarch. Rather than an etymological curiosity, I want to suggest the ambiguity between equality and hierarchy continues to adhere to "peers" as a subjectivity produced by Napster and its associated discourses, as well as in the use of the term in other contexts.

Peer-to-peer presupposes a flattening, by which each node in the network is judged by the same set of criteria rather than a pre-established hierarchical client-server model. For many commentators, this suggested a form of political equality or even a kind of communism (see Kleiner, 2010). Yet each node is not actually equal: the network sorts results and, therefore, mediates connections based on speed, availability of information, geography, and other qualities. One popular way to view this is as simply meritocratic: the network works in an efficient manner, serving up the most relevant and fastest results without bias towards other nodes based on any other criteria.

A meritocracy is, however, not necessarily egalitarian. Underlying these "meritorious," efficient, and powerful nodes are structural inequalities, such as access to more expensive and more exclusive technical capabilities. This may matter little on a platform for sharing MP3s, such as Napster, but when projected into larger forms of social organization, they can quickly become engines for inequality and discrimination. "Meritocratic" social sorting systems, such as standardized tests, due to their historicity, disadvantage historically marginalized groups (Au, 2022). A number of recent critiques of meritocracy point toward how it legitimates inequality while also fomenting a backlash against egalitarian intervention (Hayes, 2012; Markovits, 2019).

Indeed, chief examples of peer production, such as open source and Wikipedia, do not operate along democratic or egalitarian principles. Rather, those principles are presumed to follow from the peer-to-peer structure of the work, if they do at all. They are by-products rather than components of intentional design. The open-source operating system Linux is run, according to its founder Linus Torvalds, as a "benevolent dictatorship," and, as Felix Stalder points out, meritocracy, rather than equality, is the rule (172). The continued inequalities among Wikipedia editors are well established (see, for example, Shaw and Hargitaii 2018 and Mandiberg 2023). Blockchain projects, which also claim to be democratically peer-to-peer, are rife with "meritocratic" varieties of sexism and other forms of discrimination (Semezin and Gandini, 2021; Semezin, 2023).

The interest in deploying peer-to-peer technical structures to mitigate, solve, or route around social inequality garnered tremendous interest in the wake of Napster, an interest that continues today. Much of the work on these political and organization questions since Napster has been fostered and consolidated by the P2P Foundation, founded in 2005 "to help people, organizations and governments transition towards commons-based approaches to society through co-creating an open knowledge commons and a resilient, sustainable human network" (P2P Foundation). While the mission goals listed on its site claim an investment in "inclusivity, gender equality, and diversity," the organization's founder, Michel Bauwens, has become an increasingly vocal public critic of "wokeness" and "identitarianism" in what former collaborators describe as a shift in messaging towards a "reactionary and racist echo chamber" ("Letter of Disassociation" 2021). Bauwens, for his part, claims that the left's commitments to equality "undermine any strength a nation has by systematically undermining merit and expertise and punishing society's most hard-working and disciplined members" (Bauwens, 2023), a claim that rests on both retrograde racist cliches as well as a "colorblind" notion of meritocracy. While Bauwens himself may be idiosyncratic, there is an ideological alignment between aspects of P2P, meritocracy, and discriminatory and reactionary beliefs, one that goes to the heart of the contemporary right-wing backlash against equality.

Rather than an answer to the deficits of democracy in existing political systems, peer-to-peer simply reposes the question under further layers of architectural and discursive obfuscation. It is precisely by attentiveness to *mediations* – between individuals, between members and organizational structures, between organizations and state apparatuses – that politics can operate. The tantalizing immediacy of

the internet, of which Napster's unleashing of peer-to-peer was a particularly powerful example, directs us to fantasies of spontaneity that presume technological structures will automatically solve political problems.

Ultimately, the belief that Napster represented a revolutionary threat to the music business by disrupting the recording industry was exaggerated, based on a limited understanding of the role of mediating institutions. The recording industry, while often grossly exploitative, was not simply a useless gatekeeper but performed a number of important mediating functions, from advancing capital for artists to produce music to arranging promotion to shaping audience expectations through branding and genre construction. Today, copyright is undiminished, while media piracy has been marginalized. Napster's disruption of music-industry-controlled distribution was, therefore, temporary. Further, Napster's self-effacement of its own mediating role under the banner of "peer-to-peer" made it easy for other platforms to take its place once it was gone. Rather than equality, Napster's legacy is it created, practically singlehandedly, an audience for digital music that was accustomed to abundance and low prices. This audience was easily converted from "peers" to consumers of the "celestial jukebox" now provided by streaming services such as Spotify, which charge a low fee for almost limitless access. While this has dramatically restructured the practices of music consumption, it has left structures of exploitation and commodification largely intact. The Napster revolution never was.

References

Anderson, Chris. (2008). *Free: The future of a radical price*. Westport, CT: Hyperion.

Au, Wayne. (2022). *Unequal by design: High-stakes testing and the standardization of inequality* (2nd Edition). London: Routledge. https://doi.org/10.4324/9781003005179

Barbrook, Richard and Andy Cameron. 1996. The Californian Ideology. *Science as Culture* 6(1). 44-72.

Barlow, John P. 2000. The Next Economy Of Ideas. *Wired Magazine*. Oct. 1. https://www.wired.com/2000/10/download/. Accessed June 13, 2024.

Bauwens, Michel. 2023. Understanding the Great Reversal in the Political Field. *Integral World*. https://www.integralworld.net/bauwens6.html. Accessed June 13, 2024.

Benkler, Yochai. 2006. *The Wealth of Networks*. New Haven, CT: Yale University Press.

Bruns, Axel. 2008. *Blogs, Wikipedia, Second Life and beyond: From production to produsage*. Berlin: Peter Lang.

Burk, Dan L. 2014. Copyright and the Architecture of Digital Delivery. *First Monday 19*(10). https://doi.org/10.5210/fm.v19i10.5544

Cohen, Adam. 2000. Napster the Revolution. *CNN*, Sept. 25. https://edition.cnn.com/ALL-POLITICS/time/2000/10/02/revolution.html. Accessed June 13, 2024.

Davis, Jenny L. and James B. Chouinard. 2017. Theorizing Affordances: From Request to Refuse. *Bulletin of Science, Technology & Society, 36*(4), 241-248.

Ding, Choon Hoong, Sarana Nutanong, and Rajkumar Buyya (2005). "P2P Networks for Content Sharing" in *Peer-to-Peer Computing: The Evolution of a Disruptive Technology* (eds. Ramesh Subramanian and Brain D. Goodman). IGI Global.

Galloway, Alexander. 2006. *Protocol: How Control Exists After Decentralization*. Cambridge, MA: MIT Press.

Golumbia, David. 2016. Computerization always promotes centralization even as it promotes decentralization in Roberto Simanowski (Hg.): *Digital Humanities and Digital Media. Conversations on politics, culture, aesthetics and literacy*. London: Open Humanities Press 123–147. DOI: https://doi.org/10.25969/mediarep/11915.

Greenfeld, Karl Taro. 2000. Meet the Napster. *Time*, Oct. 2. https://time.com/archive/6954963/meet-the-napster/. Accessed June 13, 2024.

Hayes, Chris L. 2012. *Twilight of the Elites: America After Meritocracy*. New York: Crown.

John, Nicholas A. 2016. *The Age of Sharing*. London: Polity.

Kasmir, Thomas. 2002. Napster – Should You Be Worried About It? *Global Information Assurance Certification Paper*. SANS Institute.

King, Brad. "Napster to Start Filtering Songs." *Wired*, March 2. https://www.wired.com/2001/03/napster-to-start-filtering-songs/. Accessed June 14, 2024.

Kleiner, Dmytri. 2010. *The Telekommunist Manifesto*. Amsterdam: Colophon.

Kornbluh, Anna. 2024. *Immediacy, or the style of too late capitalism*. London: Verso.

Lessig, Lawrence. 2001. *The future of ideas: The fate of the commons in a connected world*. New York: Knopf Doubleday Publishing Group.

Leeds, Jeff. 2007. The Album, a Commodity in Disfavor. *The New York Times*. March 26. https://www.nytimes.com/2007/03/26/business/media/26music.html. Accessed June 14, 2024.

Letter of Dissociation. 2021. *P2P Left*. https://p2p-left.gitlab.io/statement/

Light, Ben, Burgess, J., & Duguay, S. 2018. The walkthrough method: An approach to the study of apps. *New Media & Society, 20*(3), 881–900.

Lievrouw, Leah A. 2014. Materiality and Media in Communication and Technology Studies: An Unfinished Project from *Media technologies: Essays on communication, materiality, and society* (ed. Tarleton Gillespie et al.). MIT Press.

Mason, Matt. 2008. *The pirate's dilemma: How youth culture is reinventing capitalism*. New York: Free Press.

Mandiberg, Michael. 2023. Wikipedia's Race and Ethnicity Gap and the Unverifiability of Whiteness. *Social Text 41*(1)(154), 21–46.

Markovits, Daniel. 2019. *The meritocracy trap: How America's foundational myth feeds inequality, dismantles the middle class, and devours the elite*. New York: Penguin Books.

McCourt, T. and P. Burkart. 2003. When Creators, Corporations and Consumers Collide: Napster and the Development of On-Line Music Distribution. *Media, Culture & Society 25*(3), 333–50.

Mueller, Gavin. 2019. *Media piracy in the cultural economy: Intellectual property and labor under neoliberal restructuring*. New York: Routledge.

Schäefer, Mirko Tobias. 2009. Participation inside? User activities between design and appropriation in *Digital Material: Tracing New Media in Everyday Life and Technology*. Ed. van de Boomen, Marianne et al. Amsterdam University Press.

Schneider, Nathan. 2019. Decentralization: an incomplete ambition. *Journal of Cultural Economy, 12*(4), 265–285. https://doi.org/10.1080/17530350.2019.1589553

Semenzin, Silvia and Alessandro Gandini. 2021. Automating Trust with the Blockchain? A Critical Investigation of 'Blockchain 2.0' Cultures. *Global Perspectives*, *2*(1): 24912. doi: https://doi.org/10.1525/gp.2021.24912

Semenzin, Silvia. 2023. "Blockchain for good": Exploring the notion of social good inside the blockchain scene. *Big Data & Society*, *10*(2). https://doi.org/10.1177/20539517231205479

Shaw, Aaron and Eszter Hargittai. 2018. The Pipeline of Online Participation Inequalities: The Case of Wikipedia Editing. *Journal of Communication*, *68*(1), 143–168. https://doi.org/10.1093/joc/jqx003

Stalder, Felix. 2006. On the Differences between Open Source and Open Culture in In the shade of the commons: *Towards a culture of open networks*. Amsterdam: Waag Society.

Stanfill, Mel. 2015. The Interface as Discourse: the Production of Norms Through Web Design. *New Media & Society*, *17*(7), 1059-1074. https://doi.org/10.1177/1461444814520873

Tully, Shawn. 2000. Big Man Against Big Music Think the record companies will bury Napster? John Hummer is betting you're wrong--and he's hired David Boies to prove it. *Fortune*, Aug. 14. https://money.cnn.com/magazines/fortune/fortune_archive/2000/08/14/285578/index.htm. Accessed June 13, 2024.

Vaidhyanathan, Siva. 2001. *Copyrights and Copywrongs: The rise of intellectual property and how it threatens creativity*. New York: NYU Press.

Van der Sar, Ernesto. 2024. Napster Sparked a File-Sharing Revolution 25 Years Ago. *TorrentFreak*. June 1. https://torrentfreak.com/napster-sparked-a-file-sharing-revolution-25-years-ago-250601/. Accessed June 13, 2024.

Waldfogel, Joel. 2012. And the Bands Played on: Digital Disintermediation and the Quality of New Recorded Music. *SSRN*. http://dx.doi.org/10.2139/ssrn.2117372

Weiner, Allen. 2000. The Napster Revolution Is Upon Us. Forbes, Sept. 22. https://www.forbes.com/2000/09/22/0922weiner.html. Accessed June 13, 2024.

Winner, Langdon (1997). Cyberlibertarian Myths

and The Prospects For *Community. Computers and Society*, *27*(3), 14-19.

The Artificiality of Digital Scarcity: Contradictions between Code, Law, Norms, and Value(s)

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The internet has become a consequential technology that has transformed life, labor, and consumption around the globe. Yet, saying the internet changed the world is misleading because the internet, and its "digital world," is not one "thing" but a fluid network in constant flux constituted and reconstituted through interactions with billions of users and devices. These continuous modifications are not just a result of technology but are also an effect of law, social norms, and the rise and fall of online businesses and platforms. One platform, Napster, represented a major turning point in the history of the internet as it simultaneously paved the way for peer-to-peer filesharing as well as ushered in a backlash from incumbent media companies backed by an army of lawyers (Lessig 2004; Wayne 2004: 148-152). This essay grapples with the ramifications of this struggle against filesharing and "piracy[1]" that began with Napster and forever changed the internet.

Revisiting Napster twenty-five years after its founding is important because the long-term implications of Napster's rise and fall are complicated. On the one hand, the internet of the 2020s is dominated by gigantic platforms, e.g., Google, Facebook, and Amazon, that collaborate with governments and media companies to surveil, censor, and control the internet to restrict access and maintain "law and order" in what was once a seemingly limitless open frontier (see Srnicek 2017; Zuboff 2019). On the other hand, "illicit" filesharing and "piracy" have by no means disappeared, to the consternation of global media companies (e.g., Bridge, 2023; Stokel-Walker, 2024). So much of how and why the internet is structured as it is can be explained by recognizing that this contradictory situation is due to the inherent properties of the internet and digital files when "forced" to fit the capitalist drive for endless accumulation. Here, I examine why, from a critical theoretical perspective, governments and corporations have struggled to "overcome" the "problem" of freedom on the internet with only partial success. To answer this question, it is necessary to explore how digital infrastructures, supported by code and law, have shaped the internet to facilitate capital accumulation despite the ever-present potential for filesharing and "piracy." Ultimately, I explain how the Napster case represents a "crisis of value" of the digital and how it emerged from the historical dynamics of capitalism that have far-reaching implications beyond Napster itself.

The Rise and Fall of Napster and the "Copyright Wars"

This section describes the core narrative behind the shift from the largely uncommercial and "free" internet before and during Napster's brief existence to the subsequent "enclosure" and commercialization of the internet. By the 1990s, global competition meant the US was no longer the global economic and manufacturing leader it had been in the decades after WWII (Albert 1993; Srnicek 2017: 14-17; Knowles 2023a). Among the strategies devised to attain profits and maintain American economic hegemony was to heavily invest in telecommunications and the "possibilities afforded by getting people and businesses online" (Srnicek 2017: 17).

Thanks to the exponential improvement of many computer technologies, e.g., Moore's Law, the mainstreaming of computer and internet use, as well at its commercial potential, was becoming increasingly plausible (see Brynjolfsson and McAffee 2011: 12-27; Frey and Osborne 2013: 14; Brynjolfsson and McAffee 2014: 47-56). Known as the dot-com boom, venture capital investment in computers and the internet reached unprecedented heights in the late 1990s, with around 50,000 new companies backed by $256 billion in investment funds (Srnicek 2017: 18). Investment in computer development also rose substantially, going from $154.6 billion in 1990 to 412.8 billion by 2000 (ibid.). The investment strategy entailed a "growth before profits" model—although most companies lacked clear revenue sources. The idea was that monopolistic dominance in an internet-based industry would bring profits in the long run (ibid.; see Wayne 2004).

It was in the context of this investment frenzy that Napster was founded in June 1999. Napster pioneered peer-to-peer filesharing technology, using central servers to connect users and copy and share music files from user hard drives (Alexander 2002: 156). The development of the MP3 file was also important as it greatly reduced storage and bandwidth requirements to download and store music (Alexander 2002: 153; McCourt and Burkart 2003: 336). Not only was music that was otherwise only attainable via CDs sold in record stores available for free, but out-of-print records, unreleased tracks, and bootleg live recordings became widely accessible to anyone with internet access. With the support of dot.com boom venture capital, Napster grew to nearly 80 million registered users globally and 6.3 billion user minutes at its peak in February 2001 (Lipsman 2001; Lessig 2004: 67; Wayne 2004: 149). Napster provided a high-demand service that temporarily made music distribution essentially a public good, which constituted a "remarkable extension of communal property" (Wayne 2004: 150).

Napster quickly caught the attention of the music recording industry, a highly concentrated industry whose revenues had been primarily dependent on CD sales since the early 1980s (Alexander 2002: 160; Burkart and McCourt 2006; Richter 2022). Filesharing ultimately undermined CD sales, though the long-term effects were not immediately perceivable. 2001 was the peak year for CD sales, and the Recording Industry Association of America (RIAA) reported in 2002 that CD sales had fallen by 8.9 percent from 882 million sales to 803 million and stated that revenues fell by 6.7 percent (Richter 2022; Lessig 2004: 70-71). At the same time, there were approximately 1 billion music files available online, and an estimated 2.1 billion CDs were downloaded for free (Lessig 2004: 71; Leyshon, Webb, French, Thrift, and Crewe 2005: 179). Although the long-term sales decline was multifactorial (see Leyshon et al. 2005; Arditi 2020), sales dropped throughout the 2000s and 2010s, reaching below 100 million units per year by the 2020s (Richter 2022). The recording industry framed free downloads as theft and copyright violations, disseminating a "piracy panic narrative" (Arditi 2020). Yet, the activities of Napster users largely reflected the general character of the early internet, as Lessig (2004) described,

> [w]hen the Internet was first born, its initial architecture effectively tilted in the "no rights reserved" direction. Content could be copied perfectly and cheaply; rights could not easily be controlled. Thus, regardless of anyone's desire, the effective copyright regime under the original design of the Internet was "no rights reserved." The content was "taken" regardless of the rights. Any rights were effectively unprotected (276).

Unsurprisingly, the recording industry would not tolerate this situation, and Napster was sued by the RIAA in a case that eventually reached the US Ninth Circuit Court of Appeals (see McCourt and Burkart 2003: 338-340).

In court, Napster appealed to fair use and previous court rulings that protected activities such as taping TV through a VCR or recording music to tapes, but these arguments were dismissed because digital technologies allowed much easier and more widespread sharing than analog methods (Beezer 2001). Napster could only survive if it could guarantee copyright protection. Although Napster assured the district court that it had developed technologies that blocked 99.4 percent of copyrighted content, the court demanded a copyright infringement-free system (Lessig 2004: 73-74). Yet, as Lessig (2004) argues, if zero copyright infringement is necessary, then "this is a war on file-sharing technologies, not

a war on copyright infringement" (74).

Even after Napster's defeat in court and subsequent closure in July 2001, it became clear that this was only the beginning of a "war" that would be waged on copyright infringement and "piracy" across the internet in a variety of forms (see Lessig 2008; Arditi 2020). After Napster's closure, similar sites such as Kazaa and Grokster filled in the filesharing void, e.g., 43 million Americans downloaded music in May 2002—nearly a year after Napster closed (Lessig 2004: 199). With the apparent entrenchment of filesharing "piracy," almost 20,000 people were sued for using illegal downloading software during the 2000s, often with stiff penalties, e.g., sued for millions of dollars or years of imprisonment (Lessig 2004 48-52; Lessig 2008: 283; Sebert 2014; Frase 2016: 81). Federal law enforcement backed the industry's pursuit of "pirates" through extensive investigations into online music leaking networks (Witt 2015). The Supreme Court sided with corporate copyright holders over filesharing sites in cases like *MGM Studios, Inc. v. Grokster, Ltd.* in 2005, which made copyrighted peer-to-peer filesharing illegal (Lessig 2008: 110). The court also upheld the Copyright Term Extension Act in *Edred v. Ashcroft* in 2003, which retroactively extended copyright terms by 20 years, allowing copyright terms to last nearly a century or more (see Lessig 2004: 213-248). The Congressional response had mixed results. Congress passed around twenty-four copyright-related bills between 1998 and 2008, including enhanced civil and criminal penalties for copyright infringement (Lessig 2008: 293). However, the strict Stop Online Piracy Act was effectively halted in 2012 due to public outcry and protests from major internet companies (see Challa 2013).

Perhaps the most poignant case was that of Aaron Swartz, a developer of Creative Commons and Reddit, who was prosecuted on 13 felony counts for using rudimentary hacking scripts and evasion tactics to download thousands of academic files from JSTOR at MIT in January 2011 (Masnick 2011; Cushing 2012). Although his intentions were unknown, his public advocacy suggested that he was outraged by the fact that organizations like JSTOR keep scientific and scholarly knowledge behind a digital paywall that is usually only accessible for free for academics and students at Global North universities (Swartz 2008). Although JSTOR chose not to press charges, the federal government aggressively pushed for punishment, with prosecutor Carmen Ortiz arguing that "[s]tealing is stealing whether you use a computer command or a crowbar and whether you take documents, data or dollars. It is equally harmful to the victim whether you sell what you have stolen or give it away" (Masnick 2011). With the trial looming, Swartz committed suicide on January 11, 2013.

Despite the legal atmosphere, online "piracy" has by no means disappeared. Visits to "piracy" websites reached 141 billion—386 million visits a day—in 2023, a 12 percent increase since 2019 (Stokel-Walker 2024). In a 2023 poll, 11 percent of respondents, which approximates 23 million US adults, admitted to pirating TV, movies, or live sports in 2022, while a 2017 poll found that 53 percent of respondents used illegal streaming platforms to watch TV or films (Launch Leap 2017; Bridge 2023). Though music filesharing started the controversy, a 2022 report found that music piracy was only 7 percent of global filesharing, being dwarfed by film (12.9 percent), publishing (27.5 percent), and TV (46.3 percent), and only beating software piracy at 6.2 percent (Aquilina 2023). A 2017 survey found that 33 percent of respondents thought both illegal downloading and streaming were wrong, with 7 percent feeling guilty when "pirating" content (Launch Leap 2017). Despite concerted efforts to criminalize copyright infringement as well as regulate and "enclose" digital space, there remains substantial circulation of free digital files on the internet. What accounts for this? Why have lawmakers, the police, and media industries been unable to win this "war," and why are the stakes so high?

Digital Abundance as a Crisis of Value

My central thesis is that behind the "copyright wars" is a crisis of *value* inherent in the development of digital goods as the first set of essentially perfectly abundant consumer commodities. According to Marx (1976 [1867]), a commodity is not merely any physical (or digital) object that can exist in any society but constitutes a *historically specific form of social relations* that defines capitalist modernity (Postone 2015:

11). Nothing is a commodity without being *made* so through concrete social practices within capitalist societies. Despite this contingency, the commodity form has been nearly universalized as most goods and services are privately owned, given a price, and bought and sold on markets. According to (neo) classical economics, commodification is beneficial to "rationally" allocate *scarce resources* based on the laws of supply and demand (see, e.g., Smith 2014 [1776]; Friedman 2002 [1962]; Wolff and Resnick 2012: 111, 126). Private ownership of scarce resources mobilized to pursue profit engenders optimally organized businesses.

Scarcity is, to some extent, unavoidable, increasingly so with issues of climate change and growing global demand (Steffen, Crutzen, and McNeill 2007). Material scarcity is also a theoretical assumption of (neo)classical economics that justifies "rational" markets and affirms the status quo. Critical analysts recognize that the "reality" of scarcity is manipulated by factors such as degrees of monopoly, market power, cartelization, globalization, government regulation/subsidies, and high barriers to entry (see Robinson 2004; Clelland 2014; Rifkin 2014; Reich 2015; Srnicek and Williams 2015). Such factors can allow commodity prices to be above their value, often by generating *artificial scarcity*. Yet, even if forms of *artificial scarcity* were ameliorated, there would still be scarcity problems for *physical goods*, turning the scarcity problem into a struggle against *artificial scarcity* rather than its abolition. Thus, as undesirable as contemporary monopolistic conditions may be, a more competitive capitalism or post-capitalism would likely still face many scarcity problems (see Frase 2016: 91-119).

Scarcity has never been an issue for *ideas*, however. An idea can be shared without the loss of the idea from its original creator (Lessig 2004: 83). This inherent quality of ideas, understood as a "problem" for entrepreneurs, inventors, and creatives, inspired the copyright and patent system that was practiced in English common law and enshrined in the US Constitution (see Söderberg 2002; Lessig 2004: 130-132; Klein, Moss, and Edwards 2015). Aimed at promoting the arts and sciences, the copyright system simultaneously commodifies and imposes scarcity on the spread of science, creative works, and ideas. Just as the commodity form is not "natural" but *socially created and enforced*, so too are copyright and patent systems not "natural" but another type of "fictitious commodity" and "property" enforced by social norms and the state (see Polanyi 2001 [1944]). These systems are characterized as necessary as inventors, artists, and writers allegedly need copyright protection to encourage creativity, innovation, or entrepreneurship by benefiting from exclusive control and profit from their work. According to this framework, the allure of limited-term monopoly rents spurs the creation of art and innovation, which can only be maintained through the power of law (McCourt and Burkart 2003: 337; Frase 2016: 71-81; Klein, Moss, and Edwards 2015).

While the 18th-century Anglo-American copyright system century protected the author from the plagiarist, the inventor from the competitor, and the publisher from its rivals, there were also many *practical*, *social*, and *physical barriers* to deter would-be copyright infringers. For example, without a printing press, the average 18th-century person was unlikely to make unauthorized copies of the *Wealth of Nations* (Smith 2014 [1776]). The time, labor, and capital necessary to infringe copyright was a sufficient deterrent, so Adam Smith and his publishers practically only had to protect their copyright from a small number of rival publishing firms. Even recording and copying movies or television off VCRs was not considered copyright infringement by the Supreme Court partly because the copying and distribution of recorded tapes were unlikely to occur at the scale necessary to harm the film or television industry— at least in the global North (Lessig 2004: 75-77; Leyshon et al. 2005: 180). In short, alienation from the means of production and the labor, time, and capital demands necessary to produce a copy makes most copyrights and patents of physical goods irrelevant for most people. When confronted with the choice of buying the commodity or copying a patented/copyrighted physical good, most choose the former over the latter.

For digital files, however, these barriers are practically nonexistent. Any internet user could, in theory, access and copy any digital file if equipped with the necessary knowledge to acquire it, e.g., possessing proper credentials, skillfully navigating websites, or hacking. Scarcity is not a barrier. There are also no labor or capital requirements that ordinarily deter copying physical commodities. The Napster model required no wage labor or monetary exchange to acquire digital music, only patience. As

Alexander (2002) describes,

> [w]ith digital products, the cost of reproducing and distributing perfect copies is functionally zero.   Unlike the case where the tape player made production cheaper but did not alter the costs of distribution, digital technology has reduced both reproduction and distribution costs (154).

Advancements in peer-to-peer technology after Napster generated alternative social arrangements, i.e., "mediations without 'state'-like structures (central servers) or the market (exchange without value)" (Wayne 2004: 151). There is no inherent structural factor of computer or internet architecture that prevents peer-to-peer models to be applied to any conceivable digital object. Only socio-legal and code-based restrictions prevent this.

These restrictions are often formidable for would-be "pirates" and have profoundly shaped the internet, but it should be recognized that the potential for free and open access/copying is always contingently possible.[2] Sharing a PDF copy of a book does not remove a file from circulation the way stealing a book from a bookstore does. The "production" of a copy does not require paid labor or equipment beyond the device, electricity, and internet access and is usually a short process. However, since the war on "piracy" began, the legal and infrastructural landscape of the internet has greatly restricted these ever-present possibilities. What is "scarce" now is the knowledge of how to acquire access to music files, paywalled journalism, or academic articles without encountering encoded barriers, malware, or legal trouble. In this way, knowledge of how to "pirate" or "hack" becomes a scarce form of "human capital." However, once a "pirate" makes digital goods available, the costs of copying are minimal.

This puts the intended aims of copyright squarely against the inherent characteristics of the internet and digital media. The attack on Napster favored socio-legal and code-based restrictions to ensure *artificial scarcity* and undercut *digital abundance*. The "copyright war" is an attempt to establish monopoly power and control over digital goods that inherently resist monopolization and thus are primed for "piracy." The monopolization of digital goods *requires* the force of code and law because "[w]hat before was both impossible and illegal is now just illegal" (Lessig 2008: 38). Without the impediments to copying typical of physical goods, the essentially *arbitrary nature of filesharing restrictions* becomes apparent. Given the continued prevalence of internet "piracy," many consumers around the world recognize and reject these arbitrary restrictions (see Bridge 2023; Aquilina 2023; Stokel-Walker 2024).

This goes beyond consuming entertainment. As open access advocates lament, the strictures of copyright and the suppression of filesharing also deter the free flow of human knowledge and culture. Troves of academic knowledge are held behind paywalls such as JSTOR, except for students and employees of large universities (Swartz 2008). Ironically, top-quality journalism is often paywalled for subscribers only, while hyper-partisan, conspiratorial, and low-quality journalism is freely available (Robinson 2020). The current copyright system suppresses not just the free availability of culture but also stifles a freely creative culture. Long copyright terms and the difficulties of receiving copyright holder permission means that derivative creative works are often in a precarious legal position, often existing at the whims of the copyright holder, e.g., derivative works escape their notice, they are non-commercial, or are considered a beneficial form of advertising (see Lessig 2004). There are media libraries from a variety of formats that can be digitized, preserved, and shared but remain unavailable because of copyright—despite often not being commercially viable (Lessig 2004: 227). Napster provided a glimpse at a possible future where the internet could function as a vast archive of art, knowledge, and culture. But this potential is unfulfilled because while

> Technologists have thus removed the economic costs of building such an archive…lawyers' costs remain. For as much as we might like to call these [internet] "archives" […], the "content" that is collected in these digital spaces is also someone's "property." And the law of property restricts the freedoms that [open access advocates] would exercise (Lessig 2004: 115).

Nevertheless, there exist websites, organizations, and practices that take advantage of the inherent qualities of the internet to enable free information flow without commodification, such as Wikipedia, the Internet Archive, and Creative Commons (Söderberg 2002; Lessig 2004: 108-114, 282-286; Lessig 2008: 156-171; Rifkin 2014). Such activities create and facilitate free access and legal filesharing of writing, music, videos, and software without monetary incentive. However, in an internet increasingly dominated by large commercial platforms, this culture of decommodification, access, and freedom is increasingly becoming an archipelago amongst a sea of commercialization (see Srnicek 2017).

The effects of the "copyright wars" can be described as a process of *deepening capitalist social relations* into domains previously untouched by commodification (Wallerstein 2004). This reflects a broader trend within neoliberal capitalism where intellectual property rights and restrictions extend into new domains. For example, many farmers today are restricted from replanting their own seeds, Apple users cannot "jailbreak" their iPhone to install "unapproved" software, and tractor owners are not allowed to make repairs to their own tractors (see Lessig 2004: 154; Reich 2015; Frase 2016: 78-79). As copyright and IP become increasingly central to global capitalism, it is unsurprising that "piracy," peer-to-peer filesharing, and free access are framed as threatening to transnational economic interests (Arditi 2020). However, the effortless copying of digital files represents a major development within a crisis that is much deeper than the surface-level appearances of court cases and legislation. Filesharing and the "problem" of digital abundance is a symptom of a larger *crisis of value* theorized by Marx as the contradictory core of capitalism.

For Marx (1976 [1867]), capital is not a "thing" but is value in motion, i.e., a process that appears at different moments in the form of money and commodities in a spiraling path of movement and expansion. Harvey (2017) divides this into phases: *valorization* (production), *realization* (sale), *distribution*, and *(re)investment*. For non-digital commodities, value, i.e., *socially necessary labor time expenditure*, is generated and circulated throughout this process, from valorizing production workers and the commodities to valorizing other workers in charge of transportation, retail, management, marketing, etc. The inherent qualities of digital goods eliminate the need for labor, and thus the need for valorization, at multiple nodes in the process of capital accumulation, as "the cost of reproducing and distributing perfect copies is functionally zero" (Alexander 2002: 154). Take a song as an example: while musical artists, producers, engineers, etc., are valorized from their labor (or surplus value extraction), if/ when the song is posted to the internet on peer-to-peer networks, not only are there no transportation and retail costs—obviating the need for related labor (see Wayne 2004: 143)—but no value is realized, which precludes the distribution and (re)investment stages. The valorization of music industry workers and the value of the original recording is irrelevant if the recording is released via filesharing in the same way that unsold physical commodities bear no value if never sold (see Harvey 2017: 72-93). In short, the value that begins its motion in the valorization stage through recording is stopped once it circulates for free on the internet.

However, while value as a form of *social wealt*h is halted, "material wealth," which here includes digital goods, has nevertheless increased. It is important to keep "material wealth," and value separated analytically because digital distribution allows for an abundance of "material wealth" but inherently makes value circulation difficult (see Postone 2015: 17). Yet, because value is the *dominant form of wealth* in capitalist societies, the "material wealth" of free music is not celebrated for its increase in human happiness but is viewed as a "problem" because it disrupts the motion of value. To solve this "problem," the law, social norms, and digital "enclosure" techniques are deployed to maintain capital accumulation and keep value in motion (see Wayne 2004: 151-152).

Though I am critical of this so-called "problem," there are legitimate questions when imagining an alternative system, e.g., how can artists be paid for their art in a post-capitalist system? Capitalist societies are characterized by a *struggle for survival* that pressures everyone—workers, capitalists, and companies—to integrate themselves within the flow of value in motion or else be deemed superfluous (see Horkheimer and Adorno 2001 [1947]; Postone 1993; Srnicek and Williams 2015). Even if one rejects the premise that copyrighted commercial art is *only* made to secure sales and/or monopoly rents, it is understandable that, to the extent we are products of bourgeois society, we *want* artists to be

compensated for their work. The oligopolistic media industries are not interested in simple reproduction but are oriented toward perpetual growth and profit maximization. Bourgeois social relations provide the framework for social reproduction, interdependence, and value distribution that *goes hand in hand* with capital accumulation. Thus, the *relations of production* demand that value in motion be maintained despite changes in the *forces of production* that disrupt capital accumulation (Marx 1978 [1859]; Wayne 2004). Yet, these demands are immaterial to the concrete *objective* possibilities inherent to the digital world—as the Napster case demonstrates.

This "problem" is not a *deus ex machina* designed to "kill" industries but is rather part of a historical dynamic generated by capitalism. The *socially necessary* modifier of *socially necessary labor time* signifies how a commodity's production time is not arbitrary but is limited and constrained by "socially general, compelling, norm[s]" that pressure production to "conform to this prevailing, abstract, overarching norm if it is to generate the full value of its products" (Postone 2015: 14). These productive norms are not static but adjust to productivity increases. Because increased productivity usually raises the rate of relative surplus value, lowers costs, and generates higher profits, capitalist businesses continuously seek out new methods, tools, and labor techniques to increase efficiency and productivity. Competitors must adapt to the *new productivity standard* if they are to survive in the market in the long run. This can be described as a process of *generalization* that is "enforced but not created… by intercapitalist competition" (Harvey 2017: 154). This ultimately results in a *continuous redefinition* of what socially necessary labor time *is*. This also has the effect that productivity increases result in more "material wealth," but, once generalized, produces the same amount of value as before the productivity increase (Postone 1993: 288). The compulsions, limitations, and constraints placed on workers, capitalists, and businesses from the need to *keep up with these everchanging productive norms* constitute what Postone (1993) calls *social domination* (see Knowles 2023a). This process, when applied to capitalist societies generally, constitutes the *historical dynamic of capitalism* that ultimately leads to contradictions between the *forces of production* and the *relations of production* (Postone 1993).

The internet and filesharing owe their genesis to decades of technical accomplishments and productivity increases in a variety of fields, from the pursuit of exponential growth in computing power to developments in microprocessors, memory capacity, file compression, and computer networks (Alexander 2002; Brynjolfsson and McAffee 2011: 12-27; Frey and Osborne 2013: 14; Brynjolfsson and McAffee 2014: 47-56). Even though neither the internet nor filesharing were created strictly as a private capitalist pursuit, both are wrapped up in the development of *science as a productive force*, which Kurz (2014 [1986]) describes as the concerted effort to apply the natural sciences to both basic technical research and commercially applicable research. Thus, these technologies are manifestations of historical processes.

And to what effect? With the proven efficacy of Napster and peer-to-peer filesharing, the value of a music file as defined by socially necessary labor time to "produce" a copied music file dropped to essentially zero. In fact, no paid labor is *de facto* necessary for the distribution of digital media, whether music, film, journalism, or academic articles. Media production still has various socially necessary labor times, and those involved are still valorized for their labor time, but online filesharing drives down the realizable value from that effort to zero.[3] This represents a kind of social domination against artists and the media industries for the benefit of the consumer. Artists and corporations must compete with filesharing as the "success" of Napster and other filesharing sites have essentially redefined the norms of social necessity to require a functionally zero cost for media reproduction and distribution (Alexander 2002: 154).

The alternatives that enable online media monetization have generally involved either advertising-based platforms[4] or rent-extracting subscription models to compete with illicit filesharing (Srnicek 2017; Arditi 2020). Consumers have the option to legally access media for a subscription fee and/or if they are willing to watch ads. By doing so, they avoid legal consequences or accidentally acquiring malware. They also do not need to know how to effectively and safely "pirate" digital goods. Publishers may also offer physical media with additional features or add-ons to entice realization—e.g., limited editions, preorder bonuses, etc.[5] However, considering the sharp decline in CD sales as well as DVD/Blu-ray sales in the

United States since the mid-2000s, it appears that filesharing has put tremendous downward pressure on media industries to provide "reasonably priced" access to media (Richter 2022; Parris 2023).

The controversy over digital filesharing perhaps most exemplifies the *crisis of value* and the potential for freedom beyond capitalism in the microcosm more than any other commodity. The contradictions between *value* and *material wealth* are laid bare here more plainly than anywhere else. It demonstrates how capitalism, in its pursuit of speed and efficiency, ultimately becomes a victim of its own success. It also shows how material wealth can be distributed *apart from and in tension with* capital accumulation processes. In the same way that tasks in manufacturing have been automated and workers are under constant pressure to reach new productivity benchmarks (see Knowles 2023a), so too have the media industries discovered through the popularity of Napster that digital media is under constant pressure to become essentially free. In this way, filesharing is just one example of a historical dynamic that illustrates how capitalism undermines its own accumulation processes yet still fights to keep value in motion and maintain the primacy of value for the entire system.

The Construction of and Resistance to Digital Scarcity through Law, Digital Code, and Social Norms

The historical dynamic characterized here is dialectical. Postone (2015) describes how this historical dynamic is "characterized by ongoing transformations of production, and more generally, of social life" and yet

> entails the ongoing reconstitution of its own fundamental condition as an unchanging feature of social life—namely, that value is reconstituted and, hence, that social mediation ultimately remains affected by labor and that living labor remains integral to the process of production (considered in terms of society as a whole) regardless of the level of productivity (15-16).

The "copyright wars" can be understood as a manifestation of the latter process in reaction to how internet filesharing inexorably transformed media distribution and consumption patterns. The question remains: how has artificial scarcity been pursued, and what forms of resistance have emerged against it? When both physical/technical barriers are overcome, how do socio-legal and counter-technical factors strive to maintain value in motion and the media industries?

Lessig (2004) argues that copyrights are regulated through a combination of law, digital architecture, markets, and social norms (119-126). Legislatures and the courts have declared copyright-infringing filesharing illegal. The legal pursuit of Napster and other filesharing companies, as well as tens of thousands of individual "pirates," functions as a deterrent. However, the ubiquity of "piracy" among millions of people around the world makes legal prosecution of every case impossible, thus enabling much small-scale "piracy." Nevertheless, simply labeling an activity as illegal or making the threat of legal action palpable through examples such as Aaron Swartz is likely enough of a chilling effect for many to eschew filesharing. However, the legality of an activity does not always influence human behavior. Music filesharing did not decrease after Napster's closure or the June 2005 *MGM v Grokster* case but *increased* with more recorded peer-to-peer users and over five billion songs downloaded in 2006 alone (Arthur 2001; Lessig 2008: 110-113). Legal status and prosecutorial harshness alone cannot explain trends in "piracy."

Anything on the internet is, in principle, accessible with the proper credentials or hacking, but in practice, the digital infrastructure protects most institutional and personal data and files from would-be "pirates," hackers, or criminals. In the case of protecting personal information, e.g., banking information, this is perfectly justified. However, it is much harder to keep high-demand media and other digital goods off "piracy" sites. Nevertheless, code, separately or in conjunction with law, can fight against filesharing and "piracy." For example, the Digital Millennial Copyright Act (DMCA) enforces the removal of copyrighted material from websites, even derivative creative works which would likely be considered fair use if

litigated in court (Lessig 2004: 157). Code can also enforce *de facto* restrictions beyond copyright law, e.g., restricting how much text can be notated or copied off a Kindle book—even for public domain works (see Lessig 2004: 148-152). Without the knowledge or means to circumvent such restrictions, some digital commodities ironically give consumers *less ownership and control over* purchased products than if they bought a physical version (Lessig 2004: 143). Such code-based restrictions may even incentivize "piracy" because of these limitations, e.g., "pirating" a PDF of a book rather than buying a restrictive Kindle version. Region-blocking certain content for licensing reasons can also be encoded—another layer of access restrictions. This also may encourage "piracy," e.g., one poll showed that 32 percent of respondents engaged in "piracy" because the content was not available in their region (Bridge 2023).

Such restrictions become more prevalent as the internet is siloed into large platforms such as Facebook and YouTube with expansive terms of service, black box algorithms, and automated copyright detection and blocking systems (Srnicek 2017). However, not all copyright violations and filesharing activities are pursued with equal vigor, and much creative activity, e.g., clip sharing, remixing, or meme production, goes on with the implicit approval, or at least not active disapproval, of copyright owners. Nevertheless, the center of power—the power to veto—is with highly concentrated transnational copyright owners and online platforms that write the code that essentially becomes a "law-unto-itself" on the internet (see Lessig 2006). Lessig (2004) describes the situation this way,

> The controls built into the technology of copy and access protection become rules, the violation of which is also a violation of the law. In this way, the code extends the law—increasing its regulation, even if the subject it regulates (activities that would otherwise plainly constitute fair use) is beyond the reach of the law. Code becomes law; code extends the law; code thus extends the control that copyright owners affect (160).

Ultimately, the internet is regulated at the behest of copyright owners, who protect their rights to the letter of the law but often go *beyond the letter of the law*. This, therefore, leaves much internet activity, including but not limited to filesharing, up to the discretion or "good graces" of copyright owners and/or large internet platforms.

Commercialized digital marketplaces such as the iTunes store or music, film, and television streaming services have provided legal alternatives that deliver media at *essentially arbitrary prices*. The customer of a streaming service or digital store pays for the convenience of access, centralization, and organization. They thereby avoid investing time and effort into "piracy" or encountering malware and other dangers.[6] They also may enjoy a "moral effervescence" from choosing legal rather than illegal activity. They may also believe their purchase or subscription supports artists and choose to purchase over "piracy" to encourage more creative output. One may eschew digital commodities in favor of physical media for the sake of tactility, social esteem, the joy of collecting, or due to exclusive incentives. Thus, while the *value* of digital goods may be functionally zero, their *price* can take the form of a subscription or arbitrary price that consumers agree to for a variety of reasons.

Yet, digital marketplaces apparently do not always provide an attractive deal, considering that 48 percent of respondents in a 2023 poll reported that they "pirated" media because the cost of the content was too high, and 36 percent noted that they "pirated" because the content was not available anywhere else (Bridge 2023). The first response is indicative of the implicit recognition that streaming service subscriptions are essentially *monopoly rents* collected because of the concentrated ownership of intellectual property by a few media corporations (see Lessig 2004: 170-172; Burkart and McCourt 2006; Frase 2016: 71-74). Ironically, it is also the *lack of concentration* that may cause consternation because the proliferation of streaming platforms with limited and ever-shifting offerings makes the collective price for subscribing to music and film/TV platforms as well as subscriptions to paywalled online newspapers or other online services less worthwhile or financially viable than "piracy." The frequent price increases of streaming services cause many to cancel subscriptions, with an analysis finding that more than half of streaming customers have canceled their subscriptions due to price hikes (Fitzgerald, 2023). I contend many spurn streaming price increases because of the implicit recognition that streaming

services extract arbitrary monopoly rents and that the value of online media is essentially zero. The latter finding reflects how arcane and bureaucratic the business of licensing intellectual property still is, with complicated negotiations and large sums constantly changing hands for the legal right to stream copyrighted content (see Lessig 2004: 95-99; Arditi 2019). Frustrations with the vicissitudes of these processes evidentially convince many that "piracy" is preferable.

The moral and normative landscape surrounding "piracy" is complex, with discourses and arguments on both sides (see Edwards, Klein, Lee, Moss, and Philip 2012; 2015). Here, rather than frame humans as cost-benefit analysis machines as depicted in (neo)classical economics (e.g., Smith 2014 [1976]; Friedman (2002 [1962]), these issues are understood as embedded in a "moral economy" where historically specific social norms shape economic decision-making, including decisions involving media consumption and "piracy" (see Thompson 1971; Palomera and Vetta 2016). For example, what constitutes a "fair" price for media in the context of the free abundance potentiated by filesharing? Is "stealing" wrong when the "stealing" in question does not decrease the stock of digital goods? We are all bourgeois subjects to the extent we buy into the ideas of private property, including intellectual property, and find it just that artists are compensated. But at what point does the potential for abundance override bourgeois sensibilities and point toward the development of a post-capitalist ethics? Ultimately, there is a struggle over norms with bourgeois rights and the sanctity of property in conflict with a culture that expects convenient access and the right to consume culture, knowledge, and media at one's discretion as well as remix, comment upon, and make derivative works from culture without interference from copyright holders (see Lessig 2008; Edwards et al. 2015).

Some concrete examples demonstrate this. Supporting the anti-copyright infringement campaign, the "You Wouldn't Steal a Car" ad, produced by the Motion Picture Association and the Federation Against Copyright Theft, appeared in theaters and DVDs from 2004-2007. This promo attempted to convince viewers through dynamic vignettes and Matrixesque music that downloading films from the internet is the moral equivalent of stealing a car, a handbag, or a DVD from the store (PopMov 2020). It ends by reiterating that "stealing is against the law" and that "piracy is a crime." This is just one of many campaigns fomenting a "piracy panic narrative" to "nudge" consumers into respecting copyright and "responsibly" paying for media (Edwards et al. 2012: 13; Arditi 2019). Other campaigns argue "[c]onsumers should consume legally" to "ensure the production of the cultural goods they enjoy" and frame full-price payment as "support" for artists, not a "purchase" (Edwards et al. 2015: 65-69). In one *New York Times* article, the journalist tests Napster to download an Elvis song only to have a change of heart because "it simply did not seem fair to Elvis's estate or his record company to enjoy his music without paying something for it" (Lewis 2000). These discourses, pushed by businesses and governments, appeal to the "rules of the game" of capitalist society, i.e., the *relations of production* and the sanctity of private property (see Edwards et al. 2015). If consumers ordinarily accept the universality of wage labor, alienated commodity production, and the interdependence of a society based on commodity exchange (Postone 2015: 12), then these social norms should not be exempted just because a free alternative that opposes these norms appears for digital products.

For generations already socialized on the internet, however, this differentiated attitude is not a contradiction. Evidentially, one can agree that theft of personal property or physical commodities violates bourgeois social relations while simultaneously being comfortable with filesharing on Napster, password sharing on Netflix, downloading a PDF of a book, and using copyrighted material to create derivative works without apology (see Lessig 2008; Launch Leap 2017). Is this a form of cognitive dissonance? Perhaps. But this may also signify the development of a *counter-systemic sensibility against artificial scarcity* and a culture constrained by stifling copyright laws. Take Lessig's (2008) account of Jack Valenti, the late head of the Motion Picture Association of America, confronting students at Stanford—90 percent of who had confessed to downloading music from Napster. When asked to defend this "stealing," one student responded to Valenti with the simple retort, "Yes, this might be stealing, but everyone does it. How could it be wrong?" (Lessig 2008: xvii). Lessig (2008) argues that the "copyright war" is "causing great harm to our society," not just through losses of innovation, stifling creativity, and limiting freedom, but because the "war" amounts to a "war against our children" (293). Rather than instilling fear or normalizing respect

for "digital property," the heavy-handedness of the "war" and the apparent senselessness of copyright laws inadvertently foster hostility toward the government and media industries or even open defiance by accepting the "pirate" identity (Lessig 2008: 283). For millions globally, the sentiment is apparently, "yeah, I pirate. Everybody does it. So what?"

The Simpsons captured this sentiment in season 2, episode 13, "Homer vs. Lisa and the 8th Commandment" (Moore 1991). Here, Homer encounters a man who offers to install cable TV for free. At first, Homer appears nervous, asking, "this is okay, isn't it? I mean everybody does it, right?" to which the man hands him a pamphlet entitled "So You've Decided to Steal Cable" that reads "Myth: Cable piracy is wrong. Fact: Cable companies are big, faceless corporations which makes it okay" (Moore 1991). This introduces resentment of capitalist class power into the question of "piracy." In the context of neoliberal globalization and oligopolistic media concentration, the "bigness" and "facelessness" of transnational corporations make them hard to sympathize with. Wayne (2004) argues that the mainstreaming of filesharing engendered an "informal anticorporate culture" (148). Considering the legal alternative to filesharing was to buy a CD that costs a few cents to make but sells for $17, was it any wonder that "the music industry [was] held in contempt, by both musicians and consumers"? (Wayne 2004: 143).

As Wayne (2004) describes,

> Napster's success taps into a latent reservoir of resentment toward such profiteering. This discrepancy between the economic value of new technology and its cultural value derives from the way culture has the particular quality of prefiguring and anticipating potentialities within the new economic arrangements that have yet to be realized (143; see Benjamin 2002).

In addition, the copyright system has maintained protections for nearly one hundred years, creating what is essentially a rentier class that demands increasingly expensive rents on streaming services for merely possessing large libraries of copyrights going back to the 1920s (see Lessig 2004: 133-136; Frase 2016: 71-81). Considering economic inequality has been increasing at the expense of the middle and lower classes for decades, it is easy to understand why "piracy" from transnational corporations might be shrugged off as inconsequential or even justified (see Piketty 2014; Milanovic 2016).

But what about the artists? One may be apathetic or hostile toward media companies but still want creatives to be paid for their work. In July 2000, Metallica's Lars Ulrich appeared before the Senate Judiciary Committee to criticize Napster. He argued that Napster took control away from artists to do what they wanted with their creations and that "every time a Napster enthusiast downloads a song, it takes money from the pockets of all these members of the creative community" (Ulrich 2000). However, directors like Christopher Nolan, authors like Stephen King, and musical acts like Metallica that permeate popular culture are unlikely to be financially devastated by "piracy." "Weird Al" Yankovic (2006) captures this in his song "Don't Download This Song," a pastiche of the "charity anthem," with the lyrics

> Don't take away money from artists just like me/
> How else can I afford another solid gold Humvee?/
> And diamond studded swimming pools, these things don't grow on trees/
> So all I ask is everybody, please/
> Don't download this song.[7]

The most likely "victims" of filesharing are the most popular and wealthy artists who "look least like they're starving in a garret somewhere" (Wayne 2004: 151). Nikki Sixx of Mötley Crüe criticized Metallica's stance, stating, "Pigs get fat and hogs get slaughtered, and I think Metallica's hogs. They make enough off T-shirts and concert events and other forms of corporation" (Shelton 2019; see James and Tolliday 2009). Wayne (2004) poses the solution for musicians similarly, "If reproducibility is eroding the possibility of endless remuneration for a one-off piece of cultural labor, then artists can always go out and do what most musicians outside the musical aristocracy do: touring and gigging"

(151). An implicit argument here is that rather than suppress and criminalize filesharing, artists and media industries should accept the wide proliferation of digital goods the internet can facilitate while finding other means to monetize media, e.g., merchandise, synchronization licenses, offering unique experiences in theaters, concerts, or conventions, or crafting high-quality physical media. Many media companies and artists have diversified their revenue streams (see Leyshon et al. 2005; Arditi 2019) but still restrict online access to maximize profits.

There are, however, thousands of artists who are not popular enough to live off merchandise or concert tickets alone. The cheapening and democratization of creative technologies, such as high-quality cameras, audio equipment, editing software, etc., have engendered new career categories, such as YouTubers, podcasters, and influencers, a few who come to rival "mainstream establishment" artists but thousands more who do not. Much creative work online is noncommercial, but others seek revenue from advertising, product sponsorship, Patreon subscriptions, offering customized commissions, or gaining investment funds from backer campaigns to kickstart new products. Patreon functions as a subscription service for independent creators who frequently entice patrons with exclusive content behind paywalls. The normative question then appears: does the moral calculation change when considering "pirating" exclusive content behind the Patreon paywall of a "petty bourgeois" independent artist versus downloading a Metallica song or Spielberg film? If there is a line where "piracy" becomes condemnable if the artist is small enough, where should that line be drawn? Is it fair to "pirate" Billy Joel because he can sell out Madison Square Garden? If so, does it become unacceptable to "pirate" Blue Öyster Cult because they play in smaller venues? Or should artists small enough to be reliant on Patreon be protected but not others? Is the level of income all that matters, or is the organizational form important too, e.g., independent artists vs corporate artists? In short, is "piracy" justified in all cases in the name of freedom and abundance, or does size and context matter?[8]

There is no objectively correct answer here, but it should be remembered that capitalism is a struggle for survival that imposes imperatives and constraints on everyone, with survival for some being more precarious than others (see Piketty 2014; Srnicek and Williams 2015). There may be individuals who "pirate" a TV show while simultaneously paying a "monopoly rent" to a YouTuber or vice versa. The principles may not be consistent, but what else can be expected in modern capitalist societies that abound with inconsistency, contradiction, and inequality? Nevertheless, it is clear that the social norms and moral discourse surrounding "piracy" are complex, contradictory, and contested, and this will remain so unless or until the bourgeois social relations that assume scarcity no longer stand in tension with the forces of production that increasingly generate abundance (see Wayne 2004: 152). Code, laws, market expansion, and social norms jointly regulate the internet within the forcefield of tensions between the forces and relations of production.

Internet "Piracy" as Social Domination

The case of Napster and digital "piracy" also demonstrates the analytical purchase of the concept of *social domination*. The consequences of filesharing bringing the socially necessary labor time of digital goods to basically zero, and thereby allowing many digital goods to drop out of the flow value in motion, were that new limitations, compulsions, and constraints *based on this new standard* have emerged. Physical media sales for CDs and DVDs/Blu-rays have declined (Richter 2022; Parris 2023) while new business models based on advertising and/or rent extraction have institutionalized, but these models are tempered by the possibility/threat that potential customers will choose "piracy" if their offerings are too expensive, limited, or otherwise unfavorable. This deviates from traditional economic analysis because the "competitors" here are not-for-profit economic actors but a socially generalized and mediated standard "that *must be responded to* by human actors yet are *not consciously determined* by them" (Knowles 2023a: 27; see Postone 2015: 6). No single organization or social system determined this standard, and no institution—not even governments and the force of law—can dictate that this overarching standard be changed (see Moeller 2012: 88-116; Knowles 2021: 182), as the

failed "copyright wars" demonstrate (see Lessig 2008). The standard of free and abundant digital goods can be compared to a central gravitational force, i.e., no matter how much it is being repressed, all companies and artists must shape their capital accumulation strategies around the fact that their digital commodities always have the *objective potential* to be decommodified and freely distributed. There is a tendency towards abundance that is being suppressed by digital scarcity but can never be eliminated.

This does not mean, however, that all digital goods will inevitably become free or "piracy" will win this "war" in the long run. There are too many contingencies, and because the possibility of freely abundant digital goods clashes with bourgeois social relations and capital accumulation, the efforts to protect commodified digital goods have been fierce. Yet, this is not foundationally different from past reactive responses to shifting productive norms that generate social domination.

Take the crisis of the American auto industry from the 1970s to the 2000s. Japanese competition eroded the market share of the domestic auto industry until GM and Chrysler eventually declared bankruptcy in 2009 (see Ingrassia 2011; Helper and Henderson 2014). Though the reasons for the decline were multifactorial, the decades-long productivity advantage of Japanese automakers vs their American counterparts resulted in cheaper and higher quality cars, which were able to effectively penetrate the US market (see Womack, Jones, and Roos 2007 [1990]). In terms of social domination analysis, the Japanese industry set the *global productivity standard*, i.e., the temporal norms of socially necessary labor time, which delivered competitive advantages to the Japanese over the American industry. During the 1980s under Reagan, one response to this slow-motion crisis was the implementation of "voluntary export restraints" that limited the Japanese car imports, which was estimated to have increased the profits of the US auto industry by $10.2 billion and saved 44,000 domestic jobs (Flink 1988: 342; Benjamin 1999; Berry, Levinsohn, and Pakes 1999: 421). Such policies, among others, were attempts for government intervention to ameliorate productivity pressure, i.e., they lessened the need for the American industry to change their production systems to match Japanese productivity, price, and quality levels. The American industry slowly adapted to Japanese methods to reduce the productivity gap, but these efforts were ultimately too little too late to save GM and Chrysler from bankruptcy (Helper and Henderson 2014; Knowles 2023a: 210-218).

There are many fruitful comparisons between this case and that of Napster (see Leyshon et al. 2005: 201-202). Both the US auto industry and the music industry pushed for government intervention to suppress a "competitor" that was threatening its ability to accumulate capital. Indeed, without legal intervention and criminal suppression, Napster would have likely ensured digital music, and probably all forms of digital media, would remain free and open on the internet at the expense of potential revenue for the media industries. Despite these interventions, the established *socially necessary standard* pushed toward particular patterns of change, from the decline of both domestic manufacturer auto sales and physical media to adapting their production methods/business models to more closely align with the productive/technological norms (compare Knowles 2023a; Arditi 2020). Even though the media industries do not embrace the full potential for access and abundance digital goods represent, they must nevertheless contend that if they do not offer an acceptable alternative to "piracy," then they will ultimately lose out. However, social domination is not technological determinism or a teleological concept—just as American cars were still bought by millions despite the cheaper and higher quality Japanese alternative, so too do millions accept the advertisements and monopoly rent payments to media companies despite the filesharing alternatives. Social domination is not destiny but the continuous pressure of a historical dynamic that engenders productive transformations that subsequently transform social life.

The complexities of code, laws, markets, and social norms demonstrate how *social* domination is indeed *social* because it entails socio-communicative dynamics and pressures beyond economic compulsion or "market forces" (see Edwards et al. 2015; Knowles 2023a: 258-262). The ways code can be either restrictive or enabling is, in part, a reflection of social norms, values, and desires, as seen in the dichotomy of the collaborative and sharing internet vs the commercial internet (see Lessig 2006; Rifikin 2014). Though courts and legislatures have criminalized internet "piracy" to protect media industries and enable capital accumulation, it is too simplistic to frame this as total state capture by economic interests. As Lessig (2004, 2008) argues, the American legal system has previously enabled certain

activities that are essentially a kind of "piracy," and the defeat of exceptionally restrictive legislation, such as the fight against the Stop Online Piracy Act, demonstrates that socio-legal debate and contingency are still at play (see Challa 2013). This is most obvious in the moral/normative arena where social norm formation and competition among sets of norms and values are at "war." I.e., bourgeois values as they exist in contemporary neoliberal capitalist society are in tension with a possible post-capitalist mentality attuned to a sharing, collaboration, and perhaps prefigure a post-work society based on abundance. In other words, this transformation of the forces of production is both in tension with but is also *redefining* the relations of production. Millions resist the arbitrariness of monopoly rents and artificial scarcity and, through collaborative projects as well as "piracy," whether implicitly or explicitly, put into practice different social relations that are *more in tune with the potential* the productive forces represent. They recognize the "discrepancy between capacity and use" within the internet's structure, which stimulates resistance against fettering its potential (Söderberg 2002). No single individual or organization is responsible for this. Rather, it derives from a historical dynamic that both attempts to reconstitute bourgeois labor relations and the commodity form yet also develops productive forces that undermine those relations and point beyond capitalism. It is on this level that the Napster controversy takes on world-historical significance.

Hierarchy amongst Abundance: The Specter of "Rentism?"

The sharing, collaborative, and even "pirate" activity on the internet implicitly recognizes that a free, accessible, and abundant internet is possible. What if this alternative mentality is the precursor to not just a free and abundant internet but a free and abundant society? Frase (2016) discusses potential futures for modern capitalist societies through the axes of equality and hierarchy on the one hand and scarcity and abundance on the other. On the internet, the question is not one of scarcity, since abundance is the default, but whether the internet is structured by equality or hierarchy. Hierarchies of power, wealth, and law have turned much of the internet into what Frase (2016) calls "rentism," i.e., a social form where abundance is artificially constrained through a restrictive intellectual property and copyright regime. But if Marx is right that the historical dynamics of capitalism point toward the increasing *abundance of material wealth* and *less socially necessary labor time on a societal level*, then the specter of "rentism" may become relevant—and threatening—at a societal level.

The case of Napster and "piracy" shows how this historical dynamic produces periodic crises of value and capital reconstitution because disruptive productive transformations do not occur predictably and affect some industries more than others (see Wayne 2004: 145-148; Knowles 2017). The development of the productive forces may be steady with continual productivity increases or may lurch forward through technological breakthroughs. The results can range from minor changes in job tasks to industry downfalls and mass layoffs. The Napster case initiated and built upon substantial changes in consumer behavior and business practices (see Arditi 2019, 2020), but its capital-threatening effects were stymied by the "copyright wars" and the erecting of online "rentism." What might happen if the continuous pursuit of productivity makes a society of abundance in physical goods possible? Even if there are reasons to believe not all scarcity problems can be overcome, there are also reasons to believe production and distribution can be more equitable than the current capitalist system if there is the political will to do so.

What if, and here we engage in sci-fi speculation, improvements in renewable energy combined with advanced 3D printing technologies and general artificial intelligence to produce something akin to the *Star Trek* "replicator?" Such breakthroughs could enable a post-work society where the productive capacity is so great that the social imperative to work to survive would be unnecessary (see Srnicek and Williams 2015; Frase 2016: 35-68). This recalls Marx's contention that communism would necessarily entail minimizing the "realm of necessity," i.e., time at work, and enlarging the "realm of freedom" beyond labor (Marx 1972 [1895]: 439-441). Advanced technology pushed forward by this historical dynamic could fulfill the basic material necessities for all, the material conditions for expanding the realm of freedom can be realized, and "the economic problem that has defined human history will shrink or disappear" (Mason 2015: 289; see Srnicek and Williams 2015; Knowles 2017: 167-168). In this context,

the Napster case is instructive in demonstrating the lengths transnational corporations and states will go to prevent or subvert abundance for the sake of capital accumulation—even on just one technology platform affecting only a few industries. As Frase (2016: 69-90) describes, if existing social inequalities and power relations persist into the future, then anything even approaching a "replicator" technology would likely become embedded in a web of restrictions, copyright boundaries, and legal enforcement that would reproduce social inequalities—the power of the copyright holders at the expense of the many. An anti-*Star Trek* future would be the result.

This is why embedding our analysis of Napster and the "copyright wars" into a larger historical dynamic is important. The "copyright wars" of recent decades may just be a preview of the emerging contradictions between the forces and relations of production. It also serves as a warning: if digital abundance has been restrained for the sake of capital accumulation, how might current and future abundance-enabling technologies become artificially restrained, e.g., renewable energy? It also reframes the historical importance of "piracy" today. The prevalence and ambivalence or even positive attitudes toward "piracy" provide evidence that everyday people may be more prepared for a *Star Trek* world of abundance rather than an anti-*Star Trek* future of restriction than one may assume. The main issue is whether this can be organized politically to realize a post-capitalist future (Rifkin 2014; Srnicek and Williams 2015; Mason 2015; Frase 2016).

Conclusion

The internet today is neither a free and open collaborative project nor a digital shopping mall where copyright laws maximally suppress access and creativity. Perhaps the most important result of the "copyright wars" and the rise of large platforms for the capitalist class is that online commerce and capital accumulation have been enabled despite the prevalence of "piracy" (see Arditi 2020). This is unsurprising considering how capitalist social relations have remained largely the same regardless of the general level of material wealth. Yet, examining Napster reveals the arbitrariness of digital scarcity, the historical dynamics that objectively enable abundance, and the contingency of these arrangements. It demonstrates how capitalism strives to maintain capital even as its contradictions grow and resistance emerges.

Millions intuit that the price and value of digital goods are mismatched because the law of value has broken down here. When the law of value breaks down, power relations take over, i.e., the power of intellectual property law, code, and the state. In response, competing "moral economies" develop that normatively and discursively evaluate the reasonableness of monopoly rents for digital goods, with millions agreeing to subscribe and millions engaging in "piracy" (see Edwards et al. 2012; 2015). In this struggle, the objective possibilities of the internet places imperatives and constraints on media companies, the law places constraints on internet freedom, and the conflict between the forces and relations of production is fought out openly on the internet. As long as modern capitalist societies are based on capital accumulation and maintaining existing patterns of inequality, the potential of the digital and internet will never be realized.

We exist in a state of unfreedom. On one level, the potential of the internet and the digital is untapped due to being fettered by social relations and legal warfare (see Söderberg 2002; Wayne 2004). What could be free is restricted for the sake of capital accumulation. On another level, unfreedom on the internet is enforced because *capital itself is an expression of unfreedom*, an "immanent necessity" that compels wage labor for social reproduction and capitalists to compete and accumulate capital to survive (Postone 2015: 8). The latter overarching form of unfreedom motivates and mediates the former. I contend that overcoming the former ultimately requires addressing the latter. In other words, what if we imagine a society free of the social domination of capitalism that affects both workers and businesses so that sharing abundant digital—and perhaps eventually physical—goods is celebrated rather than criminalized? Does this imply a world without copyrights? Maybe, or perhaps not. But what is most important is to think through what it would mean to ameliorate or remove the underlying economic anxieties and compulsions that pressure everyone to struggle for survival—the pressure that

makes abundance appear as a threat rather than an opportunity. If this can be overcome politically, economically, and socially, the internet can live up to its full potential.

References

Albert, Michel. 1993. *Capitalism Against Capitalism*. London: Whurr Publishers.

Alexander, Peter J. 2002. "Peer-to-Peer File Sharing: The Case of the Music Recording Industry." *Review of Industrial Organization* 20: 151-161.

Aquilina, Tyler. 2023. "Global Content Piracy Soared 18% in 2022." Variety. Retrieved June 12, 2024 (https://variety.com/2023/biz/news/global-content-piracy-soared-18-in-2022-1235519773/).

Arditi, David. 2019. "Music Everywhere: Setting a Digital Music Trap." Critical Sociology 45(4-5): 617-630.

Arditi, David. 2020. iTake-Over: *The Recording Industry in the Streaming Era, Second Edition*. Lanham, Maryland: Lexington Books.

Arthur, Charles. 2001. "Huge increase in music swaps over the Net despite demise of Napster." *The Independent*. Retrieved June 19, 2024 (https://www.independent.co.uk/news/business/news/huge-increase-in-music-swaps-over-the-net-despite-demise-of-napster-5362824.html).

Beezer, Robert. 2001. *A&M Records, Inc. vs Napster, Inc. 239 F.3d 1004 (2001)*. US Ninth Circuit Court of Appeals. Retrieved June 12, 2024 (https://scholar.google.com/scholar_case?case=14102696336550697309&q=239+F.3d+1004&hl=en&as_sdt=6,39).

Benjamin, Daniel. 1999. "Voluntary Export Restraints on Automobiles." *PERC Reports* 17(3).

Benjamin, Walter. 2002. *The Arcades Project*. Cambridge, Mass.: Belknap Press.

Berry, Steven, James Levinsohn, and Ariel Pakes. 1999. "Voluntary Export Restraints on Automobiles: Evaluating a Trade Policy." *American Economic Review* 89(3): 400-30.

Bridge, Gavin. 2023. "Survey: 1 in 10 U.S. Adults Pirated TV, Movies or Live Sports in 2022." Variety. Retrieved May 19, 2024 (https://variety.com/2023/biz/entertainment-industry/one-in-ten-us-adults-pirated-tv-movies-or-live-sports-in-2022-1235525708/).

Brynjolfsson, Erik and McAfee, Andrew. 2011. *Race Against the Machine*. Lexington, Mass: Digital Frontier Press.

Brynjolfsson, Erik and McAfee, Andrew. 2014. *The Second Machine Age*. New York: W. W. Norton & Company.

Burkart, Patrick, and McCourt, Tom. 2006. *Digital Music Wars: Ownership and Control of the Celestial Jukebox*. Lanham, MD: Rowman & Littlefield.

Challa, Pratyusha. 2013. "An Analysis of the Stop Online Piracy Act." *Law School Student Scholarship, Seton Hall University*. Retrieved June 12, 2024 (https://scholarship.shu.edu/cgi/viewcontent.cgi?article=1198&context=student_scholarship).

Clelland, Donald A. 2014. "The Core of the Apple: Dark Value and Degrees of Monopoly in Global Commodity Chains." *Journal of World-Systems Research* 20(1): 82-111.

Cushing, Tim. 2012. "US Government Ups Felony Count in JSTOR/Aaron Swartz Case From Four to Thirteen." *Techdirt*. Retrieved June 12, 2024 (https://www.techdirt.com/2012/09/18/us-government-ups-felony-count-jstoraaron-swartz-case-four-to-thirteen/).

Edwards, Lee, Klein, Bethany, Lee, David, Moss, Giles, and Philip, Fiona. 2012. "Framing the consumer: Copyright regulation and the public." *Convergence: The International Journal of Research into New Media Technologies* 19(1): 9-24.

Edwards, Lee, Klein, Bethany, Lee, David, Moss, Giles, and Philip, Fiona. 2015. "Discourse, justification, and critique: towards a legitimate digital copyright regime?" *International Journal of Cultural Policy* 21(1): 60-77.

Fitzgerald, Toni. 2023. "Disney, Netflix and More Price Hikes Cause Subscribers to Axe Streaming Services, Study Says." *Forbes*. Retrieved June 19, 2024 (https://www.forbes.com/sites/tonifitzgerald/2023/11/20/study-people-are-canceling-streaming-services-because-of-rising-rates/).

Flink, James J. 1988. *The Automobile Age*. Cambridge, Mass: The MIT Press.

Frase, Peter. 2016. *Four Futures: Life After Capitalism*. London, UK: Verso.

Frey, Carl and Osborne, Michael. 2013. "The Future of Employment: How Susceptible are Jobs to Computerization?" Oxford, UK: Oxford Martin Programme on Technology and Employment.

Friedman, Milton. 2002 [1962]. *Capitalism and Freedom*. Chicago: University of Chicago Press.

Harvey, David. 2017. *Marx, Capital and the Madness of Economic Reason*. New York, NY: Oxford University Press.

Helper, Susan, and Henderson, Rebecca. 2014. "Management Practices, Relational Contracts, and the Decline of General Motors" Journal of Economic Perspectives 28 (1): 49-72.

Horkheimer, Max and Adorno, Theodor W. 2001 [1947]. *Dialectic of Enlightenment: Philosophical Fragments*. Stanford, CA: Stanford University Press.

Ingrassia, Paul. 2011. *Crash Course: The American Automobile Industry's Road to Bankruptcy and Bailout—and Beyond*. New York, NY: Random House.

James, Kieran and Tolliday, Christopher. 2009. "Structural change in the music industry: a Marxist critique of public statements made by members of Metallica during the lawsuit against Napster." *International Journal of Critical Accounting* 1(1): 144-176.

Klein, Bethany, Moss, Giles, and Edwards, Lee. 2015. *Understanding Copyright: Intellectual Property in the Digital Age*. New York, NY: Sage Publications.

Knowles, Anthony J. 2017. "Automation, Work, and Ideology: The Next Industrial Revolution and the Transformation of "Labor."" Master's Thesis, Sociology, University of Tennessee TRACE.

Knowles, Anthony J. 2021. "Sociology as Social System: Luhmann, Enlightenment, and the Gap Between "Facts" and "Norms." *Current Perspectives in Social Theory* (37): 159-192.

Knowles, Anthony J. 2023a. *Productivity as Social Imperative Automation and Transformations of Labor in the United States and Germany*. Dissertation, Sociology, University of Tennessee TRACE.

Knowles, Anthony J. 2023b. "Universal Basic Income, Social Justice, and Marginality: A Critical Evaluation" *Social Justice*. 48(4): 1-31.

Kurz, Robert. 2014 [1986]. "The Crisis of Exchange Value: Science as a Productive Force, Productive Labor, and Capitalist Reproduction" Pp. 17-75 in *Marxism and the Critique of Value*. Edited by Neil Larson, Mathias Nilges, Josh Robinson, and Nicholas Brown. Chicago: MCM Publishing.

Launch Leap. 2017. "TV Shows and Movies." *Torrentfreak.com* Retrieved July 10, 2024 (https://torrentfreak.com/images/LaunchLeap_Streaming.pdf).

Lessig, Lawrence. 2004. *Free Culture: How Big Media Uses Technology and the Law to Lock Down Culture and Control Creativity*. New York: The Penguin Press.

Lessig, Lawrence. 2006. *Code: And Other Laws of Cyberspace, Version 2.0*. New York: Basic Books.

Lessig, Lawrence. 2008. *Remix: Making Art and Commerce Thrive in the Hybrid Economy*. London, UK: Bloomsbury Academic.

Lewis. Peter H. 2000. "STATE OF THE ART; Napster Rocks The Web." *New York Times*.

Retrieved June 19, 2024 (https://www.nytimes.com/2000/06/29/technology/state-of-the-art-napster-rocks-the-web.html).

Leyshon, Andrew, Webb, Peter, French, Shaun, Thrift, Nigel, and Crewe, Louise. 2005. "On the reproduction of the musical economy after the Internet." *Media, Culture, & Society* 27(2): 177-209.

Lipsman, Andrew. 2001. "GLOBAL NAPSTER USAGE PLUMMETS, BUT NEW FILE-SHARING ALTERNATIVES GAINING GROUND, REPORTS JUPITER MEDIA METRIX." *ComScore*. Retrieved June 12, 2024 (https://web.archive.org/web/20080413104420/http://www.comscore.com/press/release.asp?id=249).

Marx, Karl. 1976 [1867]. *Capital: Volume 1: A Critique of Political Economy*. London, UK: Penguin Classics.

Marx, Karl. 1981 [1894]. *Capital: Volume 3: A Critique of Political Economy*. London, UK: Penguin Classics.

Marx, Karl. 1978 [1859]. "Marx on the History of His Opinions." Pp. 3-6 in *The Marx-Engels Reader* edited by R. Tucker. New York, NY: W.W. Norton and Company.

Masnick, Mike. 2011. "Feds Charge Aaron Swartz With Felony Hacking… Fore Downloading A Ton Of Academic Research." *Techdirt*. Retrieved June 12, 2024 (https://www.techdirt.com/2011/07/19/feds-charge-aaron-swartz-with-felony-hacking-downloading-ton-academic-research/).

Mason, Paul. 2015. *Postcapitalism: A Guide to Our Future*. New York, NY: Farrar, Straus, and Giroux.

McCourt, Tom, and Burkart, Patrick. 2003. "When creators, corporations and consumers collide: Napster and the development of on-line music distribution." *Media, Culture & Society* 25: 333-350.

Milanović, Branko. (2016). *Global Inequality: A New Approach for the Age of Globalization*.

Cambridge, MA: Harvard University Press.

Moore, Rich. 1991. "Homer vs. Lisa and the 8th Commandment." *The Simpsons* (Season 2).

Palomera, Jaime and Vetta, Theodora. 2016. "Moral economy: Rethinking a radical concept." *Anthropological Theory* 16(4): 413-432.

Parris, Daniel. 2023. "The Rise, Fall, And (Slight) Rise of DVDs. A Statistical Analysis." *Stat Significant*. Retrieved June 13, 2024 (https://www.statsignificant.com/p/the-rise-fall-and-slight-rise-of).

Piketty, Thomas. 2014. *Capital in the Twenty-First Century*. Cambridge, MA: Harvard University Press.

Polanyi, Karl. 2001 [1944]. *The Great Transformation*. Boston: Beacon Press

PopMov. 2020. "You wouldn't STEAL a CAR? (Hilarious anti piracy commercial)." *YouTube*. Retrieved June 14, 2024 (https://www.youtube.com/watch?v=PLzy-IJg4_4).

Postone, Moishe. 1993. *Time, Labor, and Social Domination*. New York, NY: Cambridge University Press.

Postone, Moishe. 2015. "The Task of Critical Theory Today: Rethinking the Critique of Capitalism and its Futures." *Current Perspectives in Social Theory* 33:3-28.

Rabin, Nathan. 2011. ""Weird Al" Yankovic." *AV Club*. Retrieved June 14, 2024 (https://www.avclub.com/weird-al-yankovic-1798226810).

Reich, Robert B. 2015. *Saving Capitalism: for the Many, Not the Few*. New York, NY: Knopf.

Richter, Felix. 2022. "The Rise and Fall of the Compact Disc." *Statista*. Retrieved June 13, 2024 (https://www.statista.com/chart/12950/cd-sales-in-the-us/).

Rifkin, Jeremy. 2014. *The Zero Marginal Cost Society: The Internet of Things, the Collaborative Commons, and the Eclipse of Capitalism*. New York: St. Martin's Press.

Robinson, William I. 2004. *A theory of global capitalism: Production, class, and state in a transnational world*. Baltimore, MD: John Hopkins University Press.

Robinson, Nathan J. 2020. "The truth is paywalled but the lies are free." *Current Affairs*. Retrieved November 26, 2020 (https://www.currentaffairs.org/2020/08/the-truth-is-paywalled-but-the-lies-are-free/).

Sebert, Lagan. 2014. "Napster Documentary: Culture of Free." *Retro Report*. Retrieved June 12, 2024 (https://www.youtube.com/watch?v=CKrdsGdLVQ8).

Shelton, Jacob. 2019. "Metallica's Fight Against Napster Was The Least Metal Thing They've Ever Done." *Ranker*. Retrieved on June 14, 2024 (https://www.ranker.com/list/metallica-napster-lawsuit/jacob-shelton).

Smith, Adam. 2014 [1776]. *The Wealth of Nations*. Lexington, KY: Shine Classics.

Söderberg, Johan. 2002. "Copyleft vs. Copyright: A Marxist critique." *First Monday* 7(3-4).

Srnicek, Nick. 2017. *Platform Capitalism*. Cambridge: Polity Press.

Srnicek, Nick and Williams, Alex. 2015. *Inventing the Future: Postcapitalism and a World Without Work*. London: Verso.

Steffen, Will, Crutzen, Paul J., and McNeill, John R. 2007. "The Anthropocene: Are Humans Now Overwhelming the Great Forces of Nature?" Pp. 27-42 in *The Globalization and Environment Reader*, edited by P Newell and J.T. Roberts. Hoboken, NJ: Wiley Blackwell.

Stokel-Walker, Chris. 2024. "Visits to piracy websites have increased 12% in the past 4 years." *Fast Company*. Retrieved May 19, 2024 (https://www.fastcompany.com/91009644/visits-to-piracy-websites-have-increased-12-in-the-last-four-years).

Swartz, Aaron. 2008. "Guerilla Open Access Manifesto." *Internet Archive*. Retrieved June 12, 2024 (https://archive.org/details/GuerillaOpenAccessManifesto/mode/1up).

Thompson, E.P. 1971. "The Moral Economy of the English Crowd in the Eighteenth Century." *Past & Present* 50: 76-136.

Ulrich, Lars. 2000. "Lars Ulrich, Roger McGuinn Testify Before Senate Judiciary Committee on Downloading Music on the Internet." *CNN*. Retrieved June 14, 2024 (http://www.cnn.com/TRANSCRIPTS/0007/11/se.01.html).

Wallerstein, Immanuel. 2004. *World-Systems Analysis*. Durham, NC: Duke University Press.

Wayne, Mike. 2004. "Mode of Production: new media technology and the Napster file." *Rethinking Marxism* 16(2): 137-154.

Witt, Stephen. 2015. *How Music Got Free: The End of an Industry, the Turn of the Century, and the Patient Zero of Piracy*. New York: Viking.

Wolff, Richard and Resnick, Stephen. 2012. *Contending Economic Theories: Neoclassical, Keynesian, and Marxian*. Cambridge, Mass: MIT Press.

Womack, James P., Jones, Daniel, T., and Roos, Daniel. 2007 [1990]. *The Machine That Changed the World: The Story of Lean Production—Toyota's Secret Weapon in the Global Car Wars That Is Now Revolutionizing World Industry*. New York, NY: Free Press.

Yankovic, Al. 2006. *Don't Download This Song*. Volcano.

Zuboff, Shoshana. 2019. *The Age of Surveillance Capitalism: The Fight for a Human Future at the New Frontier of Power*. New York, NY: Public Affairs.

Endnotes

[1] I put "piracy" in quotes throughout this article to recognize how defining "piracy" is socially constructed, contested, and contingent (Edwards et. al. 2012).

[2] There are types of files and data, e.g., banking information, that ought to be protected. My argument so far is only pointing out the radical contingency of filesharing and open access and should not be misunderstood as advocating for "total anarchy."

[3] Media still has "value" derived from other conceptions of "value," e.g., aesthetic value, the value of social esteem, the value of likes, retweets, etc. However, these conceptions of "value" do not affect the underlying value according to Marx's definition. A piece of media may be sold at a price above its value for many reasons, but this dynamic should be kept analytically distinct from the analysis of value.

[4] Online advertising involves issues of privacy, surveillance, manipulation, and data extraction/protection (Srnicek 2017; Zuboff 2019; Arditi 2019). Nevertheless, collecting revenue through selling ads has facilitated a wider legal distribution of copyrighted material in exchange for time and valuable data. Whether the trade-offs are better than rent extraction is debatable, though subscription services often also include ads as well as many filesharing websites. The problems with online advertising will not be explored here (see Zuboff 2019; Arditi 2019).

[5] Physical media, whether Blu-rays, vinyl records, or print books, provides an allure that convinces many that paying for media at a price far above the "free" that digital "piracy" offers is worth it. Though this is incomprehensible from a (neo)classical economic point of view that contends people are cost-benefit maximizers, a Marxian perspective may help explain this. Marx's (1976 [1867]) concept of *commodity fetishism* can describe how a commodity's use value qualitatively goes beyond its exchange value to embody sentiments such as increasing social status, the joy and self-gratification from collecting, and the personal attachment to commodities. Such considerations may explain the persistent appeal of physical media for some, although sales data shows that some physical media formats are in decline (see Richter 2022; Parris 2023).

[6] According to a 2023 poll, 37 percent of respondents reported being infected by malware due to "piracy" (Bridge 2023).

[7] This song is useful commentary as it humorously encapsulates the arguments on both sides without taking a stance. This neutrality was intentional, according to Yankovic, "I wanted to write a song that occupied a grey area, where you wouldn't really know whether I was com

ing down on the side of the downloaders or the side of the R.I.A.A. The whole thing was very tongue-in-cheek and sarcastic and ironic, and you walk away without really knowing what my viewpoint is, which is all by design. To further compound the irony, we gave that song away as a free download on my website" (Rabin 2011).

[8] One solution is de-commodifying digital goods but making it as easy as possible for users to voluntarily contribute to or "tip" creators they like. This may be susceptible to the "free rider" problem of public goods but may underestimate how everyday people *want* to support the artists, journalists, and authors they enjoy (see Alexander 2002: 156-160). A universal basic income could also support precarious artists, allowing free cultural flows while diminishing concerns for artists' well-being (see Srnicek and Williams 2015; Knowles 2023b).

Convenience begets capitalism

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> People see rock'n'roll as youth culture, and when youth culture
> becomes monopolized by big business, what are the youth
> to do? Do you have any idea? I think we should destroy
> the bogus capitalist process that is destroying youth culture.
> (Thurston Moore in the documentary <u>1991: the year punk rock broke</u> (Markey, 1992))

Having researched music file-sharing during its heydays in the late 1990s and throughout the 2000s (Skågeby, 2008), there is one thing that has, since the subsequent universal adoption of music streaming, fascinated me: how very quickly we come to the defense of our music streaming service of choice when it is, in any way, criticized. While admittedly anecdotal, it seems to me that any hint at "bogus capitalist processes" is immediately overlooked, and instead, arguments about the perceived ease of access to a 'total supply' of music are put forward; suggestions that algorithmic regimes (Jarke et al., 2024) or 'software logistics' (Eriksson, 2019) could be dictating the circulation of culture are not so much dismissed as accepted as 'the way it is now'; and proposals that we have now even regressed from the supposedly 'free and competitive' markets of capitalism to digital feudalism (Arditi, 2023), where a few data siloed services are providing all our access to music, are perhaps met with a little more frustration, but ultimately also acceptance and internalized convenience. Algorithmic and capitalist regimes are now so tightly woven together and so ubiquitous that anything else (both future and past) just seems unnecessary, annoying, and overly laborious.

Having said that, there has been a certain surge in the adoption of older formats and 'container technologies' (e.g., vinyl records, cassette tapes, and possibly also a CD revival), which can be interpreted as fatigue with the non-materiality of music streaming (Mall, 2021, Rahm-Skågeby, 2021). However, as Palm (2019) argues, analog formats are often still circulated via digital platforms, meaning that the struggle to focus is arguably between corporate and independent culture (rather than old and new formats). So again, perhaps many of these analog practices are, sometimes, not so much a resistance against capitalism as such. After all, new vinyl records or cassettes are also, but not only just, another revenue stream for record companies.

So, what factors might be underpinning this proposed connection between capitalist algorithmic modes of cultural circulation and convenience?

Convenience as a driver

Arguably, humans have a deep-seated preference for convenience in a general sense (Trachtenberg, 2021). The ease of access to the vast music libraries offered by streaming services may thus create a strong positive reinforcement loop. That is, being instantly able to find any music you want is a powerful benefit that can quickly overshadow potential and more long-term or obscure downsides (Arditi, 2021). As algorithmic recommender systems analyze user behavior and preferences to suggest more similar content, convenience is further amplified by a (virtually) endless stream of content (seemingly) tailored to individual tastes. With Napster (and other peer-to-peer music-sharing

systems), music recommendations began to be more organically driven (with admins and users having conversations about music and servers hosting collections within or spanning neighboring genres). The music industry likely regarded this as a potential loss of control over music consumption patterns.

Contributing to the normalized convenience of streaming music is also how users, having invested time and money into building playlists or subscribing to a service, might be more likely to defend it even if they have reservations. Put simply, they might feel a psychological need to justify their investment by downplaying its negative aspects. Comparing this to Napster, finding and downloading music was much more a game of chance. This also meant that Napster (and other music-sharing services, such as Soulseek and Hotline) retained more room for serendipity and social bonding with, and through, music.

An additional factor, adding to the current 'individual path dependence' or 'brand loyalty,' is how streaming services and other platforms (e.g., TikTok) often highlight popular music based on user trends. This can create a fear of missing out on the latest music or cultural references, which means that people might be more willing to accept the subscription model and the digital feudalism of music streaming just to be able to 'stay in the loop.'

While the legality of streaming services (as deliberately contrasted against 'illegal' P2P file-sharing, in particular, Napster) was a huge part of the initial marketing for music subscriptions, it now seems that internalization of convenience has since long taken its place. Both arguments (i.e., legality and convenience), however, still serve as fronts for black-boxed capitalist algorithmic regimes. This black-boxing is, of course, a calculated part of retaining the attraction of music streaming—both by keeping details hidden and thereby avoiding overwhelming users with complex options, but also by constituting a competitive advantage for the service as such. Black-boxing is also a way to obscure (critique of) algorithmic bias. That is, if the algorithm is not fully transparent, users and analysts will have to rely on 'proxy methods' to uncover potential predispositions (Lange et al., 2019).

As such, it is only natural that many users might not fully grasp the algorithmic processes steering (and manipulating) their music consumption. The black-box nature of algorithms can make it difficult to understand how they influence music selection and limit exposure to diverse artists (Eriksson et al., 2019). An interesting question is whether an acceptance of such conditions will become more or less common as new users are 'fostered' into algorithmic culture. If we are increasingly accustomed to algorithms shaping our online experiences, from social media feeds to product recommendations, this constant exposure can make algorithmic curation seem normal, even desirable. The affordances offered by Napster, like manual searching, converting between formats, social bonding, and a greater degree of self-curation, might feel increasingly outdated or inefficient. Not to mention other alternatives such as visiting record shops or borrowing records from friends.

When Napster appeared (popularizing file-sharing as the most important cultural practice the Internet has brought), it was with a certain sense of resistance (which was soon co-opted as the convenience of having 'X thousand songs in your pocket'). The practical exercise of this resistance also required certain technical skills, which also come across as increasingly obscured today. In this context, it is interesting to note that a recent survey has shown that 'illegal streaming' (in this case, mainly of TV shows, movies, and sports) has again risen in the Nordic countries (Advanced Television, 2024). An analyst at the survey company Mediavision provided the following explanation: "Piracy is still a problem in the Nordics. Financial pressure on households combined with generally increased prices for legal alternatives are factors that have likely contributed to growth".

A possible difference now, at least compared to sharing on Napster, is the much more organized profit-oriented (i.e., capitalist) schemes underpinning this trend. So, arguments around illegality and piracy are still the main media narratives, but now the lack of morality of both individual users and criminal networks, as well as unreasonable pricing, are put forward as responsible for 'reducing the profit for legal companies' (which is of course normalized as bad in modern capitalism). This can also be gleaned from how the 'boot out piracy' campaign in the UK emphasizes the risks of using illegal streaming services to watch paid-for content (Zulhusni, 2023). The risks that are put forward are relegated to the individual user—fraudulent transactions on *your* credit card, malware on *your* computer, access to *your* bank

accounts, or the theft of *your* personal information (i.e., it may become *inconvenient* for you). All these risks have only been amplified by the implementation of digital feudalism powered by capitalist actors, who now avoid accountability by delegating the responsibility for the risks accompanying this ubiquitous infrastructure to the individual.[1]

Convenience and its entanglements

Importantly, there are more reasons for not subscribing to the normalization of streaming services as the only and best option around, simply due to their convenience. This is mainly because convenience is entangled with capitalism and, thereby, comes with a price. Devine (2019) discusses the environmental impacts of the music industry, including music streaming, which he argues makes use of data centers that consume a significant amount of energy, often generated by fossil fuels, which contributes to greenhouse gas emissions.

A constant and convenient access to music has also changed music listening practices in interesting ways. Fuentes et al. (2019) describe how 'soundtracking'—a mode of 'listening' that involves choosing and playing music mainly to accompany other everyday practices—becomes more common. Unlike the authors, who argue that this increase has 'important implications for how and what music should be produced and marketed' (including making music for moods and practices), we could see how this contributes to more or less constant and passive streaming of music everywhere (even when we sleep). Such changes in listening practices, combined with planned obsolescence, can have a significant environmental impact due to resource depletion, electronic waste, and environmental pollution (Beuscart et al., 2023; Taffel, 2023).

Convenience, public benefit, and 'coolness' are also rhetorical figures that have been used to obscure the fact that corporate interests are tightly interwoven with how music streaming works (Hodgson, 2021; Vonderau, 2019). As such, music streaming services have enormous gatekeeping power when it comes to how music is consumed and circulated in society. Eriksson (2019) and Eriksson et al. (2019) have effectively demonstrated that algorithmic recommendations lead to a homogenization of music tastes, where users are exposed to similar content and thereby become less likely to discover genres outside their algorithmically delineated 'comfort zone' (unless they actively break out of the algorithmic regime). How these recommendation systems work is, again, black-boxed, but it is certainly sullied by commercial influences and interests.

The same opaque principle applies to Spotify's artist compensation model, which prioritizes generating revenue for the platform over fair reimbursement for artists. While sharing on Napster may also be subjected to some of these objections to varying degrees, it becomes obvious that Napster was literally co-opted and turned into a profit-optimized resource-depleting business model (simply because that is what capitalism does). This includes the exploitation of free labor and data from users. This labor and data are sometimes presented back to users (e.g., in the shape of Spotify Wrapped or Apple Music Replay), who are then "mobilized to flood […] communication channels with marketing for the service, which maximizes brand awareness, creates a fear of missing out, and may drive traffic to the platform for further data extraction" (Owen, 2023). This reification of people's relations to music masquerades as a summary of *your* emotional uniqueness, but it is also a yearly reminder that music listening is now quite literally a measured, surveilled, manipulated, and systematically commercialized media practice.

Convenience begets capitalism… for now.

The transition from Napster to streaming services has, of course, changed music listening, further prioritizing convenience and access over ownership and cultural value. The exploitation of technologies

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1 As a case in point, the Swedish Banker's Association recently *opposed* an EU proposition stating that banks should take larger responsibility for re-imbursing their customers in case of online fraud. They suggested that such a responsibility would weaken the "security awareness" of their customers, thereby supporting criminal networks, and also that it would even increase the frequency of "friendly frauds".

and consumers has driven this shift, and the resulting economic disparities, cultural homogenization, and ethical and environmental concerns highlight the critical need for a more social, equitable, and sustainable music distribution model. Streaming services devalue music by making it seem like an infinite, on-demand product with little intrinsic value. Addressing these issues requires a re-evaluation of how music is valued, consumed, and monetized in the digital age, ensuring that music media practices do not come at the cost of artistic integrity, economic fairness, or ecological impact.

So, at this point, we may need to refine the argument. We could say that convenience *currently* begets capitalism and, consequently, that any way forward must *still* address capitalism rather than convenience (i.e., we *still* need to 'destroy the bogus capitalist process'). Right now, the alternatives to music streaming are framed by a retained focus on piracy as something that takes away profit from 'rightfully deserving' companies and constitutes very risky practices for the individual consumer. These representations of the 'problems' silences any viable alternatives. Napster arguably initiated a focus on convenient and fast access to music listening, but these values have now been put into overdrive and (again) corrupted by capitalism. Subscription-based models and the convenience of AI-manipulated playlists have been increasingly normalized (Fleischer, 2021). As such, a prompt to 'imagine something different' may ring overfamiliar and insipid. Especially when convenience capitalism has made any anti-capitalist efforts seem like something bad. Still, any inconvenient efforts are better than ignoring music streaming's environmental impacts or allowing arguments about piracy to be repeated as something that steals 'lawful profit' from companies but is still the most risky for the individual consumer.

Convenience, as it is sold to us now, is a Faustian bargain. I really do not wish to contribute to (more) timeworn whining about the state of things, but when convenience is normalized as a defense for algorithmic capitalism, I feel demoralized. Why aren't apps that connect music enthusiasts in our local neighborhoods more popular? Such services could allow users to share music in all its forms (at) s, recommend local bands, and organize listening parties at cafes or parks. Why hasn't decentralized music streaming, using transparent royalty tracking, direct micropayments, or even NFTs, taken off in a sustainable fashion? Why aren't there more inclusive curated listening evenings in cafés, bars, or record stores arranged more systematically? Why is AI (or other tech) not used in sustainable ways that can augment music exploration and recommend music based on factors beyond streaming data, like lyrics, instrumentation, genre developments, samples, geographical trends, or historical context? Why are we not supporting and making better use of public libraries as the amazing tax-funded institutions they are!? These are places that could host sub-collections curated by enthusiasts, the disinterested, or anyone in between, allowing users to explore new artists and genres connected to social information without necessarily accumulating physical media.

It seems to me that so many creative incremental pushes for change that we design and imagine are crushed beforehand. The only common answer to these questions is that digital feudalism is convenient, accepted, and in the way of new solutions, and it seems we are back where we started. We could imagine anything, but we failed. In the overall context of crises in the world, music consumption is a puny problem, and I do realize this text may come across as naive, and most probably, the questions above are preposterous, but the point I seek to convey is that digital feudalism must be dismantled, history is full of surprises, resistance is often inconvenient, and hope is an important form of defiance.

References

Advanced Television (2024, May 28). Research: Streaming piracy is growing in Nordics. *Advanced Television*. Retrieved May 31, 2024, from https://advanced-television.com/2024/05/28/research-piracy-growing-in-nordics/

Arditi, D. (2023). *Digital feudalism: Creators, credit, consumption, and capitalism*. Emerald Publishing Limited.

Arditi, D. (2021). *Streaming Culture: Subscription platforms and the unending consumption of culture*. Emerald Publishing Limited.

Beuscart, J. S., Coavoux, S., & Garrocq, J. B. (2023). Listening to music videos on YouTube. Digital consumption practices and the environmental impact of streaming. *Journal of Consumer Culture, 23*(3), 654-671.

Eriksson, M. (2019). *Online music distribution and the unpredictability of software logistics* (Doctoral dissertation, Umeå universitet).

Eriksson, M., Fleischer, R., Johansson, A., Snickars, P., & Vonderau, P. (2019). *Spotify teardown: Inside the black box of streaming music*. Cambridge, MA: MIT Press.

Fleischer, R. (2021). Universal Spotification? The shifting meanings of "Spotify" as a model for the media industries. *Popular Communication, 19*(1), 14-25.

Hodgson, T. (2021). Spotify and the democratization of music. *Popular Music, 40*(1), 1–17.

Jarke, J., Prietl, B., Egbert, S., Boeva, Y., Heuer, H., & Arnold, M. (2024). *Algorithmic Regimes: Methods, Interactions, and Politics*. Amsterdam: Amsterdam university press.

Lange, A. C., Lenglet, M., & Seyfert, R. (2019). On studying algorithms ethnographically: Making sense of objects of ignorance. *Organization, 26*(4), 598-617.

Mall, A. (2021). Vinyl revival. *Journal of Popular Music Studies, 33*(3), 73-77.

Markey, D. (Director). (1992). *1991: the year punk broke* [Documentary]. Doc Records.

Owen, C. (2023). Commodifying taste: An autoethnography of free labor, exploitation and alienation on Spotify. *New Explorations, 3*(1).

Palm, M. (2019). Keeping what real? Vinyl records and the future of independent culture. *Convergence, 25*(4), 643–656.

Rahm-Skågeby, J. (2021) Re-presencing, re-containing, re-materializing music. *Media Fields, 16* (Special issue on Life Cycles).

Skågeby, J. (2008) Gifting Technologies: ethnographic studies of end-users and social media sharing. PhD dissertation, Dept. of Computer and Information Science, Linköping University, Sweden.

Taffel, S. (2023). AirPods and the earth: Digital technologies, planned obsolescence and the Capitalocene. *Environment and Planning E: Nature and Space, 6*(1), 433–454.

Trachtenberg, Z. (2021). The necessity of convenience. In F. Forman (Ed.) *The Adam Smith Review* (pp. 163-182). Abingdon: Routledge.

Vonderau, P. (2019). The Spotify effect: Digital distribution and financial growth. *Television & New Media, 20*(1), 3–19.

Zulhusni, M. (2023, Dec 12). Malaysia warned of the consequences of watching live illegal Premier League games. *Tech Wire Asia*. Retrieved May 31, 2024, from https://techwireasia.com/12/2023/malaysia-advised-of-legal-risks-in-watching-pirated-live-premier-league-games/

A capitalist stranglehold on "artificial intelligence": a gallop through piracy, privacy invasion, lock-in, and a fever dream of democratization

Aidan Cornelius-Bell

Abstract

In this paper, I discuss the emergence of personal computing, the rise of platform-controlled smartphones and tablets, and the recent surge in artificial intelligence technologies. I explore how these technological advancements have often been shaped by the interests of capital, with recent trends towards increased platform lock-in, control, and exploitation of users (workers). I argue that without a strong push for open-source, democratized AI, these technologies risk being used to further the globalized colonial capitalist project. Through discussion of contemporary issues in corporate LLMs, I explore the corporate piracy of text, visual, and auditory data on the internet and the copyright and other ethical and human implications of this theft of work. I highlight the potential for open-source hardware and software to counter the proprietary and un-hackable future of AI, offering a radical alternative that empowers users and advances human, ecological, and labor rights alongside technology tools. Ultimately, I call for greater attention to the social, political, economic, and environmental implications of computing and AI technologies under capitalism.

Keywords

Artificial intelligence, worker exploitation, capitalism and machinery, cultural studies

Introduction

The orifice of the bourgeoisie has been traditionally apathetic, at best, to novel technologies and machinery in the public sphere. While machinery is a critical tool that enables capital to increase the productivity of labor and produce relative surplus value, which it does by reducing the value of labor power (Marx 1990), the publication and marketing of tools *for* capitalists is often more subtle. Inventions, or perhaps more accurately, subsumptions of invention by the ruling class, do not always have a public face, a marketing image, or even a name. Rather, the introduction of new "machinery" often quietly leads to an increase in the intensity and duration of labor as capitalists seek to maximize the "value" extracted from workers (Marx 1990). In turn, novel machinery and "inventions" displace workers on a grand scale, leading to surplus humans, which capital can subsequently exploit or ignore. This process, which has existed as long as capitalism, demands continual "innovation" and invention, both in creating new products for the market, as well as new modes and affordances for the capitalist class, ensuring their continued hegemony and enduring control of the dominant narrative (Gramsci 1996). Recently, however, the massive outbreak of "artificial intelligence" hype has drawn mixed commentary, criticism,

concern, and celebration across the capitalist and working classes. Throughout recent history, we have seen explosive growth in consumer technology from the 1990s to today. As the microchip and other computer components became cheaper to mass produce, new forms of marketing emerged to entice consumers into reckless spending on newer, faster, better, more efficient, more powerful systems, devices, consoles, tablets, and so on. These technologies have been simultaneously produced, controlled, and utilized to the extreme benefit of a handful of multinational corporations. While some democratization, open-sourcing, and accessibility have been considered, by and large, corporations fully control, capture, and compute our daily working experiences from manual labor orchestrated through computers to fully automated finance algorithms.

Following Marx, the development of machinery is shaped by the social relations of production. In this regard, no development can be considered a neutral, technical process but rather driven by the *interests of capital*. In a conservative sense, the transition to "machine production" destroys older forms of handcraft and domestic industry, disrupting traditional social structures and ways of life. Parallels here to the outcry of artists and writers, whose work has already been stolen by "AI" corporations (Goetze 2024), are undeniable. With this increased "productivity" (theft) from machinery, capitalists cheapen commodities and extract ever more surplus value. This reproduces and reinforces the cycle of capital at a grander level, abstracting professions and capacities from humans toward capitalist control. In this way, the development of machinery is a double-edged sword; it "raises productivity", but also intensifies exploitation and social disruption (Marx 1990). When applied to one of the largest, extractive, and wasteful (Perkins et al. 2014; Widmer et al. 2005) industries in the world, computing technology, there are interesting insights in both reform pressure and radical industry transformation, which deserve attention.

In this paper, I briefly discuss the emergence, accidental partial democratization and distribution of personal computing, the rise of platform-controlled smartphones, tablets, and other systems, and the next wave of computing "innovation" (marketed as) "Artificial Intelligence" of text to image and large language models. Twenty-five years after Napster's launch, I explore the acquisition of training data, the creation of LLM models, and the privatization of knowledge under capitalist copyright hegemony, which has again transmuted to an anti-worker frame, additionally exploiting, extracting, and "pirating" in the name of AI futurism. Underpinning this exploration of three different but intertwined histories is a critical examination of the fundamental values of the computing platforms upon which modern work depends. I argue that increasingly strong anti-democratic and anti-socialized forces may see an unfortunate proprietary and unhackable future for artificial intelligence and its descendants, thereby reproducing the globalized colonial capitalist project for the continued exploitation of the 99% on the basis of corporate-backed piracy. Alternatively, I see a "radical" future for computing in the open-source computing space.

An alternate reality

In an alternate reality, IBM may have retained all rights to the PC (Veit 1994). This turn, suggesting no Compaq and resulting PC Clones, would have fulfilled IBM's vision of owning the mainframe, the terminal, and the software stack. Their proprietary monopoly system, while expensive, would have been the only choice for computing productivity, and while hobbyists and tinkerers may have had a brief time in the limelight, and UNIX may have clung in edge cases, the standardization of the "PC" because of cloning, reproduction and thousands of hours of coding would never have emerged, and IBM's strategy would have prevailed. Our workplaces would still be brandished with IBM logos, and our software, hardware, network infrastructure, and so much more would carry a single trademark. Armies of programmers, creatives, service people, and those interested in technology would, eventually, be sucked into the big blue. Perhaps, one day, the shrinking of technology would have enabled a world where IBM was also responsible for the smartphone, tablet, smart TV, and other multimedia consumption devices. In this world where IBM holds all the keys to the kingdom, there would be no Instagram for endless hours of reels. Instead, your international global mediator of media content would be produced with IBM digital cameras, edited in IBM nonlinear editing software, and distributed over the IBM hyperweb to your IBM

palmtop. Our digital benevolent dictators would take only a small fraction of every transaction, knowing they had complete control over a global colonized empire. In this world, a monopoly platform owner dictates who may think of, create, and release software. They decide who will access, make use of, and in what way they will be allowed to use the hardware. Indeed, this hypothetical IBM, or Microsoft, Apple, Google, Amazon, and so on, would hold complete and monopoly control over "computing" – not personal, but corporate and distinctively *for capital*.

We do not, however, live in this universe. Instead, the PC and the Mac were cloned software, and hardware in the personal computer remains, by and large, personally customizable — in spite of the predilections of some ecosystem makers. Developers, programmers, creatives, and eccentrics have access to tools and programs that enable development for software, websites, servers, and services with diverse possibilities, and for practically no cost, enabling creative licensing and free open-source software (c.f. Fortunato and Galassi 2021; Müller, Schindler, and Slany 2019; O'Neil et al. 2021), though, not without potential for social engineering security holes and lack of meaningful compensation and livelihood for important work done by free software developers (Jones 2024). While there are aspects of our personal computing that depend on proprietary, locked-in standards, manufacturers, and so on, there are either open software or hardware standards relatively sufficient for open computing (or efforts to create them c.f. Dörflinger et al. 2021; LaurieWired 2024). We cannot, here, ignore the cost of the e-waste crisis and the unequal global deployment of computing technology, including access to, use of, and creation of computing systems across the Global South. While in the anglosphere, smartphones outnumber people, massive demographics still lack access to even basic computing, internet, and communication technology because of gate-keeping capitalists and growing exploitative smartphone rental systems (Malinga 2022).

Global lock-in

Our reality meets with this alternate story when it comes to our smartphones and tablets. While there are exceptions to the rule, and nuances depending on the platform, two major multi-billion dollar marketing companies are responsible for the creation of the operating systems, specifications, default apps, and publishing of other individuals' and companies' apps on our smartphones (Cano Bejar, Ray, and Huang 2023; Diel, Buck, and Eymann 2018; Tolani, Owoseni, and Twinomurinzi 2020). While Google's Android offers slightly more flexibility and openness for customization, side-loading applications, hardware hacking, and de-Googlification, these practices remain in the fringe and come with their own challenges from corporations (for example, banking apps disallowing custom firmware for "security reasons") (Palmer 2022). Some may argue that Android's use of the Linux kernel continues the tradition of open-source freedoms in your pocket; however, the ongoing proprietary nature of technology in smaller form factors was a departure from the open marketplaces, open hardware, and open possibilities of the PC, a sacrifice most were willing to make for convenience, and one that most are largely unaware of and unworried by in contemporary times.

Our smartphones, smart TVs, tablets, and other media consumption devices have become the site of significant platform lock-in. Apple and Google, ignoring edge cases, have such significant control over both the hardware and software of our most intimate technology that the emergence of new devices that even complement this ecosystem not produced by one of the big three (Apple, Google, or Samsung) are forgotten, and more quickly than others become e-waste (Gabrys 2011). The publication of apps is tightly controlled, though still incapable of stopping spam, gambling, and other exploitative apps, and platform users remain at the mercy of a small handful of global marketplaces which are differentially deployed in regions of the globe with different copyright laws, systems of government and censorship requirements. Here, the disadvantages are, perhaps, less clear to a angloshperic demographic. Devices sold in China, for example, are not able to access proxy, VPN, or any kind of network obfuscation service through Apple's App Store and Google's Play Store (Ruan et al. 2016; Ververis et al. 2019). In many countries, media producers disallow access to content due to licensing agreements or lack thereof. This has implications for YouTube videos, which may, for example, make use of copyrighted audio on an

educational video, thus denying this knowledge to the region.

Platform control has become such a pressing issue for big tech that they spend millions lobbying governments to attempt to avoid regulation. Recently, both the European Commission and the United States Government have brought different cases against Apple over monopoly and platform control (Chee 2024b, 2024a; Song 2024). While some concessions have been made for residents of those economic regions, the platform controllers remain firmly in control. This advanced state platform control and its subsequent "lock in" keeps people buying, consuming, and using a platform provider's services for decades. Despite hobbyist projects, commercial research projects, and hacking communities, there has not been serious mainstream interest in open-sourcing these mobile platforms. This has serious and unequal effects across the globe, with developers and content creators outside the anglosphere being unable to afford development licenses or access to sufficient equipment to produce software and media. While libre tools continue to get better on the PC and, while imperfect, offer a better landscape than in the mobile space where platform control keeps major developments marginal with proprietary the flavor of the lifetime, anything with an ongoing fee to use, in particular, earns up to 30% commission for Apple, Google, Samsung, Meta or Amazon and is thus incentivized.

Platform control, or marketplace control, is certainly not a new phenomenon. As a foundational tenet of capitalism, modern app marketplaces, social media providers, and "big tech" broadly are merely following suit, verging on company stores, manufacturing currencies, perpetually reinvesting in "engagement," and vying for control of information, advertising, messaging, and ultimate monopoly. It follows here, that the design, implementation, use, and control of technology under capitalism by capitalists leads to the marginalization of (thought) workers from the products of their labor, with workers appendaged to the technology of modern smartphones (Marx 1990). "Saint Peter, don't you call me, 'cuz I can't go. I owe my soul to the" (Travis 1946) iPhone.

"Artificial intelligence"

The massive interest in "Artificial Intelligence" brings new concerns about lock-in, control, and access to technologies, media, and a digital voice. Ethical concerns about LLMs abound, with daily high-profile court cases and battles between OpenAI CEO and various jilted torchbearers (most recently Scarlet Johansson). The capacity of big tech and their cronies to vacuum the internet for "free real estate" to feed text to images and LLMs without repose has demonstrated that a new era of proprietary and highly controlled platforms and corporate-sponsored piracy is upon us. Open AI, Google, Midjourney, Adobe, Anthropic, and many more offer a private, closed, and proprietary "artificially intelligent" infrastructure[1] . Moreover, even "local" models, those which are run on your own device, are often proprietary and leverage the existing platform lock-in from Apple and Google, ensuring that developers, creatives, and users keep using technologies in the ecosystem and leverage existing control to prevent competition. Microsoft, Apple, and Google, the major closed-source players in operating system development, integrate their own or OpenAI's technologies tightly into their ecosystems, avoiding open alternatives (Apple Inc. 2024; Microsoft Corporation 2024). Even more complex than open hardware in phones and tablets, LLMs require significant computing power to run quickly and usually require more pirated data than an average user could store in order to generate meaningful responses. Naturally, as commodity hardware decreases in price, there could be a commensurate increase in the number of people able to run open-source and customizable home LLM systems. However, this is not a natural and easy future to realize. Indeed, more affordable systems such as the Raspberry Pi already have communities of hackers and tinkerers developing bizarre conglomerations of lower power tensor processors to match or nearly match proprietary platforms (Level 2 Jeff 2024). A stronger narrative, though, is needed to counter the commercialization, privatization, and control of these systems before there is a broader appeal.

AI platforms have been the talk of the bourgeois. The explosive interest in streamlining thinking to

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1 Notably, however, several of these companies also offer downloadable, offline, and open-source LLM models, benefiting financially and in product development from the open-source community by providing feedback, development hours, and additional use cases.

work through short prompts has caught the attention of the feeble-minded and meager writing capacity of executives, middle managers, and millionaires alike. From tech corporations through to university governance, the Generative AI fad has all but replaced the thinking capacity of over-eager "knowledge managers" in a race to the bottom. Workers in all configurations are under serious threat in the creative and *thinking* industries; the use of "AI" to shortcut these important roles does not come close to replacing or replicating the labor of human workers, but it comes close enough for the capitalist not to employ us to do the work. The environmental and human cost of running all your emails, corporate communications, and purchasing decisions through the LLM black box bears little significance to the CEO watching "line go up." Moreover, we see a rising tide of commercial AI use by state and nefarious actors to obfuscate, generate, and justify unethical behaviors, lobby lawmakers, and manipulate social media – in spite of the supposed safety of fair use agreements in these commercials, private and black box systems (OpenAI 2024). Here, we have dual problems: Broadly, an inability to replicate the capabilities of large corporate LLMs in the home and a lack of capacity to replicate the corporate-backed piracy and deception involved in creating the dataset in the first place (c.f. Ayling and Chapman 2022; Christoforaki and Beyan 2022). In addition, we see threats to livelihoods, the environment, and the continued acceleration of capital for the capitalist. Complicating this space is the growing faux hype, marketing, and eye-watering failures of underbaked LLMs in an AI race to the bottom, which fractures the general appeal and usability to the broader population, spawning mixed reactions at best.

The technologies bound up in what marketing has labeled "artificial intelligence" are already being deployed as marketing machines (Arsenijevic and Jovic 2019; Verma et al. 2021), corporate governance advisers (Hilb 2020; Jabeur et al. 2021), and medical consultants (Alowais et al. 2023; Dave and Patel 2023; Iqbal et al. 2023). Amidst a litany of other purposes, the rising tide of commercial LLMs for myriad purposes cannot be ignored as a space of capitalist machine growth. Not only are these technologies supporting and enabling practitioners and workers, but they are also simultaneously deprofessionalizing others and are highly locked down, corporately controlled, and expensive – economically and environmentally. Indeed, sustainable, "green" and low-impact AI deployment has been the subject of debate in academic circles (Dhar 2020; Ligozat et al. 2022; Nishant, Kennedy, and Corbett 2020; Verdecchia, Sallou, and Cruz 2023), where contention arises around the use of any technology as ecologically sustainable. Models that are runnable "at home" on commodity hardware often draw hundreds of watts of electricity for short periods to generate basic responses. At a large corporate scale, however, the full impact of the electrical and ecological scope and scale of deployment is still uncertain but highly problematic (Loeffler, 2024; Luccioni, Jernite, and Strubell, 2024; Vincent, 2024). However, the "model" itself in LLM technologies is not the only area of interest in controlling narrative building around information dispensed by "AI" Indeed, corporate "piracy" plays a significant role in the production of datasets, the production of AI tools, and the politics of control of information.

Corporate piracy, or jobs that "shouldn't have been there in the first place."

Copyright law globally is often deployed differentially between corporations, cooperatives, notable figures, and private citizens. This is particularly the case for those who have been deemed "pirates" or responsible for the alleged theft of copyright materials from the capitalist bastion. Time and again, notable figures in what the media dubs "piracy rings" have been caught and punished to the fullest extent of the law. The treatment of small corporations who conduct themselves similarly has, at least in the case of Napster, KaZaA, and their ilk, been treated similarly to private citizens (Suzanne 2006). However, in the context of the global surge of "artificial intelligence," or specifically transformer-based LLMs, a fundamental requirement is training data. This data requires copious texts to "train" the model to generate more coherent responses, though the hallucinations of contemporary LLMs remain a fundamental feature of generative AI and are, to the computer, fundamentally indistinguishable from coherent responses with ongoing efforts to refine responses (Farquhar et al. 2024; Hicks, Humphries, and Slater 2024; Zhang et al. 2024). Ongoing debates about the nature and suitability of copyright

law to address the "problem" of LLMs' use of texts accessible via the internet have meant that even high-profile cases, such as the *New York Times vs OpenAI*, have had little serious impact on how LLMs are trained thus far (Grynbaum & Mac 2023; Mantegna 2024; Quang 2021). Or, perhaps, a corporate-copyright hegemony reconfiguring "piracy panic narratives" (Arditi 2015) about acceptable use, knowledge ownership, and a visage of appropriation (see also other such historic reconfigurations, c.f. Kribs 2020). Recently, Apple announced "Apple Intelligence," a brand comprising LLMs from Apple's research and their partnership with OpenAI (as well as others forthcoming). During a panel discussion at their developer conference, Apple discussed that they, too, had crawled the internet, copying text data to train their LLMs, only retroactively allowing content creators, writers, and webmasters to prevent this crawling (Vorhees 2024). In spite of supposed ways to prevent this indexation and copying of supposedly copyrighted texts, several AI corporations, including Perplexity, OpenAI, Anthropic, and others, have been caught bypassing supposed "rules" that prevent their access to "scrape" websites for training data repeatedly (Hays 2024; Marchman 2024; Mehrotra and Marchman 2024). Corporations continue to play a major role in AI research, development, and deployment, and thus, their governance of AI is crucial for the public interest. However, the prevailing attitude in these firms appears far from respectful, requiring organizing and whistleblowing from employees to trigger action (Cihon, Schuett, & Baum 2021).

The callous attitude of AI corporations mirrors the "tech bro" mindset of rapid iteration at any cost and, as discussed above, comes at extreme cost to the environment, work, and creative industries in various forms (c.f. Carrigan 2023; Griffith 2022). The stolen work of visual artists, the stolen texts of writers, and the stolen compositions of musicians are amongst the foundational tools of the contemporary "AI" race – a race against copyright law to produce datasets that control the creative process, locking down access so that corporations creating these AI systems have exclusive control over creativity, knowledge and even the capture of epistemology (Lazega and Montes-Lihn 2021); this is at least the case for the corporate AI companies whose attitude continues to be *we will do what we want* with little fear of recourse. On a panel discussion about AI allegedly "empowering humanity," one of OpenAI's representatives, Mira Murati, was quoted noting, "some creative jobs maybe will go away, but maybe they shouldn't have been there in the first place" (Dartmouth Engineering 2024). This attitude of a race to the bottom, purloining copyright materials, sidelining human creatives, and replacing the labor of humans which, continually, offers more inherent thinking value than a machine guessing what might come next is antithetical to the empowerment buzzword and another indication of the necessity for clearer thinking about the nature and future of work + AI, empowerment + AI, environment + AI, or technology + AI. While the law had traditionally been on the side of large corporations, the repeated copying, bypassing of restrictions, and workarounds implemented by corporate AI providers shows a disregard for the legal process, even where copyright law is being actively transformed in the face of such behavior (Hays 2024; Vincent 2022).

Open access to data, attribution, and understandable, transparent, and accountable access to knowledge, information, systems, and processes enable AI to become a political priority (Cihon et al. 2021; Lazega & Montes-Lihn 2021). "Openness" in "AI" requires examination beyond the availability of source code, models, weights, and training data. Indeed, as Liesenfeld and Dingemanse (2024) have identified, there is a growing trend of "open-washing," where companies claim open-source-ness while withholding critical information about training data, fine-tuning, and other key aspects of their AI. They argue that new laws in the European Union will create incentives for more transparent labeling of open-source software, particularly in the AI space, and that this may, through an evidence-based approach, provide better transparency in research and lead to the creation and use of AI tools, rather than focusing solely on licensing (Liesenfeld and Dingemanse 2024). Here, to counter corporate kleptomania and growing control of information by corporations on the basis of large-scale information piracy, openness is crucial.

Open source

Open-source software is the sphere of both private enterprise and private citizens. This partially

democratic sphere where tools, programs, 20-line scripts, and entire productivity packages are produced is done on the back of volunteer time and, to some extent, corporate dime (Andersen-Gott, Ghinea, and Bygstad 2012). In a sort of "do-ocracy" where feature requests are not pivotal to a corporate bottom line, open-source communities thrive on the upskilling of individuals with an interest in committing software, features, and ideas and catching bugs as *doers* who have a vested stake in their contributions – they need it to make use of their software. While, as explored briefly above, there are concerns about social engineering and other vulnerabilities in open-source software, many of the concerns of private closed-source software are negated, as anyone with sufficient skill can examine the source code, make changes, and commit these back. This process of "forking," creating "pull requests," and building features, documentation, and communities continually generate new inventions, administrative workload, and demand for time-poor volunteers (Eghbal 2020). This work, while partially backed by corporate interests, is typically committed to the public good. By its nature, it is highly configurable, customizable, knowable, and sometimes obtuse.

Where open source meets artificial intelligence, a hope for an open, customizable, and configurable future emerges. The challenges of power efficiency, access to appropriate hardware, and global disparities in technology access are not, and will not be, overcome through the use of open-source hardware and software alone; however, across multiple fields and use cases for LLMs, there is a proliferation of different "AI" tools, models, and software which are *more* accessible and open across the globe (DeepSeek-AI et al. 2024; Wu et al. 2024). These tools leverage open-source software and open-source datasets and are able to be made to work for us, by us, rather than for the capitalist for the augmentation of production and capital accumulation (c.f. Samuel 2024). While this space remains in rapid development, there is already a hopeful configuration of people around AI technologies that can be used for the betterment of humanity, the sharing and diversification of these tools, and new ways of using "smarter" technology to solve human problems. From learning to the organization of files on your computer, AI technologies are "revolutionizing" computer usage. While empty labels, vague gestures, and arrogant professions from the capitalist class about the possibility and future of AI abound, the actual work of developing, understanding, and creating tools that work for *us* continues, if only in minority spaces. The real work remains in the global diversification of these tools and knowledge and the accessibility and assurance of control over systems that could easily be used to exploit, extract, and destroy creatives, thinkers, and workers the world over.

This vision of open-source hardware and software + AI could pose a significant challenge to the proliferation of corporate and closed-source AI systems. Not only are open-source systems more customizable, often more human-friendly, and more likely than corporate developers to be driven by the genuine needs of users, these systems also offer significant "value" in a capitalist marketplace. While manufacturers such as Microsoft and Apple roll out privacy-invasive features to track and analyze everything you do on your PC, tablet, and phone, open-source developers continue to create useful tools out of LLMs and other emergent neural network technologies. In a future where corporate-driven, consumerist, and pro-capital AI drives every part of our digital lives, the capacity for recourse with technologies that enable human liberation is, to me, much more enticing – and endlessly possible, if we seriously reconsider how and why we use, embrace and adopt technologies. While legal and other human movements towards tackling some of the serious problems of closed systems, environmental damage, and knowledge appropriation are beginning to take shape (McCabe 2024), we have still arrived at this locked-in situation in the first place, and I, for one, would prefer a future not directed by ego-inflated tech-bro CEOs and their sycophantic armies.

Conclusion

If we accept AI as a new wave of computing, following the gradual acceptance of personal computing, the emergence of e-waste commodity products such as MP3 players, iPods, and early digital cameras and other technologies now absorbed into the impossible to repair or maintain smartphone

industry, then the economic, productivity, ecological, and human toll needs desperate assessment. While one aspect of this is enabling access to the technology for those without high budgets for bleeding edge development and learning, the other concern is keeping users aware of developments, privacy and productivity implications, and retaining a pulse of those interested in the perpetuation of open, accessible, hackable and modifiable "AI" for human means, rather than capital means. As with any technology tool, the emancipatory potential of artificial intelligence to support human labor and even the liberation of information, learning, knowledge sharing, task easing, and so on, is limitless. The "open" in Open AI ought to refer to a genuine commitment to open-source, creative commons, and artistically acceptable licensing that created a new world of information transformation and reconfiguration. Alas, short-sighted and covetous corporate overlords seek to control, lock-in, and direct the flows of knowledge, information, and learning through AI (like it or not), and while there may be disapproving glances and collective sighs over LLMs suggesting glue pizza without serious attention to this space, the potential for democratic access to, let alone creation of, "AI" which advances human, ecological and labor rights will be forgone.

Put simply, if we do not continue to have at least a version of a people-powered, open-source, and accessible "artificial intelligence" technology suites, these tools will be used to exploit us, reconfigure the nature of work for the worse, and endlessly proprietize and black box new technologies, "content" and ways of working aside from occasional corporate-backed "research papers." If we assume that the occasional arxiv paper by Google and Apple indicates the extent to which these tech giants are willing to open-source these technologies, then open-source LLMs and other "AI" technology offer a radical alternative – complete control by and for the user. If we look at the rise and fall of Napster, and the proliferation of sharing services which erupted from its shallow grave, we can see how – even on the "pirate" fringe – technologies that humans *feel* make a meaningful impact in their lives are never truly "shut down", closed source, or proprietary. If the continued success of BitTorrent, the platforms, trackers, clients, and tools are anything to go by, the software that enables "piracy" will continue to transmute, transform, and realize open potential in the mainstream. Hopefully, with the efforts of dedicated researchers, hobbyists, and consumers, the artificial intelligence "revolution" can be harnessed for the liberation of the working class from endless pointless paperwork, forms, and communication harnessed as busywork by the capitalist class. Instead of offering only deeply problematic pro-capital positionality, perhaps the contradictions of corporate LLMs versus open-source projects will bear out a mediated middle ground between the interests of capital and labor or maybe even build new ways of learning, thinking, and programming for the future of human liberation.

References

Alowais, Shuroug A., Sahar S. Alghamdi, Nada Alsuhebany, Tariq Alqahtani, Abdulrahman I. Alshaya, Sumaya N. Almohareb, Atheer Aldairem, Mohammed Alrashed, Khalid Bin Saleh, Hisham A. Badreldin, Majed S. Al Yami, Shmeylan Al Harbi, and Abdulkareem M. Albekairy. 2023. "Revolutionizing Healthcare: The Role of Artificial Intelligence in Clinical Practice." *BMC Medical Education* 23(1):689. doi: 10.1186/s12909-023-04698-z.

Andersen-Gott, Morten, Gheorghita Ghinea, and Bendik Bygstad. 2012. "Why Do Commercial Companies Contribute to Open Source Software?" *International Journal of Information Management* 32(2):106–17. doi: 10.1016/j.ijinfomgt.2011.10.003.

Apple Inc. 2024. "Introducing Apple Intelligence for iPhone, iPad, and Mac." *Apple Newsroom*. Retrieved June 11, 2024 (https://www.apple.com/newsroom/2024/06/introducing-apple-intelligence-for-iphone-ipad-and-mac/).

Arditi, David. 2015. *iTake-over: The Recording Industry in the Digital Era*. Lanham, Maryland; Boulder, New York; London: Rowman & Littlefield.

Arsenijevic, Uros, and Marija Jovic. 2019. "Artificial Intelligence Marketing: Chatbots." Pp. 19–193 in the *2019 International Conference on Artificial Intelligence: Applications and Innovations (IC-AIAI)*. Belgrade, Serbia: IEEE.

Ayling, Jacqui, and Adriane Chapman. 2022. "Putting AI Ethics to Work: Are the Tools Fit for Purpose?" *AI and Ethics* 2(3):405–29. doi: 10.1007/s43681-021-00084-x.

Cano Bejar, Arturo Heyner, Soumya Ray, and Yu Hsuan Huang. 2023. "Fighting for the Status Quo: Threat to Tech Self-Esteem and Opposition to Competing Smartphones." *Information & Management* 60(2):103748. doi: 10.1016/j.im.2022.103748.

Carrigan, Coleen. 2023. *Cracking the Bro Code*. Cambridge, Massachusetts: The MIT Press.

Chee, Foo Yun. 2024a. "Apple Challenges $2 Bln EU Antitrust Fine at EU Court." *Reuters*, May 22.

Chee, Foo Yun. 2024b. "Apple Retreats in Fight to Defend App Store in Europe." *Reuters*, March 13.

Christoforaki, Maria, and Oya Beyan. 2022. "AI Ethics—A Bird's Eye View." *Applied Sciences* 12(9):4130. doi: 10.3390/app12094130.

Cihon, Peter, Jonas Schuett, and Seth D. Baum. 2021. "Corporate Governance of Artificial Intelligence in the Public Interest." *Information* 12(7):275. doi: 10.3390/info12070275.

Dave, Manas, and Neil Patel. 2023. "Artificial Intelligence in Healthcare and Education." *British Dental Journal* 234(10):761–64. doi: 10.1038/s41415-023-5845-2.

Dartmouth Engineering, dir. 2024. *AI Everywhere: Transforming Our World, Empowering Humanity*.

DeepSeek-AI, Xiao Bi, Deli Chen, Guanting Chen, Shanhuang Chen, Damai Dai, Chengqi Deng, Honghui Ding, Kai Dong, Qiushi Du, Zhe Fu, Huazuo Gao, Kaige Gao, Wenjun Gao, Ruiqi Ge, Kang Guan, Daya Guo, Jianzhong Guo, Guangbo Hao, Zhewen Hao, Ying He, Wenjie Hu, Panpan Huang, Erhang Li, Guowei Li, Jiashi Li, Yao Li, Y. K. Li, Wenfeng Liang, Fangyun Lin, A. X. Liu, Bo Liu, Wen Liu, Xiaodong Liu, Xin Liu, Yiyuan Liu, Haoyu Lu, Shanghao Lu, Fuli Luo, Shirong Ma, Xiaotao Nie, Tian Pei, Yishi Piao, Junjie Qiu, Hui Qu, Tongzheng Ren, Zehui Ren, Chong Ruan, Zhangli Sha, Zhihong Shao, Junxiao Song, Xuecheng Su, Jingxiang Sun, Yaofeng Sun, Minghui Tang, Bingxuan Wang, Peiyi Wang, Shiyu Wang, Yaohui Wang, Yongji Wang, Tong Wu, Y. Wu, Xin Xie, Zhenda Xie, Ziwei Xie, Yiliang Xiong, Hanwei Xu, R. X. Xu, Yanhong Xu, Dejian Yang, Yuxiang You, Shuiping Yu, Xingkai Yu, B. Zhang, Haowei Zhang, Lecong Zhang, Liyue Zhang, Mingchuan Zhang, Minghua Zhang, Wentao Zhang, Yichao Zhang, Chenggang Zhao, Yao Zhao, Shangyan Zhou, Shunfeng Zhou, Qihao Zhu, and Yuheng Zou. 2024. "DeepSeek LLM: Scaling Open-Source Language Models with Longtermism."

Dhar, Payal. 2020. "The Carbon Impact of Artificial Intelligence." *Nature Machine Intelligence* 2(8):423–25. doi: 10.1038/s42256-020-0219-9.

Diel, Sören, Christoph Buck, and Torsten Eymann. 2018. "Your Smartphone, My Smartphone - How Smartphone Ownership Determines Social Group Affiliation." *Hawaii International Conference on System Sciences 2018 (HICSS-51)*.

Dörflinger, Alexander, Mark Albers, Benedikt Kleinbeck, Yejun Guan, Harald Michalik, Raphael Klink, Christopher Blochwitz, Anouar Nechi, and Mladen Berekovic. 2021. "A Comparative Survey of Open-Source Application-Class RISC-V Processor Implementations." Pp. 12–20 in *Proceedings of the 18th ACM International Conference on Computing Frontiers, CF '21*. New York, NY, USA: Association for Computing Machinery.

Eghbal, Nadia. 2020. *Working in Public: The Making and Maintenance of Open Source Software*. First Edition. San Francisco: Stripe Press.

Farquhar, Sebastian, Jannik Kossen, Lorenz Kuhn, and Yarin Gal. 2024. "Detecting Hallucinations in Large Language Models Using Semantic Entropy." *Nature* 630(8017):625–30. doi: 10.1038/s41586-024-07421-0.

Fortunato, Laura, and Mark Galassi. 2021. "The Case for Free and Open Source Software in Research and Scholarship." *Philosophical Transactions of the Royal Society A: Mathematical, Physical and Engineering Sciences* 379(2197):20200079. doi: 10.1098/rsta.2020.0079.

Gabrys, Jennifer. 2011. *Digital Rubbish: A Natural History of Electronics*. Ann Arbor, MI: University of Michigan Press.

Goetze, Trystan S. 2024. "AI Art Is Theft: Labour, Extraction, and Exploitation, Or, On the Dangers of Stochastic Pollocks." doi: 10.48550/ARXIV.2401.06178.

Gramsci, Antonio. 1996. *Selections from the Prison Notebooks*. London: Lawrence and Wishart.

Griffith, Erin. 2022. "Silicon Valley Slides Back Into 'Bro' Culture." *International New York Times*.

Grynbaum, Michael M., and Ryan Mac. 2023. "The Times Sues OpenAI and Microsoft Over AI Use of Copyrighted Work." *The New York Times*, December 27.

Hays, Kali. 2024. "OpenAI and Anthropic Are Ignoring an Established Rule That Prevents Bots Scraping Online Content." *Business Insider*. Retrieved June 24, 2024 (https://www.businessinsider.com/openai-anthropic-ai-ignore-rule-scraping-web-contect-robotstxt).

Hicks, Michael Townsen, James Humphries, and Joe Slater. 2024. "ChatGPT Is Bullshit."

Ethics and Information Technology 26(2):38. doi: 10.1007/s10676-024-09775-5.

Hilb, Michael. 2020. "Toward Artificial Governance? The Role of Artificial Intelligence in Shaping the Future of Corporate Governance." *Journal of Management and Governance* 24(4):851–70. doi: 10.1007/s10997-020-09519-9.

Iqbal, Javed, Diana Carolina Cortés Jaimes, Pallavi Makineni, Sachin Subramani, Sarah Hemaida, Thanmai Reddy Thugu, Amna Naveed Butt, Jarin Tasnim Sikto, Pareena Kaur, Muhammad Ali Lak, Monisha Augustine, Roheen Shahzad, and Mustafa Arain. 2023. "Reimagining Healthcare: Unleashing the Power of Artificial Intelligence in Medicine." *Cureus*. doi: 10.7759/cureus.44658.

Jabeur, Sami Ben, Cheima Gharib, Salma Mefteh-Wali, and Wissal Ben Arfi. 2021. "CatBoost Model and Artificial Intelligence Techniques for Corporate Failure Prediction." *Technological Forecasting and Social Change* 166:120658. doi: 10.1016/j.techfore.2021.120658.

Jones, David. 2024. "Fears Rise of Social Engineering Campaign as Open Source Community Spots Another Threat." *Cybersecurity Dive*. Retrieved June 5, 2024 (https://www.cybersecuritydive.com/news/open-source-social-engineering-fears/713330/).

Kribs, Kaitlyn. 2020. "Same as It Ever Was: The Canadian and American Music Industries' Responses to Digitization and the Circulation of 'Piracy Panic Narratives.'" *Stream: Interdisciplinary Journal of Communication* 12(1):53–69. doi: 10.21810/strm.v12i1.283.

LaurieWired, dir. 2024. *The Magic of RISC-V Vector Processing*.

Lazega, Emmanuel, and Jaime Montes-Lihn. 2021. "On Macro-Politics of Knowledge for Collective Learning in the Age of AI-Boosted Big Relational Tech." in *What is Essential to Being Human?* Routledge.

Level 2 Jeff, dir. 2024. *I Built a MONSTER AI Pi with 8 Neural Processors!*

Ligozat, Anne-Laure, Julien Lefevre, Aurélie Bugeau, and Jacques Combaz. 2022. "Unraveling the Hidden Environmental Impacts of AI Solutions for Environment Life Cycle Assessment of AI Solutions." *Sustainability* 14(9):5172. doi: 10.3390/su14095172.

Liesenfeld, Andreas, and Mark Dingemanse. 2024. "Rethinking Open Source Generative AI: Open Washing and the EU AI Act." Pp. 1774–87 in *The 2024 ACM Conference on Fairness, Accountability, and Transparency*. Rio de Janeiro Brazil: ACM.

Loeffler, John. 2024. "I Watched Nvidia's Computex 2024 Keynote and It Made My Blood Run Cold." *TechRadar*. Retrieved June 6, 2024 (https://www.techradar.com/computing/i-watched-nvidias-computex-2024-keynote-and-it-made-my-blood-run-cold).

Luccioni, Alexandra Sasha, Yacine Jernite, and Emma Strubell. 2024. "Power Hungry Processing: Watts Driving the Cost of AI Deployment?"

Malinga, Sibahle. 2022. "More South Africans Opt for Phone Rentals." *ITWeb*. Retrieved June 5, 2024 (https://www.itweb.co.za/article/more-south-africans-opt-for-phone-rentals/DZQ58vV8jnmMzXy2).

Mantegna, Micaela. 2024. "ARTificial: Why Copyright Is Not the Right Policy Tool to Deal with Generative AI." *The Yale Law Journal* 133:1126–74.

Marx, Karl. 1990. *Capital: A Critique of Political Economy*. edited by B. Fowkes and D. Fernbach. London; New York: Penguin Books in association with New Left Review.

Marchman, Tim. 2024. "Perplexity Plagiarized Our Story About How Perplexity Is a Bullshit Machine." *Wired*, June 21.

McCabe, David. 2024. "US Clears Way for Antitrust Inquiries of Nvidia, Microsoft and OpenAI." *The New York Times*, June 6.

Mehrotra, Dhruv, and Tim Marchman. 2024. "Perplexity Is a Bullshit Machine." *Wired*, June 19.

Microsoft Corporation. 2024. "ChatGPT vs. Microsoft Copilot: What's the Difference? -." *Microsoft Support*. Retrieved June 11, 2024 (https://web.archive.org/web/20240105065028/https://support.microsoft.com/en-au/topic/chatgpt-vs-microsoft-copilot-what-s-the-difference-8fdec864-72b1-46e1-afcb-8c12280d712f).

Müller, Matthias, Christian Schindler, and Wolfgang Slany. 2019. "Engaging Students in Open Source: Establishing FOSS Development at a University." *Hawaii International Conference on System Sciences 2019 (HICSS-52)*.

Nishant, Rohit, Mike Kennedy, and Jacqueline Corbett. 2020. "Artificial Intelligence for Sustainability: Challenges, Opportunities, and a Research Agenda." *International Journal of Information Management* 53:102104. doi: 10.1016/j.ijinfomgt.2020.102104.

O'Neil, Mathieu, Laure Muselli, Mahin Raissi, and Stefano Zacchiroli. 2021. "'Open Source Has Won and Lost the War': Legitimising Commercial–Communal Hybridisation in a FOSS Project." *New Media & Society* 23(5):1157–80. doi: 10.1177/1461444820907022.

OpenAI. 2024. "Disrupting Deceptive Uses of AI by Covert Influence Operations." *OpenAI*. Retrieved June 6, 2024 (https://openai.com/index/disrupting-deceptive-uses-of-AI-by-covert-influence-operations/).

Palmer, Jordan. 2022. "I Tried Completely De-Googled Android — Here's What Happened." *Tom's Guide*. Retrieved June 5, 2024 (https://www.tomsguide.com/features/i-tried-de-googled-android-again-heres-how-that-went).

Perkins, Devin N., Marie-Noel Brune Drisse, Tapiwa Nxele, and Peter D. Sly. 2014. "E-Waste: A Global Hazard." *Annals of Global Health* 80(4):286. doi: 10.1016/j.aogh.2014.10.001.

Quang, Jenny. 2021. "Does Training AI Violate Copyright Law?" *The Berkeley Technology Law Journal* 36(1):1406–35. doi: 10.15779/Z38XW47X3K.

Ruan, Lotus, Jeffrey Knockel, Jason Q. Ng, and Masashi Crete. 2016. *One App, Two Systems*. Canada: The Citizen Lab.

Samuel, Jeffry. [2024] 2024. "Jeffser/Alpaca."

Song, Victoria. 2024. "US v. Apple: Everything You Need to Know." *The Verge*. Retrieved June 5, 2024 (https://www.theverge.com/24107581/doj-v-apple-antitrust-monoply-news-updates).

Suzanne, Dylan Eric. 2006. "Lessons from the Digital Crisis in Copyright: Ethical and Political Implications of Radical Automation." Ph.D., Vanderbilt University, Nashville, Tennessee.

Tolani, Adedamola, Adebowale Owoseni, and Hossana Twinomurinzi. 2020. "Designing for Context Versus the Lock-in Effect of 'Free' Global Digital Platforms: A Case of SMEs from Nigeria." Pp. 321–32 in *Designing for Digital Transformation. Co-Creating Services with Citizens and Industry*, edited by S. Hofmann, O. Müller, and M. Rossi. Cham: Springer International Publishing.

Travis, Merle. 1946. *Sixteen Tons*. Los Angeles: Capitol Americana.

Veit, Stan. 1994. "What Ever Happened to … IBM's PC Leadership?" *Computer Shopper* 14(9):592–94.

Verdecchia, Roberto, June Sallou, and Luís Cruz. 2023. "A Systematic Review of Green AI." *WIREs Data Mining and Knowledge Discovery* 13(4):e1507. doi: 10.1002/widm.1507.

Verma, Sanjeev, Rohit Sharma, Subhamay Deb, and Debojit Maitra. 2021. "Artificial Intelligence in Marketing: Systematic Review and Future Research Direction." *International Journal of Information Management Data Insights* 1(1):100002. doi: 10.1016/j.jjimei.2020.100002.

Ververis, Vasilis, Marios Isaakidis, Valentin Weber, and Benjamin Fabian. 2019. "Shedding Light on Mobile App Store Censorship." Pp. 193–98 in *Adjunct Publication of the 27th Conference on User Modeling, Adaptation and Personalization, UMAP'19 Adjunct*. New York, NY, USA: Association for Computing Machinery.

Vincent, James. 2024. "How Much Electricity Does AI Consume?" *The Verge*. Retrieved June 5, 2024 (https://www.theverge.com/24066646/ai-electricity-energy-watts-generative-consumption).

Vincent, James. 2022. "The Lawsuit That Could Rewrite the Rules of AI Copyright." *The Verge*. Retrieved June 24, 2024 (https://www.theverge.com/2022/11/8/23446821/microsoft-openai-github-copilot-class-action-lawsuit-ai-copyright-violation-training-data).

Vorhees, John. 2024. "How We'Re Trying to Protect MacStories from AI Bots and Web Crawlers – And How You Can, Too." *MacStories*. Retrieved June 24, 2024 (https://www.macstories.net/stories/ways-you-can-protect-your-website-from-ai-web-crawlers/).

Widmer, Rolf, Heidi Oswald-Krapf, Deepali Sinha-Khetriwal, Max Schnellmann, and Heinz Böni. 2005. "Global Perspectives on E-Waste." *Environmental Impact Assessment Review* 25(5):436–58. doi: 10.1016/j.eiar.2005.04.001.

Wu, Chaoyi, Weixiong Lin, Xiaoman Zhang, Ya Zhang, Weidi Xie, and Yanfeng Wang. 2024. "PMC-LLaMA: Toward Building Open-Source Language Models for Medicine." *Journal of the American Medical Informatics Association* ocae045. doi: 10.1093/jamia/ocae045.

Zhang, Di, Xiaoshui Huang, Dongzhan Zhou, Yuqiang Li, and Wanli Ouyang. 2024. "Accessing GPT-4 Level Mathematical Olympiad Solutions via Monte Carlo Tree Self-Refine with LLaMa-3 8B."

Metallica, Napster, and the Transformation of Subcultural Capital

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On June 1, 1999, Napster went live. The software, developed by Shawn Fanning and Sean Parker, popularized peer-to-peer (p2p) file sharing. Napster allowed users to search for and see the media libraries of other computers on the network and download songs that they wanted (at that moment, most internet connections were too slow to download movies or TV shows). Napster's development, release, and ensuing popularity coincided with the creation of the mp3 format, which compressed audio files and allowed thousands of songs to be stored on the small hard drives of personal computers. The mp3 format enabled built-in PC media programs, like Windows Media Player, replace radio, mixtapes, turntables and CD changers as platforms for personal and collective listening. These two software innovations, the mp3 and PC media players, allowed users to upload songs from their CD collections onto their PCs and make playlists out of their personal libraries. These developments unfolded along with PCs becoming cheaper and more common, the growing availability of high-speed internet, and the mass marketing of desktop CD burners. In combination, these technological changes gave consumers greater control over what they listened to at home, at work, and on the move. The introduction of Napster's p2p software expanded the library available to users, allowing them to tap into the catalogues of other users and download selected songs and albums for free. At its peak in 2001, there were over 80 million users internationally (Gowan), meaning that hundreds of millions of songs were available to download for free, enhancing the possibilities for on-demand listening and personalizing the listening and consuming experience.

I remember when Napster broke out. Freshly graduated from college, I was preparing to head to graduate school and in possession of my first personal computer – a clunky desktop with a 3-gigabyte hard drive (which seemed luxuriously large). Napster did little to ameliorate my desire to have CDs, but it allowed me to download songs by artists whose full albums or readily available singles I had little interest in buying or could not afford at that moment. I downloaded throwback tracks from the 80s, remixes of hip-hop bangers, and live bootlegs from my favorite bands. If I heard a song by a new artist that sounded promising, I would investigate their catalog through Napster, risk-free, by finding another user who bought the CD and loaded it onto their PC. I remember digging into Ludacris and Slipknot, bootleg Santana tracks, and songs from the Kids and Singles movie soundtracks. I expanded my library one song at a time, from artists I knew and loved, artists I only knew one or two songs by, and artists who only had a few songs that I really wanted to hear. Powered by curiosity, convenience, and (no) cost, my music library grew, as did the libraries of almost everyone I knew. Napster was our own crowdsourced free music depot, where we searched for what we wanted, popular and obscure, new and old. As more users joined, the breadth of the library expanded, opening up seemingly infinite possibilities for our ears. The means of digital distribution bypassed traditional brick-and-mortar stores and allowed for nearly instant and free acquisition. Napster changed the nature of listening, of fandom, and most of all,

it changed the music market. It altered how music is consumed and distributed; it impacted listening behavior and, as a consequence, changed the relationship between fans and artists.

In popular music, Napster's primary stock and trade, the creation of cultural and subcultural capital is a dynamic, entangled, and perpetually emerging process. As Thomas Frank (1997) and Theodor Adorno (2001) narrate and theorize, there are industries that work to create hegemonic cultural capital, seeking to publicly define the parameters of the hip, new, edgy, classic and profound, and grafting these characteristics onto different modes of consumption. Frank narrates this process in the advertising industry, which moved from selling commodities that were classic and built for a lifetime to emphasizing the seasonal and new, in line with planned obsolescence and corporate growth. Adorno looks at the large post-war culture industry, like popular music, films, and books, that peddle predictable plots and uninteresting ideas wrapped in veneers of newness and innovation. Adorno saw the culture industry as the new threat to society, flattening discourse, manufacturing consent, and silencing genuinely new ideas or coopting and watering them down for the purpose of profit rather than progress. These social mechanisms sought to create new forms of cultural capital – utilizing popular culture rather than established high culture to create social value and hierarchy based on differentiating between modes of popular consumption. As Frank shows, one of the post-war culture industry's most successful operating principles was the creation of cool cultural capital, particularly for the Baby Boomer and post-Boomer generations. The advertising industry sought to teach consumers that constantly buying, replacing, and upgrading to what was current and fashionable, consuming and displaying innovations and designs in the fashion, automotive, and lifestyle industries could give them cultural capital by rendering them cool among their peers. But beneath the hegemonic culture industry's temptations and expressions intended to pique a desire to be at the forefront of what's new and hip, there are other networks, often connected by a shared love of a specific culture, that collectively produce their own parameters for subcultural capital that reject the conventions of hegemonic cultural capital purveyed by the advertising and culture industries.

The networks of consumers and creators that create subcultural capital reject the terms of hierarchical consumption provided to them by creating and communicating their own distinct parameters, aesthetics, and hierarchies. Brake theorizes that any subculture and its internal and external displays "indicate[s] which symbolic group one belongs to, it demarcates that group from the mainstream, and it makes an appeal to an identity outside of a class ascribed one" (1985, 13). Subcultures and the activities that lie at their intersections possess their own internal hierarchies and standards. Some of these practices are externally aimed in that they differentiate between the subculture and what is broadly, and often loosely, defined as mainstream. Others are internal and differentiate between silverbacks and neophytes, posers and stakeholders, authentic and sell-out (Thornton 1995; Jensen 2006). These standards differentiate between cultural products and displays, signaling which fit the subculture and its expressions and which are viewed oppositionally. Knowledge, familiarity, and competence in these accepted forms, often accompanied by possession, creation, and display of particular commodities, create subcultural capital. One of the more common criteria for the accrual of subcultural capital in music is the notion of being "indie," a term derived from being signed to an independent record label (or no label) rather than a major label, which is affiliated with a large distribution and marketing network (see Thompson 2001 for an excellent gloss of this as it pertains to punk). This indie status was a sign of independence – artistic, financial, and creative – and a mark of authenticity for fans. Being independent signaled, truthfully or not, that the art sold to fans was a genuine piece of the artists themselves, insight into their worlds, experiences, and emotions. Being indie was about being artistically honest and not under the control of the culture industry and its commodity machine of simulacra and artifice that sought profit over truth. Consuming indie music created subcultural capital for fans, allowing them to differentiate between their taste and the tastes of those who consumed mass culture music delivered to them by the recording, advertising, publishing, and broadcast industries.

In indie fandom, the relationship of the artist to the mode of production is key to fans' perception of their art and the artists as individuals. The further an artist is perceived to be from mainstream, glossy production – expensive producers and engineers, studios filled with signal processors and computers to

make every sound perfect, and marketers looking for hits and booking photoshoots to fill the pages of pop culture magazines – the more truth and soul is attributed to their music. This "mainstream" mode of production – a combination of practices, institutions, and structures – that is meant to make music for the widest possible audience and, therefore, the most profit, stands in contrast to indie modes of production, which are simpler, less expensive and glamorous, and possibly even DIY (Anderson). This indie ideal cultivates parasocial relationships between fans and artists, where fans feel as though they know the artists and share a collective culture and way of being. When fans sculpt their identity around an indie band and their music, it is thought of as co-creating (sub)culture, not a commodity fetish. Indie fandom can result in dedication and devotion that pushes artists to fame and notoriety, even while being outside mainstream distribution and broadcast networks. To some extent, being hard to find, less well known, or a best-kept secret adds to the allure of an artist and to the loyalty of fans who are in the know or are early adopters. In turn, these fans accrue subcultural capital through their knowledge and familiarity with indie artists and their catalogs.

This position as an indie favorite was the case with Metallica. Formed in 1981 by friends Lars Ulrich and James Hetfield, the band was one of the progenitors of the thrash metal genre, a mix of heavy metal and hardcore punk. Early on, the band ground out a living touring, developing an audience attracted by their high-energy shows and novel sound. They released their first song on a compilation by indie label Metal Blade Records and their first two records on the independent label Megaforce Records. These albums catapulted them into the exalted ranks of metal, helping to make thrash – with its raw lyrics and aggressive musical textures – a genre that stood opposed to radio-friendly hair metal and pop music in general. Where hair metal was a product of major labels, thrash was indie, and artists like Metallica, Slayer, and Anthrax were held up as symbols of resistance to industry appropriation and control. Even when Metallica signed to major label Elektra Records, had albums that debuted at the top of Billboard's top 100, radio hits and videos on MTV, and played with the San Francisco Symphony, they managed to retain much of their subcultural capital. They were the indie band that broke into the mainstream, and many of their fans, while dismayed by some of these compromises, believed in the indie spirit of the band and the artistic authenticity of their music, until Napster.[i]

In April of 2000, Metallica was the first band to bring a lawsuit against the burgeoning file-sharing platform (their suit was preceded by the RIAA, and followed by Dr. Dre). The band claimed the legal action was sparked when they heard their unreleased (and unmixed) song "I Disappear" from the *Mission Impossible Two* soundtrack on the radio. In investigating how radio stations got access to the song, they found that copies of it were available on Napster. In numerous statements made to the press, and to the US Senate Judiciary Committee, Ulrich invoked independence and control as the band's rationale for the suit. He insisted that Metallica was using their platform and resources on behalf of smaller artists who depended on album sales and airplay (Thigpen and Eliscu) and likened control of distribution to the artistic control that defined Metallica's approach to songwriting and recording (Harris). Ulrich claimed that "with each project, we go through a grueling creative process to achieve music that we feel is representative of Metallica at that very moment in our lives. It is therefore sickening to know that our art is being traded like a commodity rather than the art that it is" (Conniff). He also asserted that protecting the band's authentic art was their rationale for hand-delivering the names of over 300,000 users who downloaded a Metallica song off Napster to the company's California headquarters, claiming that each Metallica song available for download on Napster was worth $100,000. When confronted with the hypocrisy that as a young man, Ulrich copied songs from Hetfield's record collection onto tapes for his own private listening and that Metallica was aided by and participated in the tape trade, where fans sent around copies of underground tapes, demos and hard-to-find releases to fellow fans, Ulrich retorted that "sharing is such a warm, cuddly, friendly word…this is not sharing, it's duplicating" (NME).

Metallica's suit was hailed by the RIAA and others in the industry, but not all artists were receptive. Later that year, Limp Bizkit embarked on a free summer tour sponsored by Napster. When pressed about it, lead singer Fred Durst replied that he "couldn't care less about the older generation's need to keep doing business as usual" (Eliscu). The Offspring's lead singer, Dexter Holland, remarked that the lawsuit was contrary to the "spirit of rock & roll." Public Enemy's Chuck D offered $5,000 for the best pro-Napster

lyrics to his remix of "Power to the People," and the Deftones posted a new single on Napster rather than go through traditional promotion and distribution channels, using the platform as an advertisement for their album "White Pony" (Eliscu). This wrangling was temporarily solved by two events – a 2001 court injunction that shut Napster down and an undisclosed settlement between Napster, Metallica, and Dr. Dre that Ulrich claimed was resolved "in a way that works for fans, recording artists and songwriters alike" (AP). Metallica won their suit, and Napster folded, but Metallica lost their indie credibility. The means of distribution, as much as the mode of production, became part of the calculus for the allocation of indie subcultural capital.

Napster may have spawned the business model that pervades young listeners' habits, which are largely disconnected from albums and emphasize singles and user choice (Apple launched iTunes in early 2001, utilizing a pay-per-single model rather than selling complete albums and easily enabling user-made playlists). Napster was also a changing of the guard with the listening public's relationship to distribution. Distribution, rather than just conventional markers like genre, sound, or label status, became a signifier of dedication to fans and artistic integrity that resists the homogenization and commodification of the music industry. If an artist freely shares their music, they develop a new kind of credibility, regardless of their genre, label status, or previous successes. In the wake of Napster, sharing became a new mode of gaining subcultural capital, particularly the kind that attracts a following without radio play or presence in mainstream media. Artists from Radiohead and Wilco to Prince, Nine Inch Nails, Gorillaz, Kittie, Run the Jewels, Chance the Rapper, and Childish Gambino have all released albums for free, either for a limited time or permanently. These artists run the gamut from hit makers to indie darlings, and all saw value in distributing music to their fans for free, which met with positive responses (see Hopper for an on-the-ground look at the effect that free music distribution has had on Chance the Rapper's Chicago fans).

Metallica was one of the rare bands that were able to navigate mainstream success while maintaining their indie credibility – keeping their old fans even as newer, pop-oriented listeners joined their ranks. In spite of changes in their sound and image, the discourse around Metallica was one of deference to masters and thrash OGs. The lawsuit against Napster put a dent in Metallica's reputation, even as the band tried to use discourses of independence, authenticity, and creative control to legitimate their position. This may have failed because the perception of indie – subcultural capital that links fans to artists through an idea of unmediated truth and pure artistry – was expanding. After Napster, distributing music to fans for free, signaling resistance to commodification and industry control, has become an indicator of an artist's dedication to fans. An artist's relationship to the means of distribution, not just the mode of production, became part of fans' formulas for what determined if an artist was independent, authentic, and cared about their fans.

[i] This is not to say that Metallica lost all credibility. YouTuber Finn McKenty offers a spirited defense of the band and their honesty in one of his commentaries. https://www.youtube.com/watch?v=n-oeTJqRDEY

References

Adorno, Theodor W. *The Culture Industry: Selected Essays on Mass Culture*. Routledge, 2001.

Anderson, Tim. "Modes of Production – The Value of Modal Analysis for Popular Music Studies," in *The SAGE Handbook of Popular Music,* Andy Bennett and Steve Waksman, eds. SAGE, 2015, pp. 565-581.

Associated Press Staff. "Metallica, Dre Settle With Napster ."*Associated Press Online*, July 13, 2001.

Brake, Michael. *Comparative Youth Cultures: The Sociology of Youth Culture and Youth Subcultures in America*. Routledge, 1985.

Conniff, Tamara. "Unforgiven: Metallica sues Napster. "*The Hollywood Reporter*, April 14, 2000.

Eliscu, Jenny. "Limp Bizkit Announce Napster Tour; Battle over Trading Site Heats Up." *Rolling Stone*, Issue 842, June 8, 2000, pg. 42

Frank, Thomas. *The Conquest of Cool: Business Culture, Counterculture, and the Rise of Hip Consumerism*. Chicago: University of Chicago Press, 1997.

Gowan, Michael. "Requiem for Napster." *PCworld.com*, May 18, 2022.

Harris, Ron. "Napster kicks off Metallica fans". *The Associated Press State & Local Wire*, May 11, 2000.

Hopper, Jessica. "Chance the Rapper" from The First Collection of Criticism by a Living Female Rock Critic. Featherproof Books, 2015, pp. 21-23.

Jensen, Sune Qvotrup. "Rethinking Subcultural Capital." *Young* 14.3 (2006): 257-276.

McKenty, Finn, host. *The Punk Rock MBA*. "How Metallica Became the Most Hated Band in Metal." YouTube, Aug. 11, 2022. https://www.youtube.com/watch?v=n-oeTJqRDEY&t=11s

NME Staff. "Metallica sue Napster and brand them "looters"; Metallica Brand Napster "common Looters." *New Musical Express*, April 14.

NME Staff. "Lars Ulrich "elated" over Napster shutdown; Metallica "elated" Over Napster Shutdown ."*New Musical Express*, July 27, 2000.

Rolling Stone Readers. "Metallica Vs. Napster." *Rolling Stone*, Issue 844, June 6, 2000, pg. 30.

Thigpen, David and Jenny Eliscu. "Metallica Slams Napster." *Rolling Stone*, Issue 841, May 25, 2000, pgs. 21, 23.

Thompson, Stacy. "Market failure: Punk economics, early and late." *College Literature* 28.2 (2001): 48-64.

Thornton, Sarah. *Club Cultures: Music, Media, and Subcultural Capital*. Wesleyan University Press, 1995.

Independent Music after *Metallica v. Napster, Inc.:* Seeking Liberation in the Music Streaming Simulacrum

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Abstract

In this paper, I note the ways in which being a musician has changed in the aftermath of the digital downloading and file-sharing developed by Napster pioneer Shawn Fanning through the lens of the *music streaming simulacrum*—my term for what has unfolded since. I contrast the present environment with the potential that emerged with this technology. I theorize the music streaming simulacrum as *opaque, flat,* and *hegemonic*—a parody of both industry and culture that is incomprehensible by a single human being, militates against deeper connectivity between artist and listener, and exerts outsized power over human behavior and decision-making in a particular domain. I draw on my personal experience as a critical social theorist and veteran recording artist to describe life and art in this environment. In reaching a dialectical conclusion that independent artists both gain and surrender greater autonomy than in the past, I sketch alternatives that connect back to the promise and difficulties of earlier modes of musical production and consumption.

Seeking Liberation in the Music Streaming Simulacrum

I write as someone with the dubious privilege of being both a critical social theorist and a recording artist. The *Metallica v. Napster, Inc.* lawsuit, which tragicomically pitted nineteen-year-old Napster creator and plaintiff Shawn Fanning against perhaps the wealthiest and most enduringly popular hard rock/ thrash metal band in history, *Metallica*, began in April of 2000, almost to the day that I decided to strike out on my own as an artist (I am almost two years younger than Fanning). I compose my own music, play the instruments, write and sing the lyrics, record and produce the music, and release it. I started doing so on streaming platforms in the fall of 2022. I have also worked in the industry as a promoter, venue operator, live sound tech, booking agent, busker (performing in pubs, coffeehouses, farmer's markets, and even on streetcorners and sidewalks), and occasionally live session musician on vocals, guitar, bass, drums, keys, or harmonica. Not to brag. Well, maybe a little—it was the central focus of my life for many years until I found myself burned out and broke in 2012, compelling me to reconsider my life course and ultimately return to academia.

Theorizing the shifts in how music is distributed and experienced would be impossible without harkening back to this pivotal moment in music history, and having lived and created through the transition offers some experiential insight. This paper details the rise of what I call the *music-streaming simulacrum*. If a simulacrum is a kind of imitation or substitute reality, then the music streaming simulacrum is a representation, a cheapened knock-off of the creative world and the music industry. As file-sharing technology gradually gave rise to streaming networks in the aftermath of that historic lawsuit, it created new contradictions. In scholarly terms, this brief paper is something of a dialectical postmodern

autoethnography. It is *dialectical* in that I attend to the "best" and "worst" features of how music-as-media transmitted through cyberspace unfolded in the wake of *Metallica v. Napster, Inc.* from the lens of a niche independent recording artist, with attention to other relevant elements of the industry and to the capitalist mode of production itself. This is in the Marxian spirit of analyzing capitalism simultaneously for its best and worst—the "best of times and the worst of times," to paraphrase Charles Dickens—without losing sight of either one (see Ahmad 2000). I find in the current political economy of music streaming numerous contradictions that I term *postmodern* in their outlines, drawing specifically on the concept of the *simulacrum* from Jean Baudrillard (1983) to describe these contradictions as products of the *music streaming simulacrum* and its properties. This work is *autoethnographic*, being rooted primarily in a systematic examination of my own experiences as someone who has pursued a music career outside the traditional channels of record labels, commercial radio, and other key aspects of the mainstream industry. To do autoethnography is to draw on personal experience to understand cultural experience (see Ellis, Adams, and Bochner 2011). To get at the promise and possibilities that arose with the original incarnation of Napster, I start with what making and streaming music looks like today, focusing heavily on Spotify as the number-one streaming service at present. I then draw on the realities outlined there to describe in the second section what the *music streaming simulacrum*, as I am terming it, looks like in terms of its three major properties: *opacity, flatness,* and *hegemony*. In the final section, I reconnect these developments to the original development of Napster and the historic lawsuit, outlining some possibilities and challenges that arise in terms of liberating potential for artists and for listeners.

Next to Nothing? The Costs of Making Music

In June 2024, Spotify CEO Daniel Ek took to X/Twitter with the message that "content creation" costs "next to nothing" in this era. Despite added context that calls into question this interpretation of his words, independent artists were outraged, and Ek tried to walk back these comments days later. This was only a few days before the announcement that Spotify was increasing prices again (Quiroz-Gutierrez 2024), this year also adding an optional higher fidelity add-on for an additional five dollars US per month (*Radio Ink* 2024). If, as Stewart, Smith, and Denton (2012) argue, social movements can be studied in terms of how activists use language to persuade, then a nascent social movement emerged on social media among many of my fellow independent artists: "Fuck Spotify."

This simple slogan betrays a deeper revulsion and concern. Spotify is the largest music streaming service out there now; it competes with the likes of what Napster has become (Napster having re-emerged in 2016 after a long and tortuous path from that *Metallica* suit) and represents the primary means by which most music is discovered and consumed today. My fellow independent musicians complain about Spotify, but most of us are loathe to pull our music from its service because, as a fellow traveler pointed out to me recently: "When you meet someone who is interested in your music, the first question they ask is: are you on Spotify?" Streaming emerged from those Napster-era file-sharing technologies, ostensibly promising a more horizontal, collaborative network of sharing creative work, allowing us independents and industry outsiders to connect meaningfully with audiences and bypass some of the exploitative practices of the past.

According to Billboard Music (2023), over 100,000 songs are uploaded to Spotify *every day*, and over 80 percent of artists (including the author of this paper, presently) have fewer than 1,000 monthly listeners (Stassen 2024). Among changes on Spotify that took effect in 2024, the platform demonetized (corporate speak for *not pay you for*) the roughly seven-eighths of songs on the platform with fewer than 1,000 streams in a 12-month period (Swingle 2024). It also pushed for a crackdown on "fake engagement" and other practices designed to artificially inflate an artist's stream count (and manipulate the Spotify algorithm to give those who engaged in these practices even greater attention thereby—more later). This has resulted in chaos. Stream counts can be manipulated without an artist's knowledge or consent, and their distribution services are placed in a difficult position—some have increasingly opted to remove artists' songs from the platform with nothing resembling due process or investigation

(see Hemmings 2024). Spotify is a business, but most of the songs it hosts earn no profit for artists or for the platform.

When Ek told we denizens of independent music that what they did cost "next to nothing," he's not wrong. Making music requires an instrument, and an instrument can be purchased for a few hundred US dollars; even recording music, which was unattainable for less than six figures a few decades ago, can happen for less than a thousand US dollars. Most people in affluent countries could afford to make music if they wanted to. Arditi (2020) echoes this using the language of critical theory in his description of the "means of musical production"—it is not making music that is, itself, costly (60-3). It is every step away from play and creation and toward monetization and professionalization that incurs costs. Whether recording in a home studio or a professional studio, music is not "finished" just because it has been recorded. Songs are sent to an audio engineer for mastering after recording, which ranges from 50-100 USD per song and sometimes costs significantly more because sometimes the mastering process reveals flaws in the original mix that must be corrected, revised, and resubmitted for additional cost. With over 100,000 songs uploaded to one platform each day, there is great pressure to make sure your track is loud and clear. Then, monetizing music means turning it into intellectual property owned by the artist. Copyright application is 65 USD; each release must be copyrighted at or near the time of its release. The music must also be sent to a distributor, who will charge the artist an annual fee, a fee per release, and perhaps both, to release music to multiple streaming platforms and can monetize music—typically also taking a (relatively small) cut of the artist's earnings in addition to the up-front or annual fees. The "serious" artist is also affiliated with a Performance Rights Organization, such as BMI, ASCAP, or SESAC, who work as part-publisher and part-bill collector on behalf of artists to collect additional revenue and royalties owed artists any time their music appears anywhere.

That is the basic machinery of monetizing music. Navigating the industry with any chance of recouping these investments is, to put it mildly, challenging. To recap, monetizing your own music in the most inexpensive and basic terms will cost over a thousand dollars US, and likely significantly more, for a one nine-song album (after spending that initial roughly two thousand dollars US on instruments and basic recording equipment). With a Spotify average payout per stream is about *four-tenths of one cent* US, that doesn't begin until a song reaches a thousand streams, it is difficult to see how much of anyone at all, let alone the artists themselves, ever make money off music. That is because they mostly don't. In 2023, Dani Filth, longtime frontman of extreme metal titans *Cradle of Filth*, lamented that post-2006, when streaming really began to take off, making a living became ever more challenging, claiming that out of the approximately 25 million Spotify plays his band registered the year before, he saw maybe 20 pounds GB in payouts (Kennelty 2023). Trent Reznor, founder, and composer of *Nine Inch Nails*, offers an immanent critique of Adam-Smithian capitalism via streaming, claiming, "We've had enough time for the whole 'All boats rise' argument to see they don't all rise" (quoted in Rigotti 2024). Granted, bigger artists are also paying out management, record labels, bandmates, handlers, and others through their royalty payments, but if *even they* cannot earn much money off streaming and have found that music as a way to make a living is dying, it is difficult to see how smaller artists can. I chose these artists not just because I listen to them a lot (I do) but because they are large enough to make a living (or at least to have made a living off the music at one time) but are "niche" enough that they represent voices not heard in mainstream pop music territory—where, presumably, music is still quite lucrative for a small few. Taylor Swift, for example, became the world's first billionaire singer this year (Martin 2024). An industry in which almost no one is earning significant income, or in many cases, any income at all, while a small handful prosper, is a simulacrum of an industry. It has the appearance of an industry to the public but is substantively devoid of what would be expected of an industry—namely, that a significant fraction of the people who work in it can actually earn a living.

Living in the Music Streaming Simulacrum

Whereas the original Napster technology allowed for a decentralized network through which people could share files (including, but not limited to, songs), what I call the music streaming simulacrum

is a complex involving artists, distributors, performance rights organizations, dozens of social media and streaming platforms, and a whole cottage industry of resources designed to "help" artists market their music and develop a following. As David Harvey (1990) prophetically remarked regarding the globalizing economy: "The structure of this global financial system is now so complicated that it surpasses most people's understanding" (161). Something parallel has happened to the music streaming economy. In the words of Frederic Jameson, the "postmodern" condition or the "logic of late capitalism" involves a "repudiation of depth," an invalidation of the deeper dimensions of human experience and even the ability to investigate them—"depth is replaced by surface" (1992:62). The logic of the music streaming simulacrum also parallels this. In Baudrillard's (1983) terms, we belong to a world defined by "generation by models of a real without origin or reality: a hyperreal…the map precedes the territory" (1). It is in these conditions that the musician in a streaming era creates an economy that is mystifyingly opaque to individual understanding, that superficializes the human connection, and in which the conditions of the "hyperreal," the models set forth by social media and streaming platforms themselves, define and constrain the creative horizons of artist-as-brand and art-as-content.

The repudiation of depth, meaning, and understanding, replaced by an ever-shifting world of competing stories, is a world in which the death instinct—*Thanatos*—is triumphant. Because it is a world in which no external criteria of truth or of meaning can be referenced, it is a world that risks being ultimately determined by power, by force. The streaming simulacrum, while seeming to liberate musicians from the constraints of "old-fashioned" record labels, handlers, and the trappings of the music industry, serves to reproduce and extend the underlying logic of domination (re)produced by its systems. As Arditi (2020) notes, "Digital music is the music business as usual" (112). When Dani Filth and Trent Reznor say that "the music industry is on its knees," and that, "it is mortally wounding many artists," these are not merely the metaphorical trappings of artists with frequent dark and sadomasochistic lyrical themes in their work. Per Herbert Marcuse (1955), the logic of the death drive is ascendant; as this logic has unfolded, it has given human beings unprecedented dominance of both a nature defined as external to themselves, as well as one another (144). Art and artists are transmuted into passive objects by the music streaming simulacrum. The ancillary and increasingly abstract elements that constitute the hyperreality of streaming reproduce the broader problems of late capitalism. These facets fade into the background as the artist (content creator) can access a broader audience than ever before, and audiences have unprecedented access to the world's creative oeuvre. The music streaming simulacrum thereby obscures the relations of domination in cloaking its machinery from both artists and listeners.

The music streaming simulacrum has three major properties: first, it is *opaque*, meaning its true machinations are so complicated that they simply cannot be adequately grasped by an individual human being. Second, it is *flat*; it militates against the generation of authentic human connection between artist and listener, reducing artists to brands and art to content. Third, it is *hegemonic*: even as artists may choose to participate in or resist streaming, the underlying logic of the music streaming simulacrum structures the relationship between artists, listeners, and the broader political and economic landscape.

As for the *opacity* of the streaming simulacrum, it lives at the sociological level, the level of human social interaction, manifesting across many different interactive contexts. I receive hundreds of royalties reports every month from dozens of streaming platforms and multiple social media outlets. Some of these show a "payout" in the amount of 0.00000000 USD. Others show fractions of a cent here or there, occasionally a few dollars. There is a quarterly royalty check from my Performance Rights Organization, which is reliably more (but far from what I would need to make even an impoverished living as an artist). How did I make four cents off that song I released two years ago…on Facebook this month? Why did YouTube pay out two dollars on this video in just a couple of days? The payouts correlate with the number of views or streams, but weakly and inconsistently; it would take a full-time job to calculate and keep complete track of where the money is coming from and how it gets to me via my distributor (who also gets a small cut). I guess it's fortunate I don't make much money because *I simply don't know how I get paid.* Some aspiring businesspeople would probably laugh at this; others might see themselves in it. The global economy is stupendously complicated, and revenue sources are diverse and ever-changing. In an economy where most wealth is as intangible as social media content creation (living in

the blinking lights in computers and shifting in fractions of a second), the underlying economic system and its machinery foreground a transition toward simulacrum.

The *opacity* contributes to *flatness*. A business operator, at least in the idyllic world of Adam Smith's capitalism, wants to know who their customers are, and customers want to know who is delivering products and services. People sometimes forget Adam Smith was a humanist and moral philosopher; he argued that human beings build trust and sympathy through repeated interactions—put simply, it just doesn't make sense for us to try to cheat someone who we will later need to rely on not to cheat us (Smith 1759). Much as I receive royalty reports from my distributor, I receive frequent (daily or more) updates from platforms like YouTube or Spotify on how my "content" is doing. I can learn about how old the people who watch or listen are, their gender, and even what else they're into. I can see how many times different songs have been streamed today, in a week, in 28 days, in the past year, where listeners are listening from (city and state), and how they've discovered my work.

Maybe it's alarming for listeners to know that artists, record labels, and others within the simulacrum have this much access to their information, but it's deceptive. The music streaming simulacrum is populated by unknown but probably large amounts of fake engagement—that is, it's hard for artists to know whether the person on the other end of the screen is, in fact, an authentic human listener. Messages from bots clog up artists' social media feeds, scammers use fake links to sell nonexistent merchandise on behalf of artists without their consent or even knowledge, and many of the streams on any given artist's page may have been paid for, generated by precarious, low-paid labor in "click farms" that charge a fee to stream the same content again and again. Estimates of how much of this is going on vary widely and are almost certainly overly conservative because it is undoubtedly so widespread.

The practice of buying streams, coupled with the all-important streaming metrics such as Spotify's monthly listeners and streaming counts, inevitably creates an ongoing "arms race." I would speculate, based on extensive observation and experience, that few artists, particularly "serious" artists who have management and/or label backing, *don't* use some form of dubious or fake engagement. As these types of engagement became more widely available and cheaper (you can buy a thousand or more "quality" views/listens outright from any number of places for the cost of a fast food value meal), they allowed smaller artists to get in on the scam; and since music in a streaming era is centrally a "numbers game," this pressures both larger and smaller artists to participate because "everyone else is doing it" or because "if I don't do it, they will and I'll lose." Artists can also be added to "botted playlists," which drive up streams artificially, without the artist's consent or even knowledge—if caught, artists' music is removed from the platform, often without much recourse, even if the artist did not participate in any way in manufacturing this fake engagement.

In describing the digital turn as "business as usual," Arditi (2020) notes a trend that portends significant problems with these kinds of practices. In the digital streaming era, the value of a "brand" and the "content" created is defined by numerical data. Labels and their reps look for artists with lots of views or streams as indicators that they're popular and that they have good business sense. But it's difficult to know in many cases whether any of these numbers represent authentic levels of human engagement. I invite the reader to examine the artist's page on Spotify. It will include the artist's monthly listeners and the artist's top five songs with their number of streams (unless the total is less than 1,000 streams to date, in which case >1,000 appears instead). It is difficult for artists and those who scout them to know for sure how authentic these numbers are. At the same time, these numbers drive both perceptions of an artist's popularity and commercial viability.

This is *flatness a la* Baudrillard—with the simulacrum, almost a parody of reality, the map precedes the territory, and the hyperreal, in its "false" reality, comes to define reality for artists and listeners. Artists and labels are rewarded, both monetarily and in terms of the algorithm, for using fake streams so long as they get away with it, but in artificially inflating the data that determine an artist's popularity, this falsity constructs a musical (and economic) reality. *Fake streams fuel the realization of artistic dreams.* At the same time, ongoing in-depth engagement between artist and listener becomes difficult or impossible, given the ubiquity of these practices. Buying streams, as I have insisted to new and independent artists in my own communities, hurts none more than it hurts the artists themselves in the end. It might be a

quick payday if you're not caught, and it results in getting your music picked up by the algorithm or even getting scouted by a label, but more likely, you're spending more money buying these streams than you can make in royalties even if you're not caught (and you're risking getting your music taken down). At the same time, you receive data on listeners that is worse than useless because fake engagement distorts who is listening (because it's hard to know once you open the door to fake engagement whether or to what extent real people are listening at all). Demographic data can help artists know who is listening, who likes their work, and who to market their work to. Fake engagement fatally corrupts this data. Large and established artists can, meanwhile, use these kinds of engagement to make themselves look even bigger, capturing an even larger market share by artificially inflating their own streams. They know better who their audience is already, and the algorithm is already disproportionately tuned to their influence (rule number one of the algorithm: more attention is better and earns even more attention), so they're less affected by these practices.

The music streaming simulacrum is, finally, *hegemonic* in the sense that it exerts outsized control over human behavior in a particular domain. Despite what I've written here, as a listener, the first place I go to hear new music is Spotify. I am among millions of artists who feed their music through the music streaming simulacrum, hoping to build an audience and cultivate enough cultural prestige to draw record label attention, earn revenue, and often both. Though "getting signed" no longer appeals to me, if I left the simulacrum, I still fear I would become a nonentity—this is what keeps us playing even though we seldom win. Ultimately, a small number of tech giants dominate the market, and the viability of our art is utterly dependent upon them. In place of engaging with audiences or even earning revenue, we spend our time figuring out how to manipulate opaque algorithms and clamoring desperately for attention in the music streaming simulacrum.

Do It All. Even Free. In Search of Alternatives

The music streaming simulacrum, being a parody of industry, culture, and a means of human connection, is *rhizomatic*, with a seemingly freestanding logic seeming to exist everywhere at once (see Cannella and Koro-Ljungberg, 2017). It is cheaper, easier, and more efficient than ever for artists to get music out there without having to rely on the traditional channels of record label backing; artists also surrender their livelihood and creative control to an opaque, flat, and hegemonic network of algorithms. Artists both gain and sacrifice ever more of their autonomy at the same time. That is the dialectic and the contradiction. How can we build organized resistance against a network of ubiquitous proprietary algorithms? What does liberation look like?

Digital downloading and file-sharing, the kind of technology that Metallica was suing 19-year-old Fanning over in 2000, emerged when the era of the CD had already reached its peak and was beginning its decline. From the perspective of capital, the download era was short-lived, spanning just four years centered around 2013 before giving way to interactive streaming (Rosenblatt 2018). Some artists, including the aforementioned Trent Reznor of *Nine Inch Nails*, abandoned record labels and direct-distributed music to fans *for free*; Reznor publicly told his fans to "go ahead and steal my music" (Sandoval 2007). This is one alternative. A second alternative is to move away from the music streaming simulacrum in favor of traditional media. If you asked me about *Metallica v. Napster, Inc.* in April 2000, I would have sided with *Metallica*. You can't run a business by giving things away, so goes the conventional wisdom, and digital downloads promised *no* financial return (and ate away what return might happen with selling albums). I was going to make an album, get it pressed on CD, and find an audience for it all by myself. And on February 26, 2002, I did for the first time. Pressing an album is a costly undertaking. Like other things that can be bought in bulk, the more you buy, the cheaper the per-unit cost. This means that the majors could always edge out the smaller artists because it costs next to nothing per unit to produce one hundred thousand CDs at a time. A small musician would have to order at least a thousand to get their per-unit cost manageable and would need to sell at least several hundred CDs to break even, and that's before accounting for marketing budgets, storage, shipping, and handling, web design—not

to mention the hours spent standing in line at the Post Office.

Industry secret: many musicians did not (and do not) primarily earn revenue from album sales. The recordings and the concerts are vehicles for merchandising—plastering band logos, designs, faces, and images on T-shirts, stickers, and other collectibles—and product placement (I still laugh at the irony of *The Who*'s "Eminence Front" being used to sell luxury cars). Even Vinyl and CDs increasingly take on the aura of "collectibles," purchased by people who are intensely "into" an artist or have a collector's mindset, compelled toward what is rare, unique, or expensive. Some independent artists are more selective about where they platform their music and how much of it they stream, or they take other steps to steer their fans toward buying physical media.

Every time I submit a new release to my distributor, I have the option of limiting or expanding access to my music: what platforms, streaming only, streaming and digital downloads, releasing a limited number of tracks and making the rest available only on physical media, or my new favorite: *Do it all. Even unpaid*. When I check this box, I know my music can be everywhere, and people can listen to it on all platforms, whether they pay for it or not. And when I see major genre-adjacent artists like *Cradle of Filth* and *Nine Inch Nails* not making money and giving their music away, I know I need not hold out hope, like *Metallica* did when they sued Fanning, that jealously guarding streaming revenue (for me, often fractions of pennies at a time) is the answer. Whether artists make their music more freely shareable and democratically accessible, as Fanning did with Napster 25 years ago, or work to transition to other forms of media, we don't escape the music streaming simulacrum. However, these efforts allow alternatives to persist and develop in parallel.

References

Ahmad, Aijaz. 2000. "The Communist Manifesto and 'World Literature.'" *Social Scientist* 28(7/8): 3-30.

Arditi, David. 2020. *Getting Signed: Recording Contracts, Musicians, and Power in Society*. Cham, Switzerland: Palgrave Macmillan.

Baudrillard, Jean. 1983. *Simulations*. Translated by Paul Foss, Paul Patton, and Philip Beitchman. Los Angeles, CA: Semiotext(e)

Cannella, G. S. & Koro-Ljungberg, M. 2017. "Neoliberalism in Higher Education: Can We Understand? Can We Resist and Survive? Can We Become Without Neoliberalism?" *Cultural Studies <-> Critical Methodologies*, 17: 155-162.

Ellis, Carolyn, Tony E. Adams, and Arthur P. Bochner. 2011. "Autoethnography: An Overview." *Forum Qualitative Sozialforschung*, 12(1): https://www.qualitative-research.net/index.php/fqs/article/view/1589/3095

Harvey, David. 1990. *The Condition of Postmodernity*. Cambridge, MA: Blackwell.

Hemmings, Darren. 2024. "The Chaos of Spotify's Flawed Fraud Policies." *Motive Unknown* March 21. Retrieved June 10, 2024, https://networknotes.motiveunknown.com/p/the-chaos-of-spotifys-flawed-fraud

Jameson, Frederic. 1992. *Postmodernism, or The Cultural Logic of Late Capitalism*. Durham, NC: Duke University Press.

Kennelty, Greg. 2023. "DANI FILTH: 'Spotify are the Biggest Criminals in the World.'" *Metal Injection*, June 17. Retrieved June 15, 2024 https://metalinjection.net/news/dani-filth-spotify-are-the-biggest-criminals-in-the-world

Martin, Devin Sean. 2024. "The World's Celebrity Billionaires 2024." April 3. Retrieved June 19, 2024 https://www.forbes.com/sites/devinseanmartin/2024/04/02/the-worlds-celebrity-billionaires-2024-taylor-swift-kim-kardashian-oprah/?sh=3e81e731276b

Quiroz-Gutierrez, Marco. 2024. "Spotify's CEO Got Roasted by Artists after He Said the Cost of Creating Content is 'Close to Zero.' Now He's Trying to Walk Back his 'Clumsy' Remark." *Fortune*, June 3. Retrieved June 7, 2024 https://fortune.com/2024/06/03/spotify-ceo-daniel-ek-content-cost-close-to-zero-stearming-subscription-fee-hike/

Peoples, Glenn. 2023. "The Ledger: Are There Really 100,000 New Songs Uploaded a Day? Maybe More." *Billboard Pro*, February 3. Retrieved June 8, 2024, https://www.billboard.com/pro/how-much-music-added-spotify-streaming-services-daily/

Radio Ink. 2024. "Spotify's HiFi Add-On to Provide Lossless Audio at New Price." June 19. Retrieved June 19, 2024, https://radioink.com/2024/06/19/spotifys-hifi-add-on-to-provide-lossless-audio-at-new-price/

Rigotti, Alex. 2024. "Nine Inch Nails' Trent Reznor Says Streaming has 'Mortally Wounded' Many Artists: 'It's Great If You're Drake, it's not great if you're Grizzly Bear." *NME* April 7. Retrieved June 16, 2024 https://www.nme.com/news/music/nine-inch-nails-trent-reznor-says-streaming-has-mortally-wounded-many-artists-its-great-if-youre-drake-its-not-great-if-youre-3614437

Rosenblatt, Bill. 2018. "The Short, Unhappy Life of Music Downloads." *Forbes*, May 10. Retrieved June 26, 2024 https://www.forbes.com/sites/billrosenblatt/2018/05/07/the-short-unhappy-life-of-music-downloads/

Sandoval, Greg. 2007. "Trent Reznor: Take My Music, Please." *CNET*, November 7. Retrieved June 25, 2024 https://www.cnet.com/culture/trent-reznor-take-my-music-please/

Smith, Adam. 1759. *The Theory of Moral Sentiments*. McMaster University Archive for the History of Economic Thought.

Stassen, Murray. 2024. "Only 19% of Artists on Spotify Had Over 1,000 Monthly Listeners in 2023." *Music Business*, February 13. Retrieved June 7, 2024, https://www.musicbusinessworldwide.com/only-19-of-artists-on-spotify-had-over-1000-monthly-listeners-in-20231/

Stewart, Charles J., Craig Allen Smith, and Robert E. Denton, Jr. 2012. *Persuasion and Social Movements*, Sixth Edition. Long Grove, IL: Waveland Press.

Swingle, Emily. 2024. "Spotify Demonetises All Tracks Under 1,000 Streams." *MusicTech* April 5. Retrieved June 9, 2024, https://musictech.com/news/industry/spotify-demonetises-tracks-under-1k-streams/

Downloading is Killing Music:
The Recording Industry's Piracy Panic

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In the 1980s, the British Phonographic Industry (BPI) directed an international media campaign that asserted "home taping is killing music." The recording industry argued that the cassette tape "was alleged to signal the demise of recorded music" (Drew 2013:7). The cassette tape as a medium was said to be on the verge of killing the recording industry, but BPI provided no data to substantiate the claim. The "home taping is killing music" campaign came at a moment of economic recession that contributed to a reduction in music sales. And yet, the recording industry continued to grow. "For all its complaining about lost revenues, the major music corporations quickly resumed a pattern of steady growth following the recession of the early eighties" (Garofalo 1999:346). According to data from the global trade organization representing major record labels, the International Federation of Phonographic Industries (IFPI), despite a slight decline in 1980, global recording industry sales remained strong and grew throughout the 1980s (Figure 1). Since the launch of Napster in 1999, the recording industry has repeated the same tired tropes about file-sharing killing music, but in neither case has music died.[1]
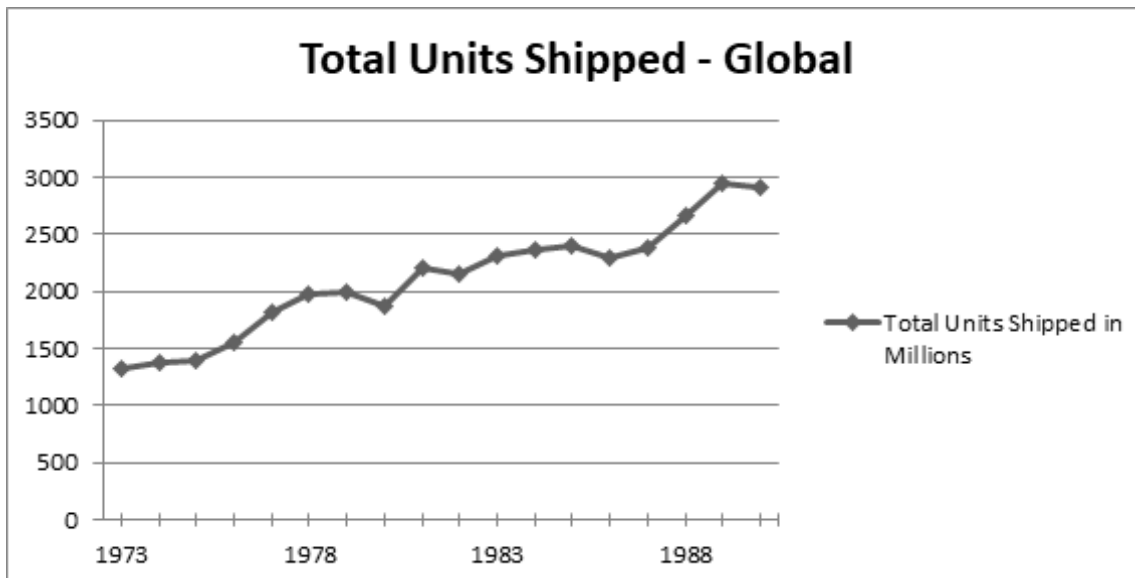
Figure 1 – Total units shipped from 1973-1990 according to the International Federation of Phonographic Industries (IFPI) Annual Reports (IFPI 2001)

1 This article is a modified version of an article published in Civilisations Journal. Reprinted with permission: Arditi, David. 2014. "Downloading Is Killing Music: The Recording Industry's Piracy Panic Narrative." Edited by Victor Sarafian and Rosemary Findley. Civilisations, The State of the Music Industry, 63 (1).

Napster, a short-lived peer-to-peer (p2p) file-sharing program, sparked a global war on digital piracy in 1999 led by the IFPI and its nation-state-based affiliates. The recording industry contended that not only did Napster facilitate music fans the easy exchange of music files (i.e., mp3s) online, but also that file-sharing is an act of copyright infringement, or "piracy." As a result, claims that music would die permeated news media, legislatures, and popular culture in the United States. However, according to the IFPI's data (Figure 2), despite a brief dip, total unit sales more than doubled between CDs' peak in 2000 and the iTunes boom by 2010 in the United States. In 2024, music consumption is exponentially higher, even though it no longer makes sense to discuss unit sales during a streaming distribution regime. Despite these impressive numbers, the Recording Industry Association of America (RIAA) and the IFPI contended that the recording industry lost revenue and profits.
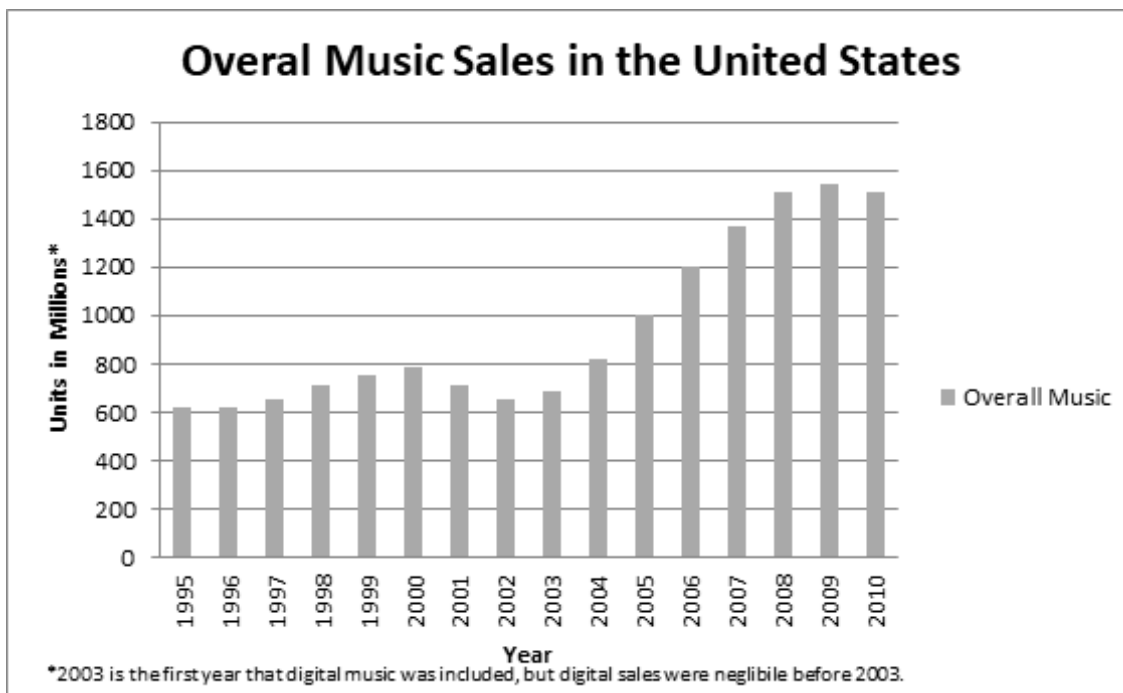

Figure 2 - Overall music sales in the United States according to Nielsen SoundScan (1995-2010).

To make the claim that the recording industry was in decline, the recording industry constructed what I call the "piracy panic narrative." The piracy panic narrative is a rhetorical construct that helps to obscure the material reality of the recording industry by positioning major record labels and their recording artists as the victims of widespread crime in the form of piracy. Major record labels and their trade associations argued that file-sharing is piracy; piracy is stealing, and this stealing negatively impacted the musicians whose music file-sharers downloaded. Finally, the recording industry insisted that this piracy would lead to the death of music—in 2024, we can show they were demonstrably wrong (Bayley 2024)[2]. The piracy panic narrative is a "calculated political strateg[y] to psychologically demonize opponents to make them appear to be 'bad' people. Because these bad people are doing bad things, they must be punished the way bad people are: by being sued, by paying exorbitant damages, and in some cases by going to jail" (Patry 2009:44). By placing the recording industry in the position of a

[2] The IFPI Global Music Report reports that recorded music grew by 10.2% in 2023, its ninth consecutive year of growth (Bayley 2024); the original article was written nine years ago. This evidence corroborates my claims in my previous work (Arditi 2012, 2014c, 2014b, 2014a, 2015, 2017, 2020, 2021).

victim, the piracy panic narrative appealed to the average person's common sense understanding of the political economy of the music industry. In turn, the recording industry concealed its actual financial data while lobbying governments and international organizations to create laws and rules that dealt with the so-called piracy problem. This narrative was perpetuated by news media in the framing of news stories about file-sharing and digital music. For instance, in "RIAA Takes off Gloves in Mounting Its Fight against Music Thieves" Lee Gomes of the Wall Street Journal contends that file-sharing is stealing in the title alone. Within the article he asks "Are music downloaders basically honest people who are simply yearning to breathe free of the inconvenience and high prices forced on them by the tyrannical music industry? Or are they just trying to get something for nothing? Freedom fighters, or thieves?" (Gomes 2003). The central point of this question was to position everyone that wants a commodity without paying for it as a thief. As I will show in this paper, not only is the position of this news article aligned with the RIAA's position, but it also fails to see the broader cultural, historical, and legal position of this narrative.

Panic Narratives

The recent piracy panic narrative is not alone in constructing opponents in the worst possible light as there is a long history of constructing social deviants and political opponents as folk devils in panic narratives. In *Folk Devils and Moral Panics* (2011), Stanley Cohen provides one of the first accounts of the ways through which people who do not subscribe to societal norms are demonized. While Cohen's work is on youth subcultures, his theories are applicable to a much broader range of deviants. Cohen explains his schema as follows:

> A condition, episode, person or group of persons emerges to become defined as a threat to
> societal values and interests; its nature is presented in a stylized and stereotypical fashion
> by the mass media; the moral barricades are manned by editors, bishops, politicians and
> other right-thinking people; socially accredited experts pronounce their diagnoses
> and solutions; ways of coping are evolved or (more often) resorted to; the condition then
> disappears, submerges or deteriorates and becomes more visible. (Cohen 2011:p.1)

Applying this schema to the case at hand, pirates emerged as a threat to intellectual property ownership. Aside from the connotations already associated with being a pirate, the mass media stereotyped kids with computers as deviant nerds who did not respect the normalized trip to the record store. Politicians and university officials, along with Metallica[3] and Britney Spears, constructed the moral parameters of piracy. Think tanks and trade associations stood in the position of experts on the issue to diagnose the problem. Finally, an approach of legal prosecution was executed, while a parallel non-deviant form of consumption (i.e. iTunes) emerged for those who do not want to be perceived as deviant.

If the problem were limited to accusations of piracy, then the moral panic itself would have received little traction (i.e., who cares if people are downloading music?); however, the recording industry used the moral panic to legislate and litigate against file-sharing. Erich Goode and Nachman Ben-Yehuda claim that moral panics are inherently political as different power holders attempt to negotiate the legal system by labeling particular behaviors as deviant (Goode and Ben-Yehuda 2009). "Designating certain acts as criminal serves at least three functions," Goode and Ben-Yehuda explain, "first, it *legitimates* a certain category's definition of right and wrong; second, it *symbolizes* the respectability of one category *vis-à-vis* another; and third, it *punishes* members of one category for engaging in behavior" (Goode and Ben-Yehuda 2009:p.119). A moral panic was needed to define file-sharing in the first two functions, but before the state could punish individuals for a criminal offense, the activity needed to be an actual crime. In turn, the moral panic was used to create the legal structure to punish file-sharers as stakeholders attempted "to crystallize [their] views into the legal structure – to pass laws compatible with, or prevent

3 Metallica's very public crusade against file-sharing (Thigpen and Eliscu 2000) is ironic because, as Rob Drew explains, Metallica became popular as

a result of the "heavy metal tape-trading network" (Drew 2013:9). Drew contends that Metallica actively benefited from avoiding major labels and the

copyright system in 1982 by trading their tapes.

the passage of laws incompatible with, its own ideological, moral, and political-economic system" (Goode and Ben-Yehuda 2009:120). The piracy panic narrative was used to change music listening habits and change the laws that govern those habits.

Beyond constructing a panic about a particular activity, panic narratives stem from a moral position. Not only are pirates out there lurking on computers in dark rooms with Cheetos crumbs on their keyboards, a *Rolling Stone*'s article states they could be your church-going neighbor (Dibbell 2000). Julian Dibbell described the recording industry's newest pirate as:

> the music lover who simply sees no point in paying for recorded music. Until now this person
> was typically found on college campuses, where massive bandwidth and wide-open networks
> have long encouraged undergraduates to seek their music not in megastores but on
> their peers' hard drives. But as DSL and cable modems bring high-speed Web access to
> the masses and as programs like Napster simplify the online file-sharing process,
> the non-CD-buying music fan is increasingly popping up in other demographics.(Dibbell 2000)

The protagonist of Dibbell's story was Mary Long, a woman who Dibbell described as a "churchgoing" woman who teaches preschool at her church. Long is quoted in the article after being asked if she worries about the ethics of downloading music: "Oh, sometimes – but I get over it" (Dibbell 2000). By pointing to a woman who teaches preschool at a church, *Rolling Stone* claimed that Long is morally pure; this was an appeal to morality that is the archetype of moral panic since morality is "a view of right and wrong" (Goode and Ben-Yehuda 2009:110). Therefore, what Dibbell implied was that there is a well-founded ethical position behind being against file-sharing. However, not only does piracy lack a clear-cut ethical position, but the term itself is a dubious substitute for an actual legal category (copyright infringement) that may not even be relevant to Long's downloading practices.

Yet the piracy panic narrative was never specific about what constituted piracy. What is piracy? The next section provides a brief overview of piracy or, rather, what is claimed to be piracy.

Piracy

Part of the problem with the piracy panic narrative was its reliance on a term (piracy) to describe an act (downloading music) while the act of downloading music is not actually piracy in the US. On the one hand, the term piracy is used to refer to a recognizable legal category of copyright infringement, but on the other hand, the term is rarely used to address an actual violation of law. By setting aside the metaphorical baggage associated with the term "piracy," we can separate connotations from denotations. Copyright infringement is the unauthorized *commercial* reproduction and distribution of copyrighted material (Lessig 2004; Litman 2006), but instead of using the term "copyright infringement," people repeatedly refer to "piracy." I emphasize commercial here because it denotes the exchanging of a good for monetary compensation. If we were to substitute the term piracy for copyright infringement, piracy concerns the reproduction of music without permission from copyright holders for profit. This type of "pirate" runs compact disc "chop shops" (Lessig 2004:62), which print CDs without permission and sell them on the black market without compensating copyright holders. However, p2p file-sharers do not exchange music files for monetary reward but instead, share music as part of a community. Labeling this activity as piracy distorts the activities of the users and creates ambiguity in the use of the term.

As a legal category, piracy does not refer to a violation of copyright law. The only reference to piracy in the U.S. legal code refers to piracy of the high seas (18 USC Chapter 81), like Blackbeard. And yet, commentators, politicians, industry affiliates, academics (Al-Rafee and Cronan 2006), and even the U.S. Federal Bureau of Investigation (FBI) refer to "piracy" as an actual offense. For instance, the U.S. FBI has an "Anti-Piracy Warning" seal that comes affixed with the text: "The unauthorized reproduction or distribution of a copyrighted work is illegal. Criminal copyright infringement, including infringement without monetary gain, is investigated by the FBI and is punishable by fines and federal imprisonment" (Anon n.d.). While the text that accompanies the FBI's seal describes the context of

copyright infringement, the Anti-Piracy Seal itself does not refer to "piracy." Even this statement is a stretch because it implies that copyright infringement can occur "without monetary gain." However, Title 17 of the U.S. Code repeatedly discusses copyright infringement in terms of commerce. In fact, Title 17 USC § 1008 specifies that "No action may be brought under this title alleging infringement of copyright . . . based on the noncommercial use by a consumer of such a device or medium for making digital musical recordings or analog musical recordings"; the device that this sentence refers to is a digital device. The law is clear that in order for an action to be considered copyright infringement, it must involve commerce. Not only is U.S. law silent on this type of piracy, but international law only refers to piracy of the high seas as well. "The absence of the words 'piracy' and 'pirate' from these texts[4] of international copyright law," Suzannah Mirghani contends, "can only mean that the semantic association of the word 'piracy' with 'copyright infringement' is a discourse formation that has occurred largely outside of official copyright law" (Mirghani 2011:117). Since there is no actual reference to piracy in copyright law and copyright infringement only refers to commercial reproduction, the fact that piracy is so prevalent in the popular lexicon in relation to copyright infringement points to the construction of a moral panic.

In order to compensate for the fact that noncommercial reproduction of copyrighted material is not an infringement, copyright industries deploy the piracy panic narrative. In effect, they argue that copying music without authorization deprives copyright owners of the money they would have made by selling the music. In other words, they argue that their "property" is being stolen. However, William Patry explains that copyright is not a property right; it is a regulatory privilege. Patry contends that "for its entire history in the United States, copyright has never been regarded as a property right. Instead, copyright has always been a regulatory privilege granted by the grace of Congress (or in other common law countries by Parliament), as a very limited grant originally just for literary works, and conditioned on rigorous compliance with formalities" (Patry 2009:110). Patry argues that metaphors "such as pirate are used for the very grown-up purpose of branding one side in a debate as evil, and the other as good" (Patry 2009:91). Since copyright is not a property right, copyrighted material cannot be stolen by making copies; rather, the only way to steal copyright material is to steal the physical good, but that would not be a violation of copyright law.

When the RIAA pursued Napster in the US judicial system, it sued on the idea that Napster was a pirate website, itself. This argument is probably most relevant to the actual existing copyright law. The argument was that by creating a program that enables the unauthorized reproduction of copyrighted material with the end goal of making a profit, Napster was, in fact, no different than factories producing CDs without authorization from copyright holders. However, the lawsuits against Napster (Langenderfer and Cook 2001) and the later lawsuit against Kazaa were never about individual file-sharing but rather about the role of a third party facilitating copyright infringement for commercial gain.

File sharers are not pirates under the law because they do not participate in the commercial exchange of copyrighted music. To make a parallel between file-sharing and piracy, the RIAA must first connect its argument to commercial use, thereby enabling it to get a foothold on the law. In order to make that argument, the RIAA and the major record labels contend that the inaction of not buying is stealing. Again, the industry used metaphor to make this connection; the RIAA insisted that file-sharing is not "like" or "similar to" stealing; it "is" stealing (Patry 2009). Once the industry equated file-sharing with the connotation of stealing, the link to piracy was far easier to believe. The problem is that the refusal to pay for something is not and has never been a form of property theft. If I choose to go to the library and read a book, I am not stealing from authors. If I hear my neighbor's stereo and decide to stop and listen, I am not stealing music. To contend that these activities are theft, and by extension piracy, is to ignore the law.

Moreover, no one has been prosecuted for downloading music in the United States, but the recording industry, media outlets, and some scholars (Robertson et al. 2012) repeat the phrase "illegal downloading." File-sharing websites have been prosecuted under the argument that they allow individuals to copy music without authorization from copyright holders and profit from advertisements on their

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4 Suzannah Mirghani also refers to the 1709 Statute of Anne, the 1886 Berne Convention for the Protection of Literary and Artistic Works, and the U.K. Copyrights, Designs and Patents Act of 1988 (Mirghani 2011:117).

websites. For a time (2004-2009), individuals were litigated for file-sharing; however, the RIAA did not file lawsuits against downloaders but rather filed suits against people who were *uploading* their music to file-sharing sites. This is an important distinction because the discourse is always about downloaders when, in fact, uploaders are the ones prosecuted for copyright infringement. Furthermore, too few of these cases against people who upload music have been tried in U.S. courts (none in the Supreme Court) to determine whether or not the action is illegal under copyright law.

Since the term "piracy" is not used in the legal category of copyright infringement and does not point to a crime being committed, the term is deployed only to stir a moral panic by labeling people as folk devils that threaten the entire intellectual property system. The next section focuses on ways that the media acts to perpetuate the piracy panic narrative.

Media Filters

"Would you go into a CD store and steal a CD? It's the same thing, people going into the computers and logging on and stealing our music." – Britney Spears (Quoted in Ahrens 2002)

One of the main ways to articulate and perpetuate a moral panic is through the media (Cohen 2011; Goode and Ben-Yehuda 2009), and the media play the primary role in perpetuating the piracy panic narrative. Edward Herman and Noam Chomsky's "propaganda model" (2002) is a useful tool for looking at the role of news media in the piracy panic narrative. In *Manufacturing Consent* (2002), Herman and Chomsky outline five media filters that, in effect, censor media content in the United States. Specifically, I think three of the filters are utilized in the piracy panic narrative:

1. the size, concentrated ownership, owner wealth, and profit orientation of the mass-media firms;
2. advertising as the primary income source of the mass media;
3. the reliance of the media on information provided by government, business, and 'experts' funded and approved by these primary sources and agents of power. (Herman and Chomsky 2002:2)

The first of these three filters, pertaining to the ownership and control of mass media, is at work in the piracy panic narrative but is outside the scope of this paper; this type of analysis would involve tracing the ownership overlap between major news outlets and major record labels. However, the two remaining filters can be directly connected to the piracy panic narrative through the perpetuation of the narrative. To that end, the recording industry not only purchased advertisements in major news publications but also bought advertisements specifically to advance the piracy panic narrative in major news outlets. Furthermore, the recording industry consistently placed its "experts" in positions where the media had easy access to them. As a result, the news reports on digital file-sharing were lopsided towards the piracy panic narrative.

According to Britney Spears (quoted above), downloading music through file-sharing websites is stealing, plain and simple. Spears' statement was part of an advertising campaign at the apex of the Recording Industry Association of America's (RIAA) battle against file-sharing in 2002. This ad campaign included one-page ads in newspapers, as well as TV and radio commercials across the United States. "Nearly 90 singers and songwriters have signed the newspaper ad, and several have lent quotes to the campaign. The group is diverse, including opera tenor Luciano Pavarotti, hip-hop superstar Eminem, country music's Dixie Chicks and former Beach Boy Brian Wilson" (Ahrens 2002)[5] Additionally, the ad campaign itself generated its own news after reporters wrote stories about the ad campaign, many without any counter perspective to balance the industry's rhetoric. This ad campaign was part of the broader piracy panic narrative. By labeling file-sharers as property thieves, the piracy

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5 This quote refers to the group being diverse, but it is only possible to say that group is diverse as far as genre. All of the artists listed are artists that have gold and platinum-certified albums.

panic narrative creates both a victim—the artist—and a victimizer—the fan; this places musicians directly against their audiences, fans, and consumers—i.e., the people who always already financially support these musicians.

While the advertisements appeared to be articulating the opinions of major recording artists and were sponsored by various industry organizations, the "major record labels [were] footing the campaign's bill" (Ahrens 2002). Since the recording industry used advertisements to launch a campaign against file-sharing, there should be no expectation for the news to publish articles that contradict the advertisements. According to Herman and Chomsky's second media filter, news organizations are not likely to provide news reports that run counter to their advertising sponsors because the advertisers will pull their advertisements. Since the recording industry was one of the advertisers in the magazines and newspapers publishing articles about the advertisement campaign about piracy, the propaganda model explains that providing counterbalancing perspectives in those articles would run against the interests of the magazines and newspapers.

This advertisement campaign is a strong articulation of the piracy panic narrative because statements such as Spears' are purely rhetorical. William Patry argues in *Moral Panics and the Copyright Wars* (2009) that by constantly repeating piracy metaphors, the copyright industries attempt to do more than reframe the debate; they permanently try to associate file-sharing with stealing. Downloading music from peer-to-peer file-sharing programs is not the same thing as stealing; in fact, legally, it is not even property theft. Copyright law is a "regulatory privilege" (Patry 2009:110), not a form of property law. It cannot be compared to property theft because when a user downloads music, they are not taking something away from another user; the original user still has the ability to listen to the downloaded music and still allow others to download their music. However, by restating the recording industry's perspective on piracy, newspapers and magazines help to perpetuate the panic narrative.

Of course, this is only one dimension of the recording industry's argument; the RIAA went deeper into the theft analogy by monetizing music. Part of this argument was that if consumers paid for a CD, they paid a recording artist to listen to their work, but if that same person didn't pay for music, they were refusing to pay that recording artist for their work. This is problematic for two reasons. First, it conflates the act of listening to music with a need to pay. Second, it ignores the role of record labels in profiting from the labor of many recording artists without monetarily compensating them. While no one asserted that Spears is a copyright lawyer or legal scholar, her voice (and others' voices) spoke in these ads as a victim.

The title of *Rolling Stone*'s coverage of the superstar advertising campaign, "Don't Steal My Music" (Healy 2002), is instructive to how the piracy panic narrative permeates the discussion. By titling the article "Don't Steal My Music," *Rolling Stone* positioned file-sharing as stealing. While the title itself is rather sarcastic, it still acts to equate file-sharing with piracy and stealing. Furthermore, this article draws attention to an advertising campaign that did not need extra publicity to catch the attention of the public. After explaining the industry's position, Healy tepidly cites a member of Dashboard Confessional as not caring where fans get his music as long as they listen. This final quote in the article, while seemingly providing a counterpoint to the recording industry's position, does little to counter the piracy panic narrative. Since the article is centered upon the notion that file-sharing is stealing, even if the article is mildly sarcastic in tone, it cedes ground to the position that file-sharing is, in fact, stealing. And yet, the article itself is unnecessary because the *Rolling Stone* issue contained a full-page advertisement claiming that piracy is stealing. In this way, the advertising media filter ensured that the content of the magazine agreed with the sponsors of the magazine.

Piracy Panic Narrative and So-Called "Experts"

Aside from the moralization of file-sharing as a criminal act, the piracy panic narrative became embedded in deeper structures that changed the norms and understanding of cultural consumption. The RIAA used a number of strategies through which it targeted particular groups to stop file-sharers and

situated piracy as an overall menace to society. From education programs in K-12 and University policies that prohibited the use of file-sharing programs (Dana 2003) to think tank research that demonstrated a link between "piracy" and decreased employment in the cultural industries, the RIAA waged a full ideological war on file-sharing. It has executed this plan by "the reliance of the media on information provided by government, business, and 'experts' funded and approved by these primary sources and agents of power" (Herman and Chomsky 2002:2). In short, Herman and Chomsky demonstrate that think tanks position their experts in a way that makes them easily accessible to news outlets. To that end, entertainment industry trade groups used reports and data from these experts to demonstrate the link between piracy and employment, profits, revenue, and overall consumption; however, all of this research relied on the music industry's own data.

Here, I would like to focus on the ideological contradictions adopted by the AFL-CIO (the American Federation of Labor and Congress of Industrial Organizations) in its own war on piracy. To that end, the AFL-CIO published a series of documents that contend that piracy caused a decline in jobs in the copyright industries. While other politically left-leaning constituencies have embraced file-sharing and fought positions that situate file-sharing as piracy, the AFL-CIO fully embraced the piracy panic narrative for fear that it is hurting workers. As I will demonstrate, the AFL-CIO's position is embedded in the piracy panic narrative and based on faulty evidence.

On the "Policy & Research" section of the Motion Picture Association of America's (MPAA) website, there is a report under "Independent Reports" by the AFL-CIO. The fact sheet, entitled "Intellectual Property Theft: A Threat to U.S. Workers, Industries, and Our Economy," outlines a position that accentuates and reinforces the piracy panic narrative. The AFL-CIO claims that "The theft or piracy of copyrighted films, television shows, theatrical productions, and music costs the U.S. entertainment industries billions of dollars in revenue each year. That loss of revenue hits directly at bottom-line profits and those who earn their living in these industries" ("Intellectual Property Theft" 2013). Both the title of the report and the language in the report tie copyright infringement to theft and piracy, then it connects this "theft" to job losses and other economic hardships. Of course, the immediate problem here is that, as discussed above, copyright infringement cannot be theft because copyright is not a property law but rather a regulatory privilege. Therefore, this portrayal of what may or may not be copyright infringement as always-already intellectual property theft characterized an unambiguously ideological position as a moral position to affect behavior. Using an appeal to childhood morals that stealing is wrong; the AFL-CIO then makes the rhetorical turn that this theft is harming American workers.

However, the AFL-CIO failed to make a compelling case that this "intellectual property theft," in fact, hurt workers and neglected to recognize that it is the basic logic of capitalism that causes workers to lose their jobs. The primary source for "Intellectual Property Theft" is a study conducted by Stephen Siweck of the Institute for Policy Innovation[6] entitled "The True Cost of Copyright Industry Piracy to the U.S. Economy" (2007). Siweck's study deserves a sustained critique because a number of studies, reports, and even academic essays cite him as the primary source to demonstrate a causal link between job losses and piracy. Siweck connects all layoffs across the copyright industries with piracy. However, there were a number of broader structural changes that took place on the part of cultural industries (and industries more generally) that resulted in the layoff of workers. Siweck uses federal jobs data to show that 375,000 fewer people had jobs in the copyright industries in 2005 because of piracy (Siweck 2007); the irony of this statistic is that in a 2006 report for the International Intellectual Property Association, Siweck found that the U.S. added more than 30,000 jobs in the copyright industries (Siweck 2006).

The AFL-CIO and other reports used Siweck's data to state that 375,000 jobs were lost, but Siweck's data were only hypothetical assessments of how piracy impacts the industry based on Regional Input-Output Modeling System (RIMS II) multipliers. Using the RIMS II data from the US Bureau of Economic Analysis is an attempt to show the effects of an activity on different economic indicators; it is only a hypothetical statistical calculation. However, RIMS II does not work even as a hypothetical

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6 It is important to note that the Institute for Policy Innovation (IPI) is an American think-tank with a conservative ideological position founded by former GOP Rep. Dick Armey. According to the IPI website, "Though IPI is a non-partisan organization, we approach policy issues from a consistent philosophical viewpoint of individual liberty and responsibility, free markets, and limited government" (http://www.ipi.org/about_ipi/).

calculation in this situation because the aggregate data is too diverse. Additionally, trying to calculate the impact of piracy on jobs was too abstract for RIMS II because there was no clear legal definition of what counts as piracy, and there was no good data on the impact of file-sharing on purchasing music (or consuming it in other ways). While using RIMS II multipliers obscures real data, this did not stop economists from making arguments about the impact of piracy on jobs.

Siweck says that all of those 375,000 jobs that do not exist in the cultural industries are a result of piracy; however, there is a stronger correlation between industry practices and layoffs than piracy and layoffs. Here are some examples.

  a. Mergers: The year in question is the same year that Sony and BMG Music merged. That merger laid off more than 2,000 workers in the US (Newman 2005); subsidiaries push that number higher as, for instance, Sony-BMG closed Epic Records Nashville for an additional 20 jobs lost (these add up with more subsidiaries). The merger between Atlantic and Elektra (both subsidiaries of Warner Music Group) in 2004 resulted in the firing of 184 workers (Christman 2004). Additionally, LiveNation, with all of its growth (i.e., acquisitions), laid off 300 employees, and Clear Channel contributed an additional 200 for the same reasons in 2005. These are just some examples of results of mergers that have no correlation to piracy.

  b. Globalization: One perennial problem with layoffs in the United States is the effect off-shoring manufacturing jobs has on American workers. During the period that parallels the rise of online file-sharing, there was also an unprecedented shift in manufacturing to the Global South. CD pressing plants closed down in the United States and opened in China, for instance. This resulted in thousands of jobs lost in the music industry over the past two decades in the US. This is to say nothing of the result of new manufacturing machines in these CD pressing plants that displaced workers.

  c. iTunes (and other digital services): People began buying/streaming more "legitimate" music online than they purchased at brick-and-mortar retailers. As a result, there were fewer CDs manufactured. With fewer CDs manufactured, there were fewer workers doing the manufacturing. Again, this has nothing to do with piracy but rather the logic of capitalism (i.e., increase profits by eliminating workers).

These are just some of the issues with trying to calculate the impact of "piracy" on employment in the recording industry. Yet the main problem is that Siweck never answers the question: why are these layoffs a result of piracy? Or, how do we know that these layoffs are a result of piracy? An interesting point about this being listed as an "Independent Report" is that the data itself came from the MPAA, the RIAA, and other copyright industry trade associations because Siweck used industry-provided data to calculate revenue.

Unfortunately, the news media and think tanks were not alone in constructing folk devils to leverage the piracy panic narrative; academics helped to construct the narrative, too. For example, two essays in the *Journal of Business Ethics* attempt to identify the characteristics of these digital pirates based on their responses to other ethical questions. In "Illegal Downloading, Ethical Concern, and Illegal Behavior," the authors conducted a survey that asked a series of questions to determine the ethical compass of the participants (Robertson et al. 2012). Among the activities that the researchers asked participants to rank[7] were "drinking a can of soda in a store without paying for it," "returning damaged goods when the damage was your fault," "getting too much change and not saying anything," and "'burning a CD rather than buying it;" then participants were asked to say how often they participate in particular activities such as "used marijuana," "shoplifted," "not worn a seatbelt," "driven 20km/h + over the speed limit" (Robertson et al. 2012:224–25). Finally, participants in Robertson et al.'s study were asked about their downloading habits. Unsurprisingly, Robertson et al. found that people who

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7 The survey participants were asked to rank statements on a five point scale. 1 means that they "strongly believe it IS wrong" and 5 means that they "Strongly believe that it is NOT wrong"

"illegally" download music are more likely to participate in other illegal behaviors, and yet 74% of survey respondents admitted to "illegally" downloading music. This survey and the subsequent study construct folk devils out of music downloaders by making them sound as though they spend most of their free time breaking the law; this is mistaken because 74% of respondents are lawbreakers. An earlier study published in the *Journal of Business Ethics* came to similar conclusions after measuring how ethically an individual responds to a series of questions (Al-Rafee and Cronan 2006). These studies helped to construct what a pirate looked like and how ethical they were in other situations by first constructing the act of downloading music as a deviant behavior.

Conclusion

The effect of the piracy panic narrative was not only that the general public believed that file-sharing was a deviant/unethical behavior but also that the recording industry was successful at using that narrative to change the law in the United States. While public apprehension has slowed legislation like the Stop Online Piracy Act (SOPA), the US courts, by and large, interpreted file-sharing (at least in its uploading variant) as a crime. Additionally, the Digital Millennium Copyright Act (DMCA) was interpreted in a way that forces Internet Service Providers (ISPs) to block RIAA-identified file-sharers. At this time, there is a green paper circulating in Washington, D.C., which marks the beginning of the process of "updating" copyright law (IPTF 2013). The Department of Commerce's Internet Policy Task Force (IPTF) describes its goal as "to ensure that the Internet remains both an engine of creativity and innovation and an environment where copyrighted works are adequately protected against piracy" (IPTF 2013). The contradiction in this language is that even if "piracy" is defined as unauthorized reproduction for commercial purposes, the express goal of creating new legislation cannot be to protect against illegal activity because if the activity (i.e., file-sharing) is illegal, then there would be no need for a new law.

As a result of the piracy panic narrative, the recording industry used its hegemonic position within the broader music industry to assert its power in digital consumption and production. Public confusion based on industry discontent created a situation where the public believed that file-sharing was immoral and illegal. Since this moral panic about piracy asserted that file-sharing is illegitimate, there was widespread support to write laws that made file-sharing illegal. There would have been minimal impetus for the state to legislate on file-sharing without the moral outrage of the public. With the moral panic, the recording industry encouraged policy changes that changed music listening practices for the foreseeable future. The effects of the new policies pushed by the recording industry are now beginning to change music. In essence, the result of file-sharing was not that pirates killed music but rather that the industry itself used the piracy panic narrative to kill music by creating legislation that maintains the major record labels' hegemonic position in the broader recording industry.

References

AFL-CIO, Department for Professional Employees. 2010. *Intellectual Property Theft: A Threat to U.S. Workers, Industries, and Our Economy. Fact Sheet*. Washington, D.C.

Ahrens, Frank. 2002. "Stars Come Out Against Net Music Piracy in New Ads." *Washington Post*, September 26, Final.

Al-Rafee, Sulaiman, and Timothy Paul Cronan. 2006. "Digital Piracy: Factors That Influence Attitude toward Behavior." *Journal of Business Ethics* 63(3):237–59. doi: 10.2307/25123707.

Anon. n.d. "Download the FBI's Anti-Piracy Warning Seal." *FBI*. Retrieved August 8, 2013 (http://www.fbi.gov/about-us/investigate/white_collar/ipr/download-the-fbis-anti-piracy-warning-seal).

Arditi, David. 2012. "The State of Music: Cultural, Political and Economic Transformations in the Music Industry." Dissertation, George Mason University, Fairfax, VA.

Arditi, David. 2014a. "Downloading Is Killing Music: The Recording Industry's Piracy Panic Narrative," edited by V. Sarafian and R. Findley. *Civilisations* 63(1):13–32.

Arditi, David. 2014b. *iTake-Over: The Recording Industry in the Digital Era*. Lanham, MD: Rowman & Littlefield Publishers.

Arditi, David. 2014c. "iTunes: Breaking Barriers and Building Walls." *Popular Music and Society* 37(4):408–24.

Arditi, David. 2015. *The Recording Industry in Numbers: A Record Label Centered View of Recorded Music*.

Arditi, David. 2017. "Would Adorno Download Music? Piracy, the Recording Industry and Reproduction Reconsidered." *Fast Capitalism* 14(1): Online.

Arditi, David. 2020. *iTake-Over: The Recording Industry in the Streaming Era*. 2nd edition. Lanham, MD: Lexington Books.

Arditi, David. 2021. "The Global Music Report: Selling a Narrative of Decline." Pp. 74–89 in *Music by Numbers: The Use and Abuse of Statistics in the Music Industry*, edited by R. Osborne and D. Laing. Chicago, IL: Intellect Ltd.

Bayley, Jack. 2024. "IFPI Global Music Report: Global Recorded Music Revenues Grew 10.2% In 2023." *IFPI*. Retrieved July 13, 2024 (https://www.ifpi.org/ifpi-global-music-report-global-recorded-music-revenues-grew-10-2-in-2023/).

Christman, Ed. 2004. "Atlantic Slims Down. (Cover Story)." *Billboard*, April 10, 1–61.

Cohen, Stanley. 2011. *Folk Devils and Moral Panics: The Creation of the Mods and Rockers*. New York: Routledge.

Dana, Rebecca. 2003. "To Fight Music Piracy, Industry Goes to Schools." *The Washington Post*, August 28, Web, 1.

Dibbell, Julian. 2000. "The New Face of Music Piracy." *Rolling Stone*, June 8, 21.

Drew, Rob. 2013. "New Technologies and the Business of Music: Lessons from the 1980s Home Taping Hearings." *Popular Music and Society* 1–20.

Garofalo, Reebee. 1999. "From Music Publishing to MP3: Music and Industry in the Twentieth Century." *American Music* 17(3):318–54. doi: 10.2307/3052666.

Gomes, Lee. 2003. "RIAA Takes off Gloves in Mounting Its Fight Against Music Thieves." *The Wall Street Journal*, September 15, U.S.

Goode, Erich, and Nachman Ben-Yehuda. 2009. *Moral Panics: The Social Construction of Deviance*. 2nd ed. Chichester, U.K. ; Malden, MA: Wiley-Blackwell,.

Healy, Mark. 2002. "Don't Steal My Music." *Rolling Stone*, October 17, 24.

Herman, Edward S., and Noam Chomsky. 2002. *Manufacturing Consent: The Political Economy of the Mass Media*. New York: Pantheon Books.

IFPI. 2001. "Recording Industry in Numbers."

IPTF. 2013. *Copyright Policy, Creativity, and Innovation in the Digital Economy. Green Paper*. Washington, D.C.: The Department of Commerce Internet Policy Task Force.

Langenderfer, Jeff, and Don Lloyd Cook. 2001. "Copyright Policies and Issues Raised by A&M Records v. Napster: 'The Shot Heard 'Round the World' or 'Not with a Bang but a Whimper?'" *Journal of Public Policy & Marketing* 20(2):280–88.

Lessig, Lawrence. 2004. *Free Culture: The Nature and Future of Creativity*. New York: Penguin Press.

Litman, Jessica. 2006. *Digital Copyright*. Amherst, N.Y.: Prometheus Books.

Mirghani, Suzannah. 2011. "The War on Piracy: Analyzing the Discursive Battles of Corporate and Government-Sponsored Anti-Piracy Media Campaigns." *Critical Studies in Media Communication* 28(2):113–34. doi: 10.1080/15295036.2010.514933.

Newman, Melinda. 2005. "SUM, Columbia Bolster A&R Efforts." *Billboard*, August 27, 49–49.

Patry, William. 2009. *Moral Panics and the Copyright Wars*. New York, NY: Oxford University Press.

Robertson, Kirsten, Lisa McNeill, James Green, and Claire Roberts. 2012. "Illegal Downloading, Ethical Concern, and Illegal Behavior." *Journal of Business Ethics* 108(2):215–27.

Siweck, Stephen. 2006. *Copyright Industries in the U.S. Economy: The 2006 Report*. International Intellectual Property Alliance.

Siweck, Stephen. 2007. *The True Cost of Sound Recording Piracy on the U.S. Economy*. Institute for Policy Innovation.

Thigpen, David, and Jenny Eliscu. 2000. "Metallica Slams Napster." *Rolling Stone*, May 25, 21.

Blood in their Mouths: Lies, Violence, and Fascist Politics

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> Monsters exist, but they are too few in number to be truly dangerous. More dangerous are the common men, the functionaries ready to believe and to act without asking questions.
>
> Primo Levi

Former President Donald Trump has achieved a unique status in United States history. He is the first president to be indicted for conspiring to overturn a presidential election, defraud the United States, and obstruct official proceedings by attempting to subvert the peaceful transfer of power. He is also a convicted felon. Whether Trump will be held legally responsible for any of his alleged crimes remains to be seen. A right-wing supreme court has issued an immunity ruling that makes it difficult to prosecute him for his most serious, crimes, including his attempt to subvert the 2020 election.

It's now a matter of public record that Trump faces four indictments and 91 felony counts for his criminal behavior. As Alan Feuer and Maggie Haberman point out in the *New York Times*, the charges clearly depict how "Trump promoted false claims of fraud, sought to bend the Justice Department toward supporting those claims and oversaw a scheme to create false slates of electors pledged to him in states that were actually won by Joseph R. Biden Jr."[1] Special Counsel Jack Smith has shown that Trump's lies played a central role in his "unprecedented assault" on the U.S. Capitol and democracy; indeed, he argues, Trump's criminal actions were "fueled by lies."[2] In response to Smith's indictment, Trump has "described him as a 'thug' and 'deranged,' setting him up as "a particular target of violent threats."[3] As a result of the threats, Smith's office has spent between 8 to 10 million "on protective details for him, his family and senior staff members, according to officials."[4] Trump's lying appears to touch on almost every aspect of his life. He has lied about his affairs with prostitutes, sexual assaults, and his business dealings. On September 26, 2023, Authur Engoron, a New York State judge, issued a ruling regarding Trump's fraudulent business practices in which he made clear that "Much of the reputation Trump cultivated as a business mogul was built on lies."[5]

In addition to legitimating false claims about a stolen presidential election, Trump's vitriolic and dehumanizing rhetoric has also contributed to an unprecedented culture of misinformation and truth-denying that has become so widespread since 2016 that it is now a central feature of politics and a defining condition of the widespread violence, lawlessness, and militarization shaping United States society. Trump's spreading of misinformation is well-known and documented. *The Washington Post* has diligently tracked his lying, documenting that from 2016 to the end of his presidency, he made "30,573… false or misleading statements… averaging about 39 claims a day in his final year."[6]

The lies embraced by demagogues such as Trump do more than distort meaning, turn truth to ashes, and spread misinformation. As Ariel Dorman observes, they also "exhibit a toxic mix of ignorance and mendacity," while legitimizing and reproducing a vocabulary and culture that revels

in unrestricted power, cruelty, terror, and "homicidal extremes."[7] This is a language through which power is enacted, a language in which agency is made manifest "as an act with [often deadly] consequences."[8] This is a rhetoric that emerges from living corpses whose mouths are filled with blood. As novelist and civil rights activist Toni Morrison pointed out in her Nobel Prize-winning speech, this is a dead language, "though not without effect."[9] She writes that, at its core, it is a language that:

> actively thwarts the intellect, stalls the conscience, and suppresses human potential. … it cannot form or tolerate new ideas, shape other thoughts, tell another story, or fill baffling silences. …It is the language that drinks blood, laps vulnerabilities, tucks its fascist boots under crinolines of respectability and patriotism as it moves relentlessly toward the bottom line and the bottomed-out mind.[10]

Trump's lies cannot be separated from the language of violence and its ongoing attempts to instill fear, promote threats against alleged opponents, and inspire violence from his MAGA followers. His lies are inseparable from the creation of a language that promotes a lethal formative culture that wallows in the blood of those viewed as disposable and produces deranged anger and unchecked despair. The metaphor of Trump as a fascist monster is not an exaggeration, given his relentless attempts to suck the blood out of democracy in the United States. Trump's use of inflammatory, violent rhetoric to obtain political power feeds the G.O.P. call for civil war and accelerates the arming of political extremists such as the Proud Boys, the Patriot movement, and a heavily militarized police force.[11]

Trump's relentless use of the language of fear, bigotry, racial hatred, and menace does more than accentuate a deeply polarized United States public; it also contributes, as Andrea Mazzarino observes, to a militarized culture of violence obvious, in part, to the plague of gun ownership. How else to explain the fact that "one in five United States households have a weapon, nearly 400 million of them, and that weaponry is only growing more deadly."[12]

Under such circumstances and within a social order in which violence has become an organizing principle of politics and society, members of the Republican Party and other MAGA followers have become more willing to accept violence in the service of political power, most evident in the events leading to the January 6, 2021, attack on the Capitol. They are also willing to normalize mass shootings in the name of gun rights, accept the incorporation of extremist groups into the highest levels of power, and normalize the use of violence to obtain political power regardless of the cost. Some members of Congress show their support for gun violence by wearing lapel pins in the shape of AR-15 rifles. This is an act of moral and political degeneracy that embraces the perfect symbol for a political party that is ethically and politically nihilistic and embodies fascist politics, displaying an unfathomable disrespect to the children and individuals killed by such guns in the United States. As Anisha Kohli reminds us in *Time Magazine*, the "AR-15-style semi-automatic rifles have been used in most of the high profile mass shootings in recent years, including at Robb Elementary School in Uvalde, Texas; Sandy Hook Elementary School in Newtown Conn.; and the Route 91 Harvest music festival in Las Vegas."[13]

Trump's embrace of lies and violence has produced an unrelenting series of shocks to the body politic and its democratic ideals. Violence that was once considered inconceivable and relegated to the margins of society now passes for normal.[14] As Trump's violent rhetoric accelerates, actual acts of violence "have become a steady reality of United States life, affecting school board officials, election workers, flight attendants, librarians and even members of Congress, often with few headlines and little reaction from politicians."[15] David French notes that death threats have surged across America. He writes:

> Death threats have surged across the country. As terrorists realize death threats work, they are using them more often—including against Republicans who voted for President Joe Biden's infrastructure package. Death threats to congresspeople doubled by May of last year

compared to the year before. "These are not one-off incidents," according to Vox, "Surveys have found that 17 percent of America's local election officials and nearly 12 percent of its public health workforce have been threatened due to their jobs during the 2020 election cycle and Covid-19 pandemic." Reuters tracked more than 850 individual threats against local election workers by Trump supporters last year, up from essentially zero in previous elections.[16]

Right-wing extremists have escalated their use of death threats against those who either oppose or criticize Trump, with a special bile reserved for threatening immigrants and Black people. The targets of the death threats also include politicians, health workers, local election workers, journalists, teachers, and members of the justice system engaged in holding Trump accountable for his crimes. Trump is indifferent to how his lies often provoke his followers to engage in both violent rhetoric and death threats, and he is unrestrained in who he targets with his vitriol. For instance, he has relentlessly attacked the justice system and the rule of law. He even went so far as to claim, two years after the fact, that when federal agents showed up in a raid on Mar-a-Lago, that then President Biden "authorized the F.B.I. to use deadly (lethal) force" during the search.[17] Not only was Trump not present during the raid, the agents went out of their way not to draw attention to their presence. This false and incendiary claim of an effort to "assassinate Trump" clearly put the F.B.I. agents who conducted the search in potential danger. Michael S. Schmidt et al., writing in the *New York Times*, report that:

> The F.B.I., which has seen the number of threats against its personnel and facilities surge since its agents carried out the court-authorized search of Mar-a-Lago, Mr. Trump's private club and residence in Florida, in August 2022, subsequently created a special unit to deal with the threats. A U.S. official said threats since then have risen more than 300 percent, in part because the identities of employees, and information about them, are being spread online….'Their children didn't sign up for this,' a senior F.B.I. supervisor recently testified to Congress."[18]

In a culture that barely tolerates dissent and increasingly confuses the truth with falsehoods, it's not surprising that Professor Robert Pape, a professor at the University of Chicago who studies political violence, found that "between 15 million and 20 million United States adults believe that violence would be justified to return Mr. Trump to office."[19] The correlation between the public support for violence and the willingness to buy into Trump's lie about a stolen election is worth noting. The Chicago Project on Security & Threats reported in April 2023 that 20 percent not only believe the 2020 election was stolen from Trump, "that an estimated 142 million Americans believe that elections won't solve America's most fundamental problems – up from 111 million last September. And one in five American adults still believe that the 2020 election was stolen from Trump, representing very little change from 2021."[20] It gets worse. A 2023 survey, quoted in the *New York Times*, observes that [6.8 percent] of Americans believe that "the use of force is justified to restore Donald Trump to the presidency and 8 percent believe that "the use of force is justified to prevent the prosecution of Donald Trump. Speaking at a rally on March 16, 2024, at Dayton International Airport in Vandalia, Ohio, Trump stated that there would be a "bloodbath" if he wasn't re-elected in November, as reported by Emma Barnett and Jillian Frankel for N.B.C. News.[21] Many of his followers share his propensity for violence, especially in light of his being deemed by the judicial system a convicted felon. Soon after he was convicted by a New York jury on 34 felony counts for falsifying business records, a number of his right-wing supporters flooded conservative online platforms with threats against the jurors and Judge Merchan, who presided over the case.[22]

The plunge into a culture of irrationality fueled by Trump's lies has upended assumptions regarding the rejection of violence as a governing principle and the necessity of recognizing that a democracy cannot exist without informed citizens. In the MAGA world, ignorance has become the

new civic standard, and justice and injustice collapse into each other. This is more than political theater; it is the normalization of the lies, ignorance, and ethical void at the heart of a fascist and white nationalist movement in the United States. Ignorance in the service of violence has become an organizing principle of fascist politics. It is not merely the absence of curiosity, informed judgment, or a willed disdain for critical thought. It is also part of a larger ideology that churns out lies, misinformation, and a kind of habitual manufactured illiteracy designed to keep people badly educated. As the esteemed novelist James Baldwin notes, it is dangerous in an authoritarian society to be educated. He adds that "to become educated (as all tyrants have always known) is to become inaccessibly independent, it is to acquire a dangerous way of assessing danger, and it is to hold in one's hands a means of changing reality. …This is one of the reasons, as it seems to me, that we are so badly educated."[23] He also makes clear what risks one takes confronting oppression in its various forms. As he noted in *The Fire Next Time*, "to act is to be committed, and to be committed is to be in danger."[24]

In Trump's worldview, the opposition is not to be debated; it is to be destroyed and eliminated.[25] This friend/enemy distinction reinforces the notion that a pledge of loyalty to Trump is comparable to becoming part of a militarized army engaged in war. In this discourse, violence is equated with power, and brutality becomes a measure of loyalty. Reason is now replaced with loyalty, and loyalty becomes the medium to "deploy sadism by bullying and humiliating others."[26] How else to explain the increasing use of threats of war coupled with violent language and imagery by Republicans attacking politicians, justice officials, and prosecutors who have held Trump accountable for his crimes? According to G.O.P. extremists such as Marjorie Taylor Greene, Kari Lake, and Roger Stone, such actions mean, as Steve Bannon puts it, that "we're at war."[27] Trump's incendiary language does more than evoke the call for civil war; it completely abandons any belief in democracy itself. How else to explain his claim to want to be a dictator for a day, his echoing a fascist past by touting that if he wins, the U.S. will become a "unified Reich," and talk about staying in office for a third term, and his claim that Joe Biden tried to get him assassinated. Trump offers Americans the promise of a police state and the death of democracy itself.

Moreover, Trump continues to broadcast the message that if he's held accountable by the criminal legal system for spreading his relentless lies and threats, he will, if elected, enact revenge, punishment, and violence. He has repeatedly told the U.S." that if he doesn't get his way— regardless of democratic norms like elections or the rule of law —" then the consequence will be violence."[28] In a message posted on his social media site, Trump made this threat clear--a threat aimed at people prosecuting him in four criminal cases across four jurisdictions. He wrote: "IF YOU GO AFTER ME, I'M COMING FOR YOU."

Such rhetoric does more than pour fuel on the fire of extremism. In the face of Trump's ongoing lies about a stolen election and his ensuing violent discourse, the nation increasingly inches towards a point where the lie of a stolen election can easily lead to increasing support for an expanding military-industrial-surveillance complex and "a massive increase in its militarized policies."[29] While Trump has repeatedly distanced himself from surging acts of violence against people of color and others by his followers, his rhetoric serves as a source of inspiration for these perpetrators, encouraging them to engage in violence that is too heinous to ignore. For example, an exhaustive study by *The Washington Post* "identified at least 54 criminal cases where Trump was invoked in direct connection with violent acts, threats of violence or allegations of assault."[30] Mike Levien provides one concrete example of these Trump-inspired acts. He writes:

 After a Latino gas station attendant in Gainesville, Florida, was suddenly punched in the head by a white man, the victim could be heard on surveillance camera recounting the attacker's own words: "He said, 'This is for Trump.'" Charges were filed, but the victim stopped pursuing them. When police questioned a Washington state man about his threats to kill a local Syrian-born man, the suspect told police he wanted the victim to "get out of my country," adding, "That's why I like Trump."[31]

Needless to say, Trump has a long history of using dehumanizing language, which is often connected to encouraging violence. While The Washington Post journalist Ishaan Tharoor has rightly labeled his language as polarizing, it is more accurate to describe Trump's racist rhetoric as both potentially violent and part of his broader political project of waging a race war, if not a broader civil war.[32] A central element of his war rhetoric and race-baiting is a belief in white nationalism and the toxic assumption that only white people can occupy the mantle of full United States citizenship. At work in this discourse are pathological levels of demagoguery and white anger that fuel dangerous levels of racial terrorism "based on the fear-the terrifying eternal fear-of living with difference."[33]

Journalist Roger Cohen is right in stating that Trump "has inured people to the thread of violence and meanness lurking in almost every utterance; or worse he has started to make them relish it. He has habituated Americans to buffoonery and lies."[34] Most importantly, Trump's language of denigration does not merely serve to mistreat people; it is also code for eliminating them.[35] This is particularly true for those high-profile figures that Trump has designated as his "enemies." For instance, Trump wrote on his website, Truth Social, that under his presidency, Joint Chiefs of Staff Mark Milley committed treason--"an act so egregious that, in times gone by, the punishment would have been DEATH!" The alleged treasonous crime for which Milley deserved "DEATH" was his "reassuring Chinese officials that the U.S. had no plans to attack [or go to war with China] during the waning days of the Trump administration."[36] As Brian Klass points out, the insinuated by a former president of the United States "that America's top general deserves to be put to …would be unthinkable in any other rich democracy."[37] As Chauncey DeVega observes, what enraged Trump enough to float the idea that he should have been put to death was that "Milley attempted to stop his coup and other attack on democracy and civil society."[38]

There is nothing shocking about this threat because Trump has accelerated both his lies and threats of violence for years. What is disturbing, if not dangerous, is how the mainstream press refuses to analyze such a high-profile threat and Trump's addiction to violence as a central element of fascist and authoritarian politics. We know from the study of history that such threats led to executions, torture, imprisonment, and death camps—think of Pinochet's killing of thousands of dissidents, Nazi Germany's camps, Stalin's trials, and Mussolini's fascist barbarous regime, among others. Rather than calling Trump out as a demagogue and fascist, mainstream media treat Trump as a normal candidate and give him air time to amplify his poisonous politics and incitements to violence. Moreover, as Paul Farhi notes in an article in *The Washington Post*, the mainstream media offers a muted response to Trump's repeated exhortations to violence, going so far as to downplay even his call "to execute suspected shoplifters. [and reflects] a tendency for the news media to ignore or downplay statements once considered shocking but which now, due to repetition, are taken more for granted."[39]

Normalizing Trump's politics also takes place when mainstream media reports the violence he and his lackeys advocate as mere description, uncivilized rhetoric, or undignified political decorum. Ignoring the seriousness and danger of Trump's fascist politics allows the mainstream media to fixate on irrelevant issues such as "John Fetterman's hoodie instead of on stories about the relentless but predictable risk of Trump-inspired political violence." Silence on this issue by the mainstream press is a form of complicity with fascist politics that is reproduced through their tone-deaf reporting. Needless to say, there is more at stake here than a lack of journalistic responsibility and integrity; there is also a refusal to imagine what the end of democracy if not humanity, might look like if this culture of lies and violence continues unabated and unaccountable.

Indeed, under Trump's leadership, violence under the cover of systemic lies has become a mediating force in shaping social relations, particularly in eroding democratic values and social bonds. Put differently, violence has become the preferred weapon of the isolated, ignorant, bigoted, corrupt, and white supremacists. At work here is a cynical sneer at racial justice, equality, and freedom that Judith Butler calls a "righteous coldness."[40] Paralyzing hopes have given way to the historical moment that valorizes cruelty and suffering, which art has turned into a form of spectacle, political performance, and a poisonous set of policies, all of which are rooted in a long history of

systemic racism and violence. As the digital, aural, and visual right-wing media increasingly flood society with lies, hate, and bigotry, hyper-violence is presented as a legitimate source of news, if not entertainment; in actuality, it takes on the form of a representational politics linked to chaos, staggering levels of misery, militarized fear, and the death drive. In a culture of immediacy and short attention spans, violence is increasingly packaged in multiple spaces and platforms to further the unbridled monopolization of pleasure associated with extreme and sensational accounts and images of brutality and cruelty.

Words have consequences, and Trump's language echoes a fascist pedagogy of racial purity that enables people to think and act on the unthinkable and unactionable. He has not only called immigrants rapists; he has further suggested that they be shot in the legs in order to prevent them from crossing the border.[41] Juan Cole notes that Trump's reference to some immigrants as "animals," "functions similarly in this regard to the Nazi technical term 'Untermensch' or underman, subhuman [and that] denigrating people as less than human is a step toward permitting their elimination."[42] He has urged the police to engage in physical violence when arresting people and encourages violence both at his campaign rallies and in his online messages on both X (formerly known as Twitter) and his *Truth Social* platform. Michael Gerson sums up well some examples of Trump's legacy of threats, menace, brutality, and dehumanization. He writes:

> Trump has made a point of encouraging violence against protesters at his rallies ("knock the crap out of them"), excusing violence by his supporters (people "with tremendous passion and love for their country"), and generally acting like a two-bit mob boss. He publicly supported Kyle Rittenhouse, the teenager charged with homicide in the killing of two people in Kenosha, Wis. (Rittenhouse has pleaded not guilty.) He embraced Mark and Patricia McCloskey for brandishing guns at peaceful marchers in St. Louis. He deployed federal security forces to break heads in Lafayette Square.[43]

Not only do mainstream media pay little attention to the connection between Trump's serial lying and the growing violence emerging in the United States, but they also under-emphasize the racism and white supremacy at the heart of Trump's defense of his lies and the accompanying threats he has directed at Black politicians, lawyers, prosecutors, and election workers, all of which serve to give fascism a smooth edge. These threats are particularly worrisome in a climate in which Trump and his MAGA allies have convinced two-thirds of Republicans that the 2020 presidential election was stolen.

In addition, the power of such threats is intensified in a society in which Trump, Florida Gov. Ron DeSantis, former Trump attorney Rudy Giuliani, and their allies spread the white supremacist conspiracy theory that whites are being "replaced" by immigrants and people of color (a lie used to fuel their calls for a U.S. that is white, indifferent to racism, massively unequal, and characterized by widespread human misery). While this racist discourse is not new, Trump and his colleagues have given racism and extreme violence a new visibility and legitimacy. They have deepened and expanded what Etienne Balibar, in his 2015 book *Violence and Civility*, has called "death zones of humanity" fueled by the capitalist machinery of social irresponsibility and zones of social abandonment.[44]

This view of the past is part of the discourse of historical erasure and social amnesia. Not only does historical memory disappear in this resurging narrative, but history is also rewritten in the language of domination and repression, which reproduces an inchoate nostalgia for a time in which Black people, women, immigrants, and others considered disposable or deviant were imagined to have known and willingly accepted their place, and whiteness was not only a mark of privilege, but also a defining principle of power, citizenship, and governance.

The unchecked irrationality and threats that inform Trump's lies and his attempt to defend them reveal not only his authoritarian tendencies but also his deep-seated racism and his attempts to model politics as a form of governing through crime.[45] Governing through crime translates into the

criminalization of social problems, marginalized cultures, and dissent itself, all of which, as Angela Y. Davis notes in her 2005 book Abolition Democracy, provides "a haven for the inheritances of racism."[46]

Trump's aggressive racist attacks on Black prosecutors and lawyers resurrect the language of Jim Crow and the Ku Klux Klan, which portrayed Black people as being not fully human. In part, Trump's racist tirades and attacks, on display in the Georgia case against him, serve as a backlash against his attempts to disenfranchise people of color. It is no secret that Trump's lies about voter fraud were largely aimed at major cities with substantial non-white populations: Milwaukee, Philadelphia, Detroit, Phoenix, and, of course, Atlanta. As Carol Anderson argues, Trump's attack on voting rights in Georgia and other states was part of an attempt to say that "the votes of minorities were illegitimate, like they weren't real Americans. It was the same kind of assault that we saw in the Jim Crow era, that those weren't real Americans and their votes didn't count."[47] In the face of charges of racism, Trump has resorted to spewing lies and racist comments about a number of highly visible Black district attorneys, prosecutors, and electoral workers. Janell Ross provides examples of a number of these racist attacks on officials of color. He writes:

> Trump has called Manhattan District Attorney Alvin Bragg, who is prosecuting him for allegedly paying hush money to an adult film star, a racist, an animal, and a thug…. He has characterized Judge Juan Merchan, the acting justice of the New York State Supreme Court overseeing the hush-money case, and Judge Tanya Chutkan, the federal jurist in Washington, D.C., overseeing the Jan. 6 case, as irreparably biased rule breakers with some flourishes suggesting incompetence and anger. He has deemed New York State Attorney General Letitia James, the official behind a civil probe of his business and charities, "a radical" and a "racist." And on other occasions, he's referred to Willis as "rabid" and reared by a family "steeped in hate," an extreme description of her retired lawyer father who was also, for a time, a Black Panther.[48]

It gets worse. Trump has made malicious claims about the Black prosecutors' personal lives, "deployed terms that rhyme with racial slurs," and called New York Attorney General Letitia James a "Racist A.G. Letitia 'Peekaboo' James, deploying a nickname similar to a term used to insult Black people."[49] His attacks on Georgia Attorney Fani Willis have been so vicious that she was assigned increased protection at her home and office.[50] Trump's long-standing practice of insulting, denigrating, and castigating officials prosecuting him, often in language that is inflammatory and personal, resulted in a gag order from Judge Engoron, who is presiding over Trump's real-estate fraud trial in New York. The gag order was imposed after Trump posted a photo on social media, along with derogatory comments, about "Engoron's law clerk, the attorney Allison Greenfield." As noted in *The Guardian*, in the post, Trump "called her 'Schumer's girlfriend' and said she 'is running this case against me. How disgraceful! This case should be dismissed immediately."[51] The comments were groundless and false on all counts.

Trump has also unleashed this mix of lies and threats of violence against ordinary individuals who hold minor government jobs. For example, Trump and Giuliani spread vicious lies about Ruby Freeman and her daughter Shaye Moss, two Black election workers in Fulton County, Georgia. The false claims, endlessly repeated by Guiliani and later retracted, stated that the two Georgia women mishandled ballots while counting votes, passed around USB ports that resembled vials of heroin or cocaine, and helped swing votes in Georgia in favor of Joe Biden.

As Fintan O'Toole reported in *The New York Review of Books*, "Trump claimed that Freeman was 'a professional vote scammer and hustler,' that 'she stuffed the ballot boxes,' and that…. 'Freeman, her daughter, and others were responsible for fraudulently awarding at least 18,000 ballots' to Joe Biden."[52] Fintan notes that "It was no accident that many of the pro-Trump attacks on Freeman and Moss on social media not only used racist epithets but explicitly called for them to be lynched: 'YOU SHOULD BE HUNG OR SHOT FOR YOUR CRIMES.'"

As a result of the false charges made by Trump and Guiliani, Georgia opened a criminal investigation into Freeman and Moss, greatly threatening their identities, jobs, and reputations. After two harrowing years, both women were completely exonerated. Freeman and Moss's lives were upended by these accusations, suffering emotional distress, hounded by a deluge of threats, and in constant fear of their lives. A jury eventually found Guiliani guilty of defamation and ordered him to pay $148 million in damages.[53]

Racism and violence are the core elements at work in Trump's endless barrage of lies. As Eli Zaretsky notes, "Trump's racism is linked to his willingness to deploy violence in order to foster identification."[54] Trump's lies became the vehicle for bringing "together large numbers of people who would have liked to lash out but didn't have the courage. He made them feel that their anger and contempt [especially toward people of color] – whatever its source – was legitimate. And, very importantly, he convinced people viscerally that the norms of civilized society were part of a rigged system."[55] Trump's cultivation of mob instincts and his repeated lies and violence now shape and define much of the Republican Party.

Trump has repeatedly claimed that his legal troubles are the fault of Black prosecutors, whom he has called "racists," "horrible people," and "mentally sick."[57] Riding the politics of white grievance, Trump has stoked white supremacist claims that "people of color…are taking power, and …will exact revenge on white people." To fully understand Trump's claim "that there were fine people on both sides," regarding the 2017 neo-Nazi demonstrations in Charlottesville, Virginia, it's crucial to connect Trump's lies, white nationalist rhetoric, and call for violence to an earlier period in fascist history. To adequately address Trump's lies, it is crucial to understand how the culture of lying, racism, and violence sustain each other. This is both a historical and political issue.

Federico Finchelstein, in his 2020 book *A Brief History of Fascist Lies*, reminds us that "One of the key lessons of the history of fascism is that racist lies led to extreme political violence."[58] He argues persuasively that " If we want to understand our troublesome present, we need to pay attention to the history of fascist ideologues and to how and why their rhetoric led to the Holocaust, war, and destruction."[59]

In the current historical moment, those in power have normalized lying in a way that closely resembles how previous fascist regimes adopted a racist language that targeted marginalized groups while unsettling the public's faith in both politics and democracy. Fascist lies, both historically and today, according to Finchelstein, "rest on the affirmation of the devotion to violence."[60]

Under both previous fascist regimes and the Trump presidency, truth was reduced to what was supported by power, myth replaced history, and reason was relegated to a sneering contempt and degeneracy. In addition, reality collapsed into a form of willful ideological ignorance, and racist lies took direct aim at equality, social justice, and dissent. The merging of lying, racism, and violence in U.S. politics cannot be understood outside of a legacy of fascist lies, domination, and the destruction of democracy itself. Trump and the modern Republican Party couple their belief in absolute truth and the primacy of violence as crucial to their claim to power. At work is a radical renewal of the legacy of fascism and racial purity with its destruction of human values, critical education, and a collective collapse into the death-driven belief that equality and democracy are synonymous with decadence and must be eliminated. Trump and his allies represent a form of brutalizing education that legitimates lying and violence as part of a broader politics designed to subvert freedom, agency, and the formative culture that sustains a meaningful democracy.

The language of fascism, as several scholars have argued, cannot be comprehended outside of the machinery of capitalism and its basic structures of economic and ideological oppression, which reinforce the conditions of exploitation, privatization, violence, and inequality.[61] Unable to satisfy the human needs it produces, it eventually adopts a political and ideological position in which it no longer attempts to legitimate itself with promises of social mobility, well-being, equality, and social justice. Since neoliberalism can no longer offer the public a better future and merely claims that "the future is just more of the present," it increasingly aligns itself with a culture of fear, doom, and an appeal to

endless threats, activating the potential for fascist politics.[62] In order to cover its legitimation crisis, it blames the growing destabilization of social institutions, precarity, alienation, misery, and collective anxiety on those it labels as America's enemies: Black peoples, foreigners, immigrants, refugees, dissidents, Jews, and other marginalized groups. In doing so, it aligns itself with fascist politics that creates a formative culture for the likes of Trump and his allies and followers. As Pete Dolack observes,

> … violence is now funded by corporate billionaires, and what has emerged politically both looks and acts like fascism. He writes that times and conditions can change, and the very fact that a fascist movement exists--one that Trump currently heads but Florida governor Ron DeSantis wishes to assume the leadership of--should be taken with utmost seriousness, especially as it is a movement that shows no sign of dispersing.[63]

Understanding how the current politics of lying, racism, and violence echoes both the failure of neoliberal capitalism and a fascist history is crucial in order to mount an effective opposition to far-right attempts to erase history, impose mass ignorance, destroy democratic institutions, and normalize an updated version of fascist politics. Such a political and historical analysis should make clear how Trump and most of the Republican Party embody fascist politics that pose a danger to the future of democracy and the rest of the globe. Like earlier fascist demagogues in Italy and Nazi Germany, Trump's eruptions and displays of anger and rage against his alleged enemies both sanction violence and encourage his neo-Nazi followers, the police, and others to use violent behavior, as Mussolini once justified it, "for the good of the nation."[64] The dark side of history is with us once again, and with it comes a warning about the present--a warning captured by Primo Levi in his 2005 book *The Reawakening*. He writes:

> In every part of the world, wherever you begin by denying the fundamental liberties of mankind and equality among people, you move toward the concentration camp system, and it is a road on which it is difficult to halt … A new fascism, with its trail of intolerance, of abuse, and of servitude, can be born outside our country, and be imported into it, walking on tiptoe and calling itself by other names, or it can lose itself from within with such violence that it routs all defenses. At that point, wise counsel no longer serves, and one must find the strength to resist.[65]

Central to the current fascist culture of lying, racism, and violence is a cult of demagogues, growing inequalities of wealth and power, a tsunami of class, gender, and racial injustices, and philosopher Hobbes' war of all against all. All of these forces are choking "the arteries of democracy," as Tony Judt writes in his 2011 book *Ill Fares the Land*."[66] As the language of democracy is hollowed out by neoliberal fascism, we are witnessing an emerging terror of the unforeseen and inexorable force of history ripe with mass anxiety and unimagined catastrophe--produced by fascist politics governed by lies, myth, and a perpetual fear and crisis machine. If we cannot grasp that such a history is with us once again, the struggle to resist will wither, and the seeds of fascism will bury existing democracies with ashes.

Those with mouths full of blood will usher in a history filled with the smell of genocidal violence, suffering, and death. Under such circumstances, it is crucial for the broad left and progressives to release the potential for justice, freedom, and equality. That is, it is crucial to address not only historical remembrance and moral witnessing but also the political and pedagogical necessity to merge memory, civic values, and social responsibility with the power of mass movements and aggressive collective action in the fight against burgeoning fascism. In the contemporary U.S., we need a new language and politics to fight against the nightmare of fascism. We need a language that rejects an era of foreclosed hope, refuses to address the present as a

model for the future, and condemns the rhetoric of fear and violence that contains the present in the nightmarish shadow of a fascist past. What is crucial for progressives and others to acknowledge is that the G.O.P. culture of violence, lies, and manufactured ignorance that led to the attack on the Capitol is now being continued as a war by other means, and the object of that counter-revolutionary war is the destruction of democracy itself.

Needless to say, there is more at work in the fight against fascist politics than the recast of the public conversation about the meaning of democracy; there is also the necessity to reject a politics of normalization in which capitalism and democracy are equated. Fascism and capitalism cannot be separated. Any viable mode of collective resistance must begin by exposing how capitalism is the breeding ground for fascism. Only by developing an anti-capitalist consciousness can the brutalizing forces of neoliberal fascism be made visible and resisted. Only then will it be possible to redefine the language of power, critical education, direct action, and cultural politics to develop the collective forces necessary to think and act differently as part of a wider collective struggle for a socialist democracy.

The legacy of fascism may have shown us what the future and end of humanity would look like. But such a future is not inevitable. As Alain Badiou once noted in his 1998 book Ethics, "the space of the possible is larger than the one assigned," suggesting that history is open, making the call for building solidarity and social change all the more urgent, and the demand for mass resistance all the more necessary.[67] The times in which we live are too dangerous to be giving up on civic courage, critical education, the radical imagination, and a vision of a society that is never just enough.

Endnotes

1 Alan Feuer and Maggie Haberman, "Trump Indictment Jan. 6 Riot Was 'Fueled by Lies' From Trump, Special Counsel Says." *New York Times* [August 1, 2023]. Online: https://www.nytimes.com/live/2023/08/01/us/trump-indictment-jan-6

2 Kathryn Watson, Melissa Quinn, Robert Legare, "Trump indicted by grand jury in special counsel Jack Smith's Jan. 6 investigation," *C.B.S. News* (August 2, 2023). Online: https://www.cbsnews.com/news/trump-indicted-grand-jury-jan-6/

3 Michael S. Schmidt, Adam Goldman, Alan Feuer, Maggie Haberman, and Glenn Thrush, "As Trump Prosecutions Move Forward, Threats and Concerns Increase," *New York Times* (September 24, 2023). Online: https://www.nytimes.com/2023/09/24/us/politics/trump-prosecutions-threats-violence.html

4 Ibid.

5 Cited in David A. Graham, "The End of Trump Inc., *The Atlantic* (September 27, 2023). Online: https://www.theatlantic.com/ideas/archive/2023/09/judge-rules-trumps-business-empire-committed-fraud/675466/

6 Glenn Kessler, Salvador Rizzo, and Meg Kelly, "Trump's false or misleading claims total 30,573 over four years," The Washington Post (January 21, 2021). Online: https://www.washingtonpost.com/politics/2021/01/24/trumps-false-or-misleading-claims-total-30573-over-four-years/

7 Ariel Dorfman, "Trump's War on Knowledge," *The New York Review of Books*, [October 12, 2017]. Online: http://www.nybooks.com/daily/2017/10/12/trumps-war-on-knowledge/

8 Toni Morrison, "Nobel Lecture" Nobel Prize [December 7, 1993]. Online: https://www.nobelprize.org/prizes/literature/1993/morrison/lecture/

9 Ibid. Morrison.

10 Ibid. Morrison.

11 For an excellent source on the emergence of the radical right in America, see David Neiwert, *The Age of Insurrection: the Radical Right's Assault on United States Democracy* (Brooklyn: Melville House, 2023).

12 Andrea Mazzarino, "Americans Are More Violent Than Ever, and We Have No One to Blame but Ourselves," *The Nation* (August 24, 2023). Online: https://www.thenation.com/article/society/violence-iraq-terror-police/?custno=&utm_source=Sailthru&utm_medium=email&utm_campaign=Daily%20 8.24.2023&utm_term=daily

13 Anisha Kohli, "Why Some Members of Congress Are Wearing AR-15 Assault Rifle Pins," *Time Magazine*

(February 7, 2023). Online: https://time.com/6253690/ar-15-pins-congress/

14 Michelle Goldberg, "Anniversary of the Apocalypse," New York Times (November 6, 2017). Online: https://www.nytimes.com/2017/11/06/opinion/anniversary-trump-clinton-election.html

15 Alan Feuer, "As Right-Wing Rhetoric Escalates, So Do Threats and Violence." New York Times [August 13, 2022]. Online: https://www.nytimes.com/2022/08/13/nyregion/right-wing-rhetoric-threats-violence.html

16 David French, "There Is No MAGA Movement Without Threats and Violence." *The Atlantic* [August 12, 2022]. Online: https://newsletters.theatlantic.com/the-third-rail/62f6811cc5c05500224fa5bf/trump-fbi-search-political-violence/

17 Alan Feuer, "It Was Legal Boilerplate. Trump Made It Sound Like a Threat to His Life.," *New York Times* (June 4, 2024). Online: https://www.nytimes.com/2024/06/05/us/politics/trump-fbi-documents-threats.html

18 Michael S. Schmidt, Adam Goldman, Alan Feuer, Maggie Haberman, and Glenn Thrush, "As Trump Prosecutions Move Forward, Threats and Concerns Increase," *New York Times* (September 24, 2023). Online: https://www.nytimes.com/2023/09/24/us/politics/trump-prosecutions-threats-violence.html

19 Alan Feuer, "As Right-Wing Rhetoric Escalates, So Do Threats and Violence." *New York Times* [August 13, 2022]. Online: https://www.nytimes.com/2022/08/13/nyregion/right-wing-rhetoric-threats-violence.html

20 Cited in Kira Lerner, "12m Americans believe violence is justified to restore Trump to power," *The Guardian* (June 23, 2023). Online: https://www.theguardian.com/us-news/2023/jun/09/january-6-trump-political-violence-survey

21 Emma Barnett and Jillian Frankel, "Trump says there will be a 'bloodbath' if he loses the election," *N.B.C. News* (May 16, 2024). Online: https://www.nbcnews.com/politics/donald-trump/trump-bloodbath-loses-election-2024-rcna143746

22 Julia Conley, "'I'll Take Up Arms If He Asks': Violent Supporters Rush to Trump After Guilty Verdict," *Common Dreams* (May 31, 2024). Online: https://www.commondreams.org/news/trump-supporters-2668430042#:~:text='I'll%20Take%20Up%20Arms%20 If%20He%20Asks'%3A,to%20Trump%20After%20 Guilty%20Verdict

23 James Baldwin, Nothing Personal (Boston: Beacon Press 1964), p. 42.

24 James Baldwin, *The Fire Next Time* (New York: Vintage,

1992), p. 9.

25 Chauncey Devega, "'You will get violence': Leading democracy expert says Donald Trump is not running to win election," Salon (August 10, 2023). Online: https://www.salon.com/2023/08/10/you-will-get-violence-leading-democracy-expert-says-donald-is-not-running-to-win/

26 Eli Zaretsky, "The Big Lie," *London Review of Books*. (February 15, 2021) Online https://www.lrb.co.uk/blog/2021/february/the-big-lie

27 Cited in Ibid., Alan Feuer, "As Right-Wing Rhetoric Escalates, So Do Threats and Violence."

28 Ibid. Chauncey Devega, "'You will get violence': Leading democracy expert says Donald Trump is not running to win election."

29 Ibid. Andrea Mazzarino.

30 Mike Levine, "'No Blame?' A.B.C. News finds 54 cases invoking 'Trump' in connection with violence, threats, alleged assaults." A.B.C. News [May 30, 2020]. Online: https://abcnews.go.com/Politics/blame-abc-news-finds-17-cases-invoking-trump/story?id=58912889

31 Ibid. Mike Levine.

32 Ishaan Tharoor, "As Trump wages a race war, intellectual nationalists try to keep pace," The Washington Post (July 2019). Online: https://www.washingtonpost.com/world/2019/07/19/trump-wages-race-war-intellectual-nationalists-try-keep-pace/

33 Stuart Hall, "Race, Culture, and Communications: Looking Backward and Forward at Cultural Studies." *Rethinking Marxism*, [January 5, 2009]. Online: https://www.tandfonline.com/doi/abs/10.1080/08935699208657998

34 Roger Cohen, "Trump's Corruption of the United States Republic," *New York Times*, [February 2, 2018] Online: https://www.nytimes.com/2018/02/02/opinion/trump-corruption-republic.html

35 Brett Wilkins, "What Have We Become? What We Have Always Been," *Common Dreams*. [January 21, 2018]. Online: https://www.commondreams.org/views/2018/06/21/what-have-we-become-what-we-have-always-been

36 Paul Farhi, "Trump's violent rhetoric is getting muted coverage by the news media," *The Washington Post* (October 5, 2023). Online: https://www.washingtonpost.com/style/media/2023/10/05/trump-violent-shoplifters-milley-media/

37 Brian Klaas, "Trump Floats the Idea of Executing Joint Chiefs Chairman Milley." *The Atlantic* [September 25, 2023]. Online: https://www.theatlantic.com/ideas/archive/2023/09/trump-milley-execution-incitement-violence/675435/

38 Chauncey DeVega, "The real reason why Donald Trump wants Gen. Milley to be killed," *Salon* (September 27, 2023). Online: https://www.salon.com/2023/09/27/the-real-reason-why-donald-wants-gen-milley-to-be/

39 Paul Farhi, "Trump's violent rhetoric is getting muted coverage by the news media," *The Washington Post* (October 5, 2023). Online: https://www.washingtonpost.com/style/media/2023/10/05/trump-violent-shoplifters-milley-media/

40 Judith Butler, *Frames of War: When Is Life Grievable?* (Brooklyn, N.Y.: Verso, 2009), p. xxiv.

41 Eugene Scott, "Trump's most insulting — and violent — language is often reserved for immigrants," *The Washington Post* (October 2, 2019). Online: https://www.washingtonpost.com/politics/2019/10/02/trumps-most-insulting-violent-language-is-often-reserved-immigrants/

42 Juan Cole, "When Trump calls Latinos "Animals," should we hear echoes of the S.S.'s Undermen?," *Informed Comment* (May 15, 2018). Online: https://www.juancole.com/2018/05/latinos-animals-undermen.html

43 Michael Gerson, "The threat of violence now infuses G.O.P. politics. We should all be afraid," The Washington Post (May 20, 2021). Online: https://www.washingtonpost.com/opinions/2021/05/20/trump-republicans-violent-threats-election-2024/

44 Etienne Balibar. Trans. By G.M. Goshgarigian, Violence, and Civility: On the Limits of Political Philosophy, (Columbia University Press, 2015: N.Y. City, N.Y.), pp. ix-142

45 See, for instance, German Lopez, "Donald Trump's long history of racism, from the 1970s to 2020," Vox (August 13, 2020). Online: https://www.vox.com/2016/7/25/12270880/donald-trump-racist-racism-history;

46 Angela Y. Davis, *Abolition Democracy: Beyond Empire, Prisons, and Torture*, (Seven Stories Press, 2005), p. 99.

47 Amy Goodman, "Inmate P01135809: Trump Surrenders to Jail in Georgia, Booked on 13 Felony Counts." *Democracy Now* [August 25, 2023]. Online: https://www.democracynow.org/2023/8/25/trump_georgia_arrest_2020_election_interference

48 Janell Ross, "Race Is Central to the Georgia Case Against Donald Trump." Time [August 24, 2023]. Online: https://time.com/6307644/georgia-indictment-trump-fani-willis-race/

49 Ali Swenson and Ayanna Alexander, "Trump's attacks on prosecutors echo long history of racist language," PBS News Hour (August 22, 2023). Online: Trump's attacks on prosecutors echo long history of racist language | PBS NewsHour

50 Vera Bergenruen, "Trump Attacks on Prosecutors and Judges Heighten Security Concerns," *Time* (August 15, 2023). Online: https://time.com/6303523/trump-

prosecutors-violent-threats/#:~:text=Prosecutors%20 and%20judges%20across%20the,to%20overturn%20 the%202020%20election.

[51] Dominic Rushe and agencies, " Judge issues gag order after Trump's comments on court clerk in civil trial," *The Guardian* (October 3, 2023). Online: https://www. theguardian.com/us-news/2023/oct/03/trump-new-york- fraud-trial-update

[52] Fintan O'Toole, "A Frame-Up in Georgia." *The New York Review of Books* [August 17, 2023]. Online: https://www. nybooks.com/online/2023/08/17/frame-up-in-georgia- trump-indictment/

[53] Josh Gerstein and Kyle Cheney, "Giuliani ordered to pay $148M for spreading lies about Georgia election workers," *Politico* (December 15, 2023). Online: https:// www.politico.com/news/2023/12/15/giuliani-georgia- election-workers-verdict-00132099

[54] Eli Zaretsky, "The Big Lie," London Review of Books. (February 15, 2021) Online https://www.lrb.co.uk/ blog/2021/february/the-big-lie

[55] Ibid., Eli Zaretsky, "The Big Lie."

[56] Jonathan Chait, "Trump: It's Unfair for Black Prosecutors to Charge My Crimes Crooked company plays race card," *New York Magazine* (February 2, 2022). Online: https://nymag.com/intelligencer/2022/02/trump-black- prosecutors-eric-trump-organization-racism.html

[57] Bobby Caina Calvan, "Trump tirade on 'racist' D.A.s echoes other racist tropes." *A.P. News* [February 6, 2022]. Online: https://apnews.com/article/texas-new-york- donald-trump-race-and-ethnicity-racial-injustice-11fd8d6 97e569a75f108f6564761ba64

[58] Federico Finchelstein, A Brief History of Fascist Lies. (Berkeley, University of California Press 2020), p. 1.

[59] Ibid. Federico Finchelstein, pp, 1-2.

[60] Ibid, Federico Finchelstein, p. 18.

[61] This position has been taken up by several important theorists, including David Harvey, Thomas Piketty, Stanley Aronowitz, Angela Y. Davis, Robin D. G. Kelley, Michael Yates, Richard D. Wolfe, and others too numerous to mention.

[62] Timothy Snyder, "Vladimir Putin's politics of eternity." *The Guardian* [March 16, 2018]. Online: https://www. theguardian.com/news/2018/mar/16/vladimir-putin- russia-politics-of-eternity-timothy-snyder

[63] Pete Dolack, "When Does a Formal Democracy Degenerate into Fascism?" *CounterPunch* [June 11, 2023]. Online: https://www.counterpunch.org/2023/06/11/ when-does-a-formal-democracy-degenerate-into- fascism/

[64] Cited in Ruth Ben-Ghiat, "Victim and Avenger: The Fascist Roots of Trump's CPAC Speech." Lucid

Substack [March 7, 2023]. Online: https://lucid.substack. com/p/victim-and-avenger-the-fascist-roots?utm_ source=direct&r=rls8&utm_campaign=post&utm_ medium=web

[65] Primo Levi, *The Reawakening* (New York: Simon & Schuster, 1995), p. 207

[66] Tony Judt, *Ill Fares the Land*, (London: Penguin, 2011), p.8.

[67] Alain Badiou, *Ethics: An Essay on the Understanding of Evil* (London: Verso, 1998), p. 115-116.

Climate Change Deniers versus Climate Change Decriers: the Pragmatics of Climate Defense in the Age of Disinformation

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Abstract

Thirty-five years ago, Bill McKibben published his best-selling popular depiction of climate change, *The End of Nature*. Nearly a decade ago, Naomi Klein's global best-seller *This Changes Everything: Capitalism vs. The Climate* presented her detailed case for why: "thought leaders" must resist and reverse the degradation of Earth's climate in the face of denials that this policy change was impossible. This gambit presumes when presented with disturbing facts on how and why rising fossil fuel use is degrading the climate, like-minded readers will wisely rise, readily organize, and rationally stop such destruction. Both authors have thriving careers as "thought leaders," but the gamble that informative writing would inspire game-changing decisive actions has backfired. In fact, the intensity of their climate change decrying for millions of "action laggards" is often twisted into disinformation to justify climate change denying. Nature has not ended, and climate change has not changed everything. Costly climate disasters are increasing, but habits of embedded symbolic action tied to moralistic decrying suggest McKibben and Klein now play new roles as traders in the networks of disinformation. In today's ESG-guided climate politics, major energy companies nod appreciatively to climate change decriers, pledging future perfection at carbon reduction in contrite climate change denialist exchange for sustaining their carbon emissions. This is a puzzle. Are answers to the puzzle to be found in Klein's latest book, *Doppelganger: A Trip into the Mirror World*, which explores to what degree everyday life now is not engaged with the natural world? Instead, denial and disinformation seem to ensnare many in "trips into the Mirror World" where sustainable degradation produces "digital doubles" of fulfilled future pledges of true sustainability in the 24x7 attention economy underpinned by the falsehoods of current concentrated carbon intensity.

Introduction

This paper tentatively explores why decades of debate between putatively dueling producers of climate change "disinformation" (e.g., Lomborg, 2001; and 2007; Nordhaus and Shellenberger, 2007; and 2009) and the providers of climate change "information" (e.g., McKibben, 1989; and 2014; Klein; 2017; and, 2023) have proven ironically to be quite "sustainable developments" in the struggle to develop dueling measures of developmental sustainability in climate change politics. Despite endless academic debates, scientific studies, media reports and nature writings spun up from America's "marketplace of ideas" (Menand, 2010), efforts to attain internationally agreed temperature targets in climate change conferences tragically have resulted in years of paralyzing delays, which should not

have been squandered (Stoddard, Anderson, Capstick, Carton, Depledge, Facer, Gough, Hache, Hoolohan, Hultman, Hällström, Kartha, Klinsky, Kuchler, Lövbrand, Nasiritousi, Newell, Peters, Sokona, Stirling, Stilwell, Spash, and Williams, et al. (2021)). In heated environmental debates across the US, the personal and philosophical divides between the "Keep Hope Alive" in capitalist crowds trusting big technofixes, where climate change deniers scream; and, the "TEOTWAWKI" (the end of the world as we know it) protest camps fearing so little time is left, where the climate change decriers weep, one finds huge ideological gaps growing wider every year.

Why? For decades, climate change models have predicted more climate-related catastrophes are coming to both the US and countries overseas from intense greenhouse gassing (GHG). Climate models strive to "mirror" reality mathematically to generate actionable "information," which is being amplified continuously by multiple Earth sensing systems with real-time monitoring of the planet's atmospheric, terrestrial, marine, and polar expanses to collect more accurate "data" (Luke, 2009). On the one hand, "skeptical environmentalists," like Lomborg (2001) or Nordhaus and Shellenberger (2007), claim there is still time for decision-makers to get more data-driven "sound science." The "convinced Cassandras," like McKibben (1989 and 2010) or Klein (2014 and 2019), on the other hand, keep repeating their respective views of why the "end of nature" is even nearer as they map the advent of today's new anthropogenic "Eaarth" or push hard for "Green New Deals." Along the way, as Paul Edwards suggests (2010), it is evident something is amiss, "this supposed contest is at best an illusion, at worst a deliberate deception --- because *without models, there are no data* (Edwards, 2010: xiii). This suggests the world's online green attention economy increasing trades in disinformation as the climate change decriers push their apocalyptic models and the climate change deniers sweep up more data in a spiral of mutually developed disinformation.

Before this epoch in Earth's history was branded as "the Anthropocene," as Edwards (2010) illustrates, a vast machine for mirroring its trends from space was capturing more data to model global ecosystems with interlacing series of statistical simulacra amid these ecological simulations. The left-wing progressive Naomi Klein (2023) trips over comparable links in her own life, announcing: "Welcome to the Mirror World --- where left is right, fiction is fact, and you may not recognize even yourself." In her latest book, *Doppelganger: A Trip into the Mirror World* (2023), Klein recounts how she personally has been confused, conflated and compounded the *Echtewelt* ("real world") with her own *Doppelgangerin* in this *Spiegelwelt* ("mirror world"), namely, the right-wing conservative, Naomi Wolf, who is the author of *The Beauty Myth*, *End of America* and *Fire with Fire*, and hangs with Steve Bannon. Thus, the pragmatics of climate defense, as well as climate offense, in this age of disinformation is warped, as both "Earth Day" and "January 6" become ever-shifting shapes of significance. This figure of the *Doppelganger*, which blurs up a digital double or active "alterhood" for any agent, is intriguing.

The hard material facticity of world climate change exists, although its full concreteness exists for many people in the ever-changing disequilibria of incomplete simulations. Informative clues and disinformative messages mingle in the "mirror world," because it tracks in orbit the "real world" in united dualities, trailing bits and bytes of unruly telluric phenomena, undiscovered climate challenges, and untold mitigating capacities. Together, this conjoined disruption of the biosphere and technosphere, in part, is what McKibben (2010) has tagged as "Eaarth," where everyone is left "Making a life on a Tough New Planet." Yet, the widest awareness of man-made climate change arguably comes to most people not directly but rather indirectly through what Klein depicts as today's information-driven economy with "a culture in which many of us have come to think of ourselves as personal brands, performing a partitioned identity that is both of us and not us, a doppelganger we perform ceaselessly in the digital ether as the price of admission in a rapacious attention economy" (Klein, 2023: 11).

Caught on these hooks of mass-mediated attention, how much of this "digital ether" one breathes matters. The *Spiegelwelt* multiplies and mixes the materiality of agency. One's digital double might "degrow" into a tiny house with PV solar panels off the grid or occupy a new McMansion with a five-bay garage -- one for the long-haul motorhome, one for the speed boat, one for the muscle car, one for the SUV and one for the multi-function rideable lawn mower -- all tied to fossil fuels. Klein asks, as McKibben (1992; 2000; 2004; and 2005) has discussed for years, what is "all of this duplication doing to

us? How is it steering what we pay attention to and more critically --- what we neglect" (Klein, 2023: 11). Ultimately, as McKibben (1992: 9) observes, all are now immersed in "An Unenlightenment. An Age of Missing Information."

Despite the attention given by Klein and McKibben to the still robust ecologies of Nature (McKibben 2000; 2004; and 2005), these "real world" ecosystems continue to sustainably degrade at alarming but still allowable rates behind the symbolic politics of "sustainable development" (Luke, 2006). It has been endorsed by the UN and most of its members for decades, who have trusted the digital doubles of Fortune 500 firms to deliver the secure sustainability at some future date they evade now every day. Indeed, the average percentage yield of such "alterhoods" in the "mirror world" cash out over decades as the profitable turnover drawn from debating climatological catastrophism in the attention economy of the *Spiegelwelt* with/for/by a bevy of individual and corporate informatic doppelgangers, who tag along in the dust of their actual business practices. Whether it is at https://naomiklein.org/ and https://billmckibben.com/ or https://corporate.exxonmobil.com/sustainability-and-reports and https://www.chevron.com/sustainability, in these battles of the brands, environmental politics is deadlocked over negotiating symbolic corporate pledges of future perfection on greenhouse gas emissions by 2030, 2040 or 2050 in exchange for materially sustaining highly flawed current emissions and their serious environmental degradation in 2010, 2020 or 2025.

Whatever effective efforts to advance sustainability in the *Echtewelt* ("real world") are being gained, or will be made soon, often are essentially neglected by many citizens, if not entirely lost --- in the dot.com domains of *Spiegelweltnachhaltigkeit* ("mirror world sustainability"). There fossil fuel companies, like ExxonMobil or Chevron, continuously crow about "tomorrow," not "now." 2024 is not the issue. Their digital doubles dream about 2050, while their corporate purposes of today are centered on "creating sustainable solutions that improve quality of life and meet society's evolving needs" (https://corporate.exxonmobil.com/sustainability-and-reports) will have made everything all right.

With its ardent interest in lithium, hydrogen fuels, methane, carbon capture, and resiliency, ExxonMobil affirms that society recognizes that the ecological risks are real, but "The need for energy is universal. That's why ExxonMobil scientists and engineers are pioneering new research and pursuing new technologies to reduce emissions while creating more efficient fuels. We're committed to responsibly meeting the world's energy needs" (https://corporate.exxonmobil.com/).

Hence, pollution, global warming, contamination, climate change, and toxicity tied to fossil fuel production are now being traded for pledges of sustainable futures by 2050. Yet, ExxonMobil has leveraged these policies for such a *Spiegelweltnachhaltigkeit* since the 1980s. It claims to be striving to mitigate the climate change downsides of 1990, 2000, or 2010 to fulfill future pledges to get to the upside by 2030, 2040, or 2050. Meanwhile, in the "real world," ExxonMobil continues fending off pollution lawsuits around the world from the past and the present. Like Chevron, these corporate disinformation strategies allow fossil fuel firms to "strive to protect the environment, empower people and get results the right way. This approach is integrated throughout our business" (https://www.chevron.com/sustainability) because their digital doubles concur with the average consumers. In these shared alterhoods of modern life, all attain the upsides of "satisfying universal needs for energy."

Rough Weather or Climate Change: Informational Blips

Until 1988-1989, intensely destructive meteorological phenomena were regarded largely as erratic episodes of "bad weather." After James Hansen on June 24, 1988, asserted, "'The first five months of 1988 are so warm globally that we conclude that 1988 will be the warmest year on record'" in a Congressional hearing, however, "global warming" soon acquired political and scientific facticity in print and broadcast media. In turn, any incidents of extraordinary weather and wind would soon be labeled, rightly or wrongly, by newspaper reporters and local TV weather anchors as atmospheric artifacts of anthropogenic changes in the planet's climatic conditions [https://www.nytimes.com/1988/06/24/us/global-warming-has-begun-expert-tells-senate.html].

A few months later, in 1989, Random House published Bill McKibben's *The End of Nature*. This

book pivoted off Hansen's research on anthropogenic climate changes caused by rapid increases in fossil fuel use and declared when "the waves crash up against the beach, eroding dunes and destroying homes, it is not the awesome power of Mother Nature. It is the awesome power of Mother Nature as altered by the awesome power of man, who has overpowered in a century the processes that have been slowly evolving and changing of their own accord since the Earth was born" (McKibben, 1989: 51). Science and journalism seemed to merge into new streams of environmental information about "the real world" of evolving Nature; but, they could, in turn, be contested also as junk science, political rhetoric or technological error rooted in the spinning "mirror world" of data-driven disinformation. Nonetheless, the dark days of current disasters illustrate vividly how past delays in dealing with climate degradation are causing waves of environmental devastation today.

During a few weeks in July and August 2023, the capital of Vermont, Montpelier, experienced its downtown being inundated by intense unprecedented rains. In addition, the capital of Arizona, Phoenix, endured 31 consecutive record-breaking days of daytime temperatures above 110 degrees Fahrenheit with at least 25 heat-related deaths during 2023 despite extensive community efforts to assist its most at-risk residents. In Hawai'i, drought-plagued Maui could not evacuate the one-time capital of Hawai'ian kings, Lahaina, before its historic core burnt to the ground, killing scores of residents. These 2023 flash brushfires were stoked by hurricane-speed winds blowing over once lush terrain made arid by corporate pineapple cultivation techniques. California's "atmospheric rivers" of 2024 eclipsed the massive storms of 2022 with widespread flooding, high tides, hurricane-force winds, and deep snowfall across much of the state. The Smokehouse Creek wildfire in the Texas Panhandle in February 2024 burned over a million acres of private and public lands in three weeks, making it the greatest wildfire disaster in the history of the state. Likewise, the Great Lakes during the Winter of 2023-2024 hit a historic winter low-point of having only 2.7 percent of their surface covered by ice across the entire expanse of all five lakes.

These are only a few incidents pounced upon by Bloomberg News, CNN, and the Weather Channel over recent months, whose news readers and content programmers all choked for weeks during 2023 in the surreal red and orange plumes of forest fire smoke wafting down the Eastern seaboard from Canada as they churned out more and more information about the links between accelerating fossil fuel consumption and worsening climatic conditions. Despite these "real world" developments, the first GOP presidential primary debated "the mirror world" between eight candidates on August 23, 2023, featuring the one-time pharmaceutical executive Vivek Ramaswamy. He stood out in this crowd by vigorously proclaiming, "The climate change agenda is a hoax, and more pointedly, "We need to abandon the cult of climate change" (Crisp, 2023: A7). While he quickly dropped from the field, Donald Trump is now the GOP's 2024 presidential candidate, who has full control of the same narrative. With the Republican National Committee, such disinformation helps him push climate denialism's standard line that climate change is a hoax cooked up by the Chinese to bamboozle the West to use less fossil fuel as Beijing eclipses the West economically all across the world.

The prospects for experiencing endless environmental disasters, when put into perspective with the rhetorical response of Donald Trump, should he once again become the American president, underscores the acute insights in Nietzsche's observation that "insanity in individuals is something rare -- but in groups, parties, nations, and epochs, it is the rule" (1968: 33). Ramaswamy's and Trump's campaign quips, like President Reagan's 1981 insight that "trees cause more pollution than automobiles do" (Radford, 2004), given the writings of hundreds of environmental writers, social organizers, and political thinkers about the politics of climate denial, also accentuate Einstein's acute insight that "insanity is doing the same thing over and over and expecting different results."

The trance of consumerism supported by abundant fossil fuels, as well as the GOP's allegedly "conservative" culture industry, have brought the US into an "age of unreason" (Jacoby, 2008). Despite the bad signs of 2023 and 2024, this era excuses such material and moral excess as the benefits of comfort, convenience, and conventionality while denying its costs will hit anyone that hard, soon or widely. Hence, one must ask why such environmental "business as usual" continues for both climate change deniers and decriers who respectively serve as key "thought leaders" seeking to mobilize "change makers" to downplay or resist the forces of climate change.

Does This Change Everything

The disasters of Summer 2023 and Winter 2024, in which environmental heat-rooted catastrophes, ecological expert commentaries, and electronic new clips constantly clumped together 24x7 through the collective awareness, returns one to think about two "public intellectuals" (Posner, 2001) who have put climate change front and center, namely, Naomi Klein and Bill McKibben. Klein's books and essays written after Hurricane Katrina on "disaster capitalism" garnered considerable recognition in many circles for important and insightful "thought leadership" (Drezner, 2017). Likewise, McKibben's writings on climate change and the end of Nature have captivated millions of readers for over three decades. Few environmental political theorists would regard either her or him as major figures in their subfield, but both McKibben and Klein have earned plaudits enough to be read closely due to their honesty, dedication, and optimism about the prospects for change.

Bill McKibben's (1989) anxious reflections about "the End of Nature" since the 1980s in *The New Yorker*, plus many other books and articles, plainly have made slowing and/or stopping climate change into his life's work. McKibben's "reduce, reuse and recycle" consciousness, which favors individual sacrifice and collective austerity to decarbonize the American economy and society, is brimming with facts from scientific studies as well as intense personal vignettes of his own regrets about what Klein labels "high consumer lifestyles" (2014: 2). Believing that hearing the truth, reviewing the data or feeling the danger will move anyone "to do something" to lessen greenhouse gassing, McKibben holds to the *illusio* that the more information he churns out in print, online or across the airwaves, he will spur rapid and widespread intervention by "the People" that "something will be done" directly to slow climate change.

Still, in McKibben's case, many things have been taken to the point of being overdone. His aesthetic and austere meditations on global warming for 35 years have become so predictable that in many other citizens' minds, he typifies "the death of environmentalism" (Nordhaus and Shellenberger, 2007), criticized by contemporary ecomodernism. Taking 350 ppm of CO2 in the Earth's atmosphere on purpose as his "dream the impossible dream" target for policing climate change, which was last true in May 1986, McKibben –- the "thought leader" -- and a group of close friends who perhaps are "change-makers," organized 350.org, an environmental issue and pressure group. It had been an active lobbying/pressure group for adopting this scientific parameter as the ideal for advanced industrial civilization to return to and then enforce indefinitely forever.

Hence, McKibben and 350.org have been held up as a significant activist organization for concentrating "on grassroots campaigns across the globe, leveraging people power — individuals working together in pursuit of a common goal — to dismantle the influence and infrastructure of the fossil fuel industry and to power up clean systems rooted in justice" (https://350.org/about/). This conceit of energetic concern, however, has not controlled or slowed rapid climate change despite leveraging all sorts of people power around the world who have been represented with their digital doubles in animated graphic clips (https://www.youtube.com/watch?v=s5kg1oOq9tY). It is true that "350 quickly became a planet-wide collaboration of organizers, community groups, and regular people fighting for a fossil-free future" (http://350.org/about/). Yet, the simulacra of solutions in the "mirror world" do distract attention from the dearth of these "real world" environmental "change makers" making any progress despite scrambling to contain energy companies, populist oppositions, or ordinary commuters simply seeking access to more cheap gas and oil supplies. Doppelganger activists ardently march to stop climate change by halting the Mountain Valley Pipeline (MPV) in Appalachia, for example, are mistaken for successfully slowing or stopping climate change in the "real world." Demonstrating does build the 350.org brand for environmentalists' digital doubles in the "mirror world," but a lot of natural gas already is flowing through the MPV into the "real world" to cook with gas.

For 15 years, McKibben's admirable climate, energy, and environmental justice movement has leveraged the 350 ppm of CO2 metric to rally; for example, in 2022 alone, 680+ campaigns in 70+ countries with 10,000+ activists to claim that "we have achieved extraordinary things, from getting millions of people onto the streets worldwide to moving trillions of dollars away from the fossil fuel

industry, to stopping dirty coal, oil and fossil gas plants and pipelines. We take on ambitious fights -- and we often win!" (https://350.org/about/#our-people). Still, "often "winning" on "real world" sites of struggle also means often losing there. Perhaps success is not actually mitigating climate change; it is instead actively depicting their promotional struggles in the global attention economy exchanges. Such brand-building mobilizations of millions marching and then attaining their second-best alternatives of "adapting to climate change," even as global climate change accelerates largely unmitigated, is measured by stacks in blogs, tweets, and clips as "success."

Someday "change makers" in green movements may halt climate change, but now climate change relentlessly contains them in simulacra of valiant struggles in the "mirror world." After these 15 years in which millions of supporters marched, trillions of dollars might have disinvested and dirty energy infrastructure projects perhaps stopped in the US, the ppm levels of CO_2 have continued to rise from 359.99 in May 1992 "when the Earth Summit saw the formation of the United Nations Framework Convention on Climate Change (UNFCCC)" resolved to stop this cycle of atmospheric destruction (https://www.downtoearth.org.in/news) to 421.08 during 2023, as measured at the Mauna Loa Observatory (NOAA) in Hawai'i (https://www.climate.gov/news-features/understanding-climate/climate-change-atmospheric-carbon-dioxide).

With such criteria for success set for 350.org's "ambitious fights" against climate change, by which this organization of decriers claims "we often win!", are the standards for victory problematic in their *Doppelgangerheit*? Despite the qualifying "often," they verge on "disinformation" inasmuch as McKibben and his followers appear to be deliberately pushing multiple mixes of information in disconnected narratives. Given how the numbers on massive individual efforts at direct action in the "real world" match up against concrete outcomes in actual greenhouse gas reductions, either immediately or slowly over the years, the digital doubles of these vaunted activities largely cash out in "mirror world" metrics. In reality, global CO_2 levels are still rising, not falling. Millions of activists in the streets of 70+ countries are not slowing climate change; they arguably are adding to it simply by massing themselves in such numbers from around the world at mediagenic points to brand in their direct action. Fossil fuel use is expensive, dirty, and atmosphere-degrading, but it is nowhere near dropping off that significantly in the US. Even McKibben admits to these inconsistencies since "righteousness only goes so far. Because – unlike Jet Skis – we all benefit from the systematic abuse of the planet. Cheap food and cheap energy would let us eat big meals, build big houses, drive big cars. . . .I'm as implicated as most people" (2005: 134).

Shockingly Doctrinal

Given varied career of Naomi Klein, who is regarded today as "one of the world's most powerful voices against capitalism's negative impact on human life and the earth's ecosystems" (https://americanswhotellthetruth.org/portraits/naomi-klein/), one must think twice about McKibben's belief that fruitful possibilities for human survival remain viable on today's anthropogenic planet, or "Eaarth" (McKibben, 2010). Klein's pitch on climate change begins with a *mea culpa*, "I denied climate change for longer than I cared to admit. . . .And I continued to behave as if there was nothing wrong with the shiny card in my wallet attesting to my "elite" frequent flyer status" (2014: 3).

She hooks the reader with this confession, "Like you, I too have sinned." She then declares this is the hour for all elite sinners to end "doubling down on the stuff that is causing the crisis in the first place" (2014: 3). The reading public's response to this confession of green sins clearly is warm, most likely because so many others in the "equivocally environmental publics" among the world's "semi-sovereign peoples" commit the same environmental wrongs in their *Doppelgangerheit*. Ironically, Klein essentially admits she remains ineffective as an ecological "change-maker" in the "real world" despite her "thought leader" status in the "mirror world." When she is not green-wrapping neoliberal ecotourism escapes, she is green-rapping the think-positive digital double backbeat of corporate sustainability. Nonetheless, ecomodernizers still call out her "disaster capitalism" ecologies, which is one of the finest examples of "why we can't leave saving the planet to environmentalists" (Nordhaus and Shellenberger, 2009).

Klein's frequent personal appearances and widely published analyses, which have been reformatted in extended media interviews, popular lectures, or documentary films, simply add more credibility to this born-again environmentalist alterhood. In fact, as the 20 celebratory blurbs sprawling across three pages of the 2015 paperback edition of her *This Changes Everything* attests, Klein -- who also is the author of *No Logo* (2020) about corporate domination -- is regarded now as the most exemplary climate crusader now needed to cut a workable path through our "New Branded World." All logos up with her designer-like name surrounded by a minimalist square; she has motivated millions to follow "Naomi Klein" (https://naomiklein.org/) online as their guide for surviving the fights of "Capitalism vs. The Climate."

In Klein's web presence, one finds the accretion of prodigious flows of images and texts, which are an endless whirl of products circulating in her self-sustaining pools of opinion pieces, interviews, documentaries, and articles. Her intense coverage of rapid climate change issues and never-ending denunciations of the cynical innovations of "disaster capitalism," have made her famous as one of the fiercest advocates of the "Green New Deal" (Klein, 2019) in Europe and North America. In the meantime, she leads the thoughts of her devotees, dispensing her opinions on everything from pipeline politics, degrowth localism, environmental gentrification as well as field to fork distances, bunker-building for millionaire survivalists, raising blue-collar houses 20 feet higher on concrete piers in often flooded poor neighborhoods, setting up community banks for localistic green investing, purchasing organic foods, installing home back-up power generator installations for those with spare cash as adaptations to rapid climate change.

Klein's disbelief in the value of capital-intensive technofixes has moved her to see such high-tech development as a historical turn to "magical thinking" for coping with a worldwide environmental calamity that allegedly "changes everything." Yet, it is not as clear how "everything changes this" stance in her thoughts. They remain anchored by mass-mediated visions of a once-balanced and bountiful nature. After positing the emergence of a destabilized, less predictable, and chaotic "post-environmental world," which the traditional forecasting tools of environmental science still try to map, and the ontic stabilizers of public policy still seek to legitimize, are green visions increasingly ineffective? These nostrums might have held the line at 350 ppm of CO2 a generation ago when she and her audiences did not anticipate the climate calamities of 2023 could become more likely now instead of much later, like 2030, 2040, or 2050.

In turn, should such certainty be accorded as much respect in political discourse, policy solutions, and public life today due to how dubious scientific model-manufactured dictates for surviving catastrophic chaos are becoming? Once again, as hard as it might be to concede, are Klein's celebrations of many apparent small successes in the struggle to adapt to rapid climate change that meaningful? Like her admiration of Angelica Navarro Llanos, Bolivia's 2009 ambassador to the World Trade Organization, who told Klein in Geneva that the world still needs "a Marshall Plan for the Earth. . . .to mobilize financing and technology transfer on scales never before seen" (Klein, 2014: 5). Why? Navarro Llanos declared, "we only have a decade" (Klein, 2014: 5). Not surprisingly, Llanos and Klein forgot to mention Al Gore, Jr. (1992) made the same pitch and prediction a generation ago.

In actuality, it is 15 years later, and that precious decade of Llanos decries has passed. Many places in the world already have been almost hitting 2 degrees C over their preindustrial temperatures frequently during 2023 and 2024, even though the climate conferees at the Rio, Kyoto, Paris, and Copenhagen climate conferences agreed no one should ever experience such conditions:

The European climate service Copernicus announced on July 7, 3034, "The global temperature in June was record warm for the 13th straight month, and it marked the 12th straight month that the world was 1.5 degrees Celsius (2.7 degrees Fahrenheit) warmer than preindustrial times, "It's a stark warning that we are getting closer to this very important limit set by the Paris Agreement," Copernicus senior climate scientist Nicolas Julien said in an interview. "The global temperature continues to increase. It has at a rapid pace."

That 1.5-degree temperature mark is important because that's the warming limit nearly all the countries in the world agreed upon in the 2015 Paris Climate Agreement, though Julien and other

meteorologists have said the threshold won't be crossed until there's a long-term duration of the extended heat — as much as 20 or 30 years. "This is more than a statistical oddity, and it highlights a continuing shift in our climate," Copernicus Director Carlo Buontempo said in a statement (https://spectrumlocalnews. com/tx/south-texas-el-paso/news/2024/07/08/june-sizzles-to-13th-straight-monthly-heat-record--string-may-end-soon--but-dangerous-heat-won-t)

Perhaps Klein's hopes and dreams, once again, like McKibben's, are misleading or biased information trapped in artfully manipulated narratives, given the planet's current environmental flux.

Denialism Hides Harsh Truths Decried Out in the Open

The concrete challenges posed by rising CO2 levels in the atmosphere as a long-lasting major greenhouse gas that could soon trigger rapid climate change have been officially recognized in Washington since the mid-1960s by the Johnson Administration. Data gathered by NASA with atmospheric remote sensing satellites as well as from other ground-based monitoring stations managed by other researchers documented how the global warming of the atmosphere and oceans gradually had been altering Earth's climate for decades in the *President's Science Advisory Committee Report on Atmospheric Carbon Dioxide* (1965) as CO2 rose by seven percent from 1860 t0 1960 [https://www.climatefiles.com/climate-change-evidence/presidents-report-atmospher-carbon-dioxide/].
These trends, however, greatly accelerated during worldwide waves of fossil-fueled economic growth after World War II (McNeill and Engelke, 2016), posing the threat of a 25 percent increase by 2000.
The *ultimate* goal of contemporary climate change activism has been to develop and deploy a strategy in the 1990s for the "decarbonization" of advanced industrial economies and societies to cap global warming at no more than 3.6 F/2 C degrees above preindustrial global temperatures. This important change, in turn, has been treated as a radical imperative for decades. Yet, it was not adopted until 2015 with "The Paris Agreement, which entered into force on November 4, 2016," aiming to check "global temperatures from rising above Earth's preindustrial Revolution temperatures by 2°C (3.6°F)." (https://education.cfr.org/learn/reading/paris-agreement#:~:text=The%20Paris%20Agreement%2C%20which%20entered,C%20(2.7%CB%9AF).
Because the Paris Imperatives are quite stark in "the real world," namely, requiring immediate the rapid reduction and sustainable suppression of carbon dioxide and other greenhouse gas emissions generated by fossil fuel consumption around the world, it is increasingly forgotten a decade later. It does not work outside of the "mirror world," as many ideas about how to attain this goal have advanced since the late 1980s. Despite Klein's advocacy for a Green New Deal, no comprehensive, enforceable, and workable program for launching such a full-spectrum technology, policy, and change program, in fact, has gained any real traction for over two generations. Yet, the ecomodernizers still fear Klein's and McKibben's "thought leadership" (Asaufu-Adjaye, 2015).
In part, this static deadlock is due to the fact that there are no practical alternative energy sources to replace fossil fuels (Smil, 2017). And, in part, delays are due to the fact that "alternative energy sources" cast long "fossil fuel shadows." Developing alternatives essentially requires fossil fuels to produce, transport, install, and maintain windmills, solar farms, biofuels, or hydropower plants that are regarded as decarbonized energy sources. Electric cars, for example, leave huge occluded carbon footprints. Volvo has reported the carbon emissions needed to build their non-carbon emitting electric cars are 70 percent higher than producing comparable ICE-powered cars. Moreover, fully electric cars, on average, must be driven 68,000 miles before they break even with an ICE-driven automobile in terms of carbon emissions (Crisp, 2023: A 7).
Former NASA scientist James Hansen issued in June 1988 what many regard as "the first warning to a mass audience about global warming," as reported to "a US congressional hearing he could declare "with 99% confidence" that a recent sharp rise in temperatures was a result of human activity" (Milman, 2018). As carbon emissions in 1988 rose from 20 billion tons in 1988 to over 32 billion tons three decades later, Hansen in 2018 mused that "'All we've done is agree there's a problem,'" to the

extent activists and scientists "' agreed that in 1992 [at the Earth summit in Rio] and re-agreed it again in Paris [at the 2015 climate accord]. We haven't acknowledged what is required to solve it. Promises like Paris don't mean much; it's wishful thinking. It's a hoax that governments have played on us since the 1990s" (Milman, 2018). Still, Klein believes her 466-page documentation of these challenges, like McKibben's unyielding faith in 350.org, will awake all from their fossil-fueled trance with such outraged alarm that decisive action would soon be taken in all arenas of governance.

On the one hand, layers of unconscious habituation, deep capital investment, and heavy dependence on legacy technology made change difficult; but, on the other hand, "fossil fuel companies such as Exxon and Shell" were conscious enough of the perils of rapid climate change years before Hansen's and other scientists' 1988 congressional testimonies "to support a network of groups that ridiculed the science and funded sympathetic politicians" to favor fossil fuels over alternative energy sources" (Milman, 2018). Recent studies of the oil majors during the 1970s document the extent to which they researched the inevitability of climate change, developed adaptation and mitigation strategies to respond, and then purposely suppressed the science (except to plan their own endangered capital investments) to maintain profitability, avoid regulation, and stall litigation (Rich, 2019).

One strategy for critics of the clean, green, and lean transition since the 1990s has been to advance "pragmatic approaches," even though there is no consensus about what is realistic, sensible, or practical when facing such titanic ecological changes. Otherwise, the policy challenges they entail might have been surmounted nearly 50 years ago. Yet, when more practically-inclined souls reason that deeply degrading patterns in the forces of capitalist exchange are best met by more pragmatic responses, they pivot to energetically spin the merits of mobilizing capitalist counterforces, like "natural capitalism," "green business," or "corporate sustainability" (Hawken, Lovins and Lovins, 1999; and, Elkington, 1999).

Even after 50 years of both battling environmentalists and striving to innovate technologically, ExxonMobil, for example, declared its experts believe the world is still not on track in 2023 to reduce carbon emissions enough to meet the 2 degrees C increase in global warming by 2050 (Eaton, 2023: B 1). Furthermore, the gap is immense. Current world emissions in the 2020s are 34 billion metric tons of CO_2 on average annually, and a reduction of 25 percent by 2050 to 25 billion tons is quite likely. To reach the UN's Intergovernmental Panel on Climate Change targets for 2050, no more than 11 billion tons of CO_2 on average globally would be allowable (Eaton, 2023: B 1). Pragmatically, this is a paradox. Tremendous current efforts might hit their 2050 targets by 2050. It would be a major miss on the allowable greenhouse gas emission targets -- still more than double the amount of carbon the world economy should emit to be safe (Eaton, 2023: B 1).

Klein (2014: 466) has positioned herself in the vanguard pushing "new structures built in the rubble of neoliberalism -- everything from social media to worker co-ops to farmer's markets to neighborhood sharing banks. . . .to actually build the world that will keep us safe." Not many of these structures are new. They are rather a familiar cognitive/ communitarian capitalist mix of soft energy paths, localist markets, and degrowth jobs to counter the momentum of ordinary technofixes, whose "magical thinking" of sustainable materialism will still leave the world in the clutches of giant grids of legacy megatechnics a definite dependence on fossil fuel growth machines.

With their heavy dependence upon coal, gas, and oil supplied by the world's major oil companies to generate energy, an entire industry of climate change denialists, downplayers, and anti-doomsters developed a data-driven pragmatics for both honesty and prevarication about climate change to pursue an effective program for seeing themselves as green "change makers" in the shiny glitter of *Spiegelweltnachhaltigkeit*. Disinformation about these issues has distorted their core message in "the new Age of Information" that took hold after the tumultuous struggles of the 1960s and 1970s. When decisive change could have been made in the US during the 1980s (Rich, 2019), defensive pushback from oil industry scientists bobbing and weaving in global conferences, national legislatures, regional regulations, and local actions enabled fossil capital interests to leverage this complex crisis by pledging to adopt comprehensive "climate solutions" by 2050, even though they truly needed to be implemented much sooner by 2020 or 2030 (Smil, 2016; and, 2010).

Selling more Teslas to the upper-middle classes in Shanghai, Los Angeles, or Berlin today might

lessen smog levels considerably in those cities. Still, over their lifetimes, electric cars contribute to worsening climate conditions, not better ones. Into this gap, new ecomodernizationist programs from Michael Schellenberg, Bjørn Lomborg, Paul Hawken, Gregg Easterbrook, and Bill Gates, among others, have promised a grand array of improved technofixes, from more nuclear energy generation of electricity to deploying artificial intelligence for better grid monitoring, will save the day. Whether it is climate change defense that pushes an eclectic mix of radical adaptation, constant migration, hard regulation, or mild mitigation practices, they all believe "Nothing is Changed by This." Hence, humanity must ride out conditions of spreading environmental collapse for a few decades to come until Bill Gates' small new modular nuclear reactors from Breakthrough Energy begin powering the economy.

Conclusions: Still an Age of Little Missing Information

This overview of Klein and McKibben as green "thought leaders" is troubling. Inasmuch as there seems to be a disinformation race between fossil capital and climate change activism, Klein and McKibben, with their various doppelgangers, have pursued perfecting green performativity for policies well-suited to *Spiegelweltnachhaltigkeit* over new offensives against fossil capital. ExxonMobil continues to deny the UN's IPCC greenhouse gas targets can ever be hit in time since its own scientists informed "the management" in the 1970s that it had to be around 1980 or all would be lost. Highly influential green thinkers and organizers continue to move the goalposts in these rhetorical games. The cliff-hanging last moment to attain change is nearer and nearer -- even as the decades of decisions fly by. In the 1990s, the world fortunately had until the 2020s, and it could still make positive changes during the 2000s to avoid disasters in the 2030s. Now, in the 2020s, the world has only until the 2050s. Meanwhile, "the End of Nature" events so fearfully foretold in 1989 have been happening more and more frequently for over twenty years.

Has Klein's green politics and theory best-seller *This Changes Everything: Capitalism vs. The Climate* proven to be only a pot-boiling political thriller best read at the beach? Will the historic case of "Capitalism vs. The Climate" always remain unfinished, unsettled, and unresolved? Quite likely, they will, because the pleas made on both sides of "Capitalism vs. The Climate" feuds still trigger mutually assured denying, and incessantly more decrying, about what actually is "disinformation." Perhaps the best answers are yet to come from the death-defying heat exhaustion felt by the readers out on the sand, the disorientation of beach-goers unable to find the beach they rested on five years ago and the delusion that bigger 350.org direct action marches in more cities against greenhouse gas levels will return the world to those pleasant sea-side vacations of days past free from atmospheric rivers, unchecked brushfires, invasive predators, bleaching corals, constant droughts, higher tides and more Category 5 hurricanes?

To conclude, this critique has reconsidered how and why so many policy initiatives in climate change politics have promoted and/or suffered from recursive patterns of political frenzy or paralysis for decades in the face of persistently repeated factual revelations about the endangerments of greenhouse gassing caused largely by expanding fossil fuel consumption. When effective change might have been made, did a *Doppelgangerkultur* of high media-mention counts in flashy performative earth defense actions staged by prominent environmental activists, and then streamed mostly in the digital domains, like https://naomiklein.org/ as well as https://billmckibben.com/, induce an empty inertial solutionism --- that accepted more and more symbolic accords instead of decisive confirmed material progress --- by well-branded as well as no-brand eco-warriors from 350.org to fridaysforfuture.org? In too many ways, each sees the other mostly in "the mirror world."

With gaining celebrity in "the mirror world," the climate change decriers often have been out-maneuvered in "the real world" by climate deniers. Their green-leaning judicial, legislative, and administrative interventions largely play out as histrionic activist logrolling in global conferences, national legislatures, and regional pacts, even though many local actions did make real changes in their spheres of influence. Historic climate agreements "are supposed to be the climate-savers' gold standard — the key data on which the world relies in its efforts to lower greenhouse gas emissions and hold global

warming in check. But the national inventories of emissions supplied to the United Nations Climate Convention (UNFCCC) by most countries are anything but reliable, according to a growing body of research" (YaleEnvironment360, 2021). Getting symbolic accords for "measuring and monitoring" greenhouse gases rather "mitigating and migrating" to much more non-fossil fuel use essentially have proven to be a long string of Pyrrhic victories.

Disoriented in this *Doppelgangerkultur*, the climate change resistance movements mistook, in a sense, light "Naomi Wolfe" shadows from Rio all the way to Paris for bright "Naomi Klein" lights. These constant missteps perhaps thrilled millions in the world's media-driven green attention economy, hoping for any solution, but very little climate change was mitigated. In the dust of disinformation kicked up by digital doubles, they enabled fossil capital to artfully contest the alleged ambiguities in the world's climate change trends as "business opportunities" rather than "ecological outrages." Since 1992, "thought leaders" produced far more too-little/too-late "climate agreements" aiming at success by 2050, while what was most urgent were mobilizing more "change makers" to implement tough permanent reductions by 2000, 2020, or 2030.

References

Asaufu-Adjaye, John et al. 2015. An *Ecomodernist Manifesto*. (April) www.ecomodernism.org.

Crisp, Brian. 2023. "Climate change real, but electric cars aren't solution," *The Roanoke Times* (August 29), A 7.

Drezner, Daniel W. 2017. *The Ideas Industry: How Pessimists, Partisans and Plutocrats are Transforming the Marketplace of Ideas*. New York: Oxford University Press.

Elkington, John. 1999. *Cannibals with forks: The triple bottom line of 21st Century Business*. Oxford: Capstone.

Eaton, Collin. 2023. "Exxon Says World Will Miss Climate Targets," *Wall Street Journal* (August 29), B 1.

Gore, Al, 1992. *Earth in the Balance: Ecology and the Human Spirit*. Houghton Mifflin: Boston, MA,

Hawken, Paul, Amory Lovins, and L. Hunter Lovins. 1999. *Natural Capitalism: Creating the Next Industrial Revolution*. New York: Little, Brown & Company.

Hayes, Chris. 2014. "The New Abolitionism," *The Nation* (May 12) [https://www.thenation.com/article/new-abolitionism].

Holthaus, Eric. 2015. "Manifesto Calls for an End to 'People Are Bad' Environmentalism," *Slate*, (April 20) [https://slate.com/technology/2015/04/ecomodernism-a-21st-century-environmental-philosophy-that-embraces-a-good-anthropocene-html].

Huber, Peter. 1999. *Hard Green: Saving the Environment from the Environmentalists: A Conservative Manifesto*. New York: Basic Books.

Jacoby, Susan. 2008. *The Age of American Unreason*. New York: Vintage Books.

Klein, Naomi. 2007. *The Shock Doctrine*. New York: Metropolitan Books.

Klein, Naomi. 2014. *This Changes Everything*. London: Allen Lane.

Klein, Naomi. 2019. *On Fire: The (Burning) Case for the Green New Deal*. New York: Simon and Schuster.

Klein, Naomi. 2023. *Doppelganger: A Trip into the Mirror World*. New York: Farrar, Strauss and Giroux.

Lomborg, Bjorn. 2001. *The Skeptical Environmentalist: Measuring the Real State of the World*. Cambridge: Cambridge University Press.

Lomborg, Bjorn. 2007. *Solutions for the World's Biggest Problems: Costs and Benefits*. Cambridge: Cambridge University Press.

Luke, Timothy W. 2009. "Developing Planetarian Accountancy: Fabricating Nature as Stock, Service, and System for Green Governmentality," *Current Perspectives in Social Theory*, 26: 129-189.

Luke, Timothy W. 2006. "The System of Sustainable Degradation." *Capitalism Nature Socialism*, 17, (1): 99-112.

McKibben, Bill. 1989. *The End of Nature*. New York: Random House.

McKibben, Bill. 1992. *The Age of Missing Information*. New York: Random House.

McKibben, Bill. 2000. *Long Distance: A Year of Living Strenuously*. New York: Simon & Schuster.

McKibben, Bill. 2004. *Enough: Staying Human in an Engineered Age*. New York: St. Martin's Griffin.

McKibben, Bill. 2005. *Wandering Home: A Long Walk Across America's Most Hopeful Landscape*. New York: St. Martin's Press.

McKibben, Bill. 2010. *Eaarth: Making a Life on a Tough New Planet*. New York: St, Martins Griffin.

McKibben, Bill. 2014. *Oil and Honey: The Education of an Unlikely Activist*. New York: St. Martin's Griffin.

McNeill, J.R. and Peter Engelke. 2016. *The Great*

Acceleration

Menand, Louis. 2010. *The Marketplace of Ideas*. New York: W. W. Norton.

Milman, Oliver. 2018. "Ex-Nasa scientist: 30 years on, world is failing 'miserably' to address climate change," *Guardian* (June 19) [https://www.theguardian.com/environment/2018/jun/19/james-hansen-nasa-scientist-climate-change-warning]

Nordhaus, Ted and Michael Shellenberger. 2009. *Break Through: Why We Can't Leave Saving The Planet To Environmentalists*. New York: Houghton Mifflin.

Nordhaus, Ted, and Michael Shellenberger. 2007. *Break Through: From the Death of Environmentalism to the Politics of Possibility*. New York: Houghton Mifflin.

Nordhaus, Ted, Michael Shellenberger, Jenna Mukuno. 2015. "Ecomodernism and the Anthropocene: Humanity as a Force for Good," *Breakthrough Journal*, no. 5 (summer) [https://thebreakthrough.org/journal/issue_5/economernism-and-the-anthropocene].

Project for a New American Century (PNAC). 1997. "Statement of Principles: Project for a New American Century." [https://www.rrojasdatabank.info/pfpc/PNAC---statement%20of%20principles.pdf]

Posner, Richard. 2001. *Public Intellectuals: A Study in Decline*. Cambridge, MA: Harvard University Press.

Radford, Tim. 2004. "Do trees pollute the atmosphere," *The Guardian* (May 13) [https://www.theguardian.com/science/2004/may/13/thisweekssciencequestions3]

Rich, Nathaniel. 2019. *Losing Earth: The Decade We Could Have Stopped Climate Change*. New York: Farrar, Straus, and Giroux.

Shellenberger, Michael and Ted Nordhaus. 2005. "The Death of Environmentalism: Global Warming Politics in a Post-Environmental World," *Grist* 50 (January 14) [https://grist.org/article/doe-reprint/].

Smil, Vaclav. 2017. *Energy and Civilization: A History*. Cambridge, MA: MIT Press.

Smil, Vaclav. 2016. *Power Density: A Key to Understanding Energy Sources and Uses*. Cambridge, MA: MIT Press.

Smil, Vaclav. 2013. *Harvesting the Biosphere: What We Have Taken from Nature*. Cambridge, MA: MIT Press.

Smil, Vaclav. 2010. *Energy Transitions: History, Requirements, and Prospects*. Santa Barbara, CA: Praeger/ABC-Clio.

Stoddard, Isak; Anderson, Kevin; Capstick, Stuart; Carton, Wim; Depledge, Joanna; Facer, Keri; Gough, Clair; Hache, Frederic; Hoolohan, Claire; Hultman, Martin; Hällström, Niclas; Kartha, Sivan; Klinsky, Sonja; Kuchler, Magdalena; Lövbrand, Eva; Nasiritousi, Naghmeh; Newell, Peter; Peters, Glen P.; Sokona, Youba; Stirling, Andy; Stilwell, Matthew; Spash, Clive L.; Williams, Mariama; et al. (October 18, 2021). "Three Decades of Climate Mitigation: Why Haven't We Bent the Global Emissions Curve?" *Annual Review of Environment and Resources*, 46 (1): 653–689. doi:10.1146/annurev-environ-012220-011104

YaleEnvironment360. 2024. "Nations Are Undercounting Emissions, Putting UN Goals at Risk,"(March 21). [https://e360.yale.edu/features/undercounted-emissions-un-climate-change]

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Fighting for justice in the neoliberal university: The promise of reflexive and flexible solidarity

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Abstract

In the American neoliberal university, faculty are encouraged to build strong connections in virtually every way except one: as workers. In this paper, we will discuss our experiences as leaders of the George Mason University chapter of the American Association of University Professors (GMU-AAUP), with a focus on our campaign to build a cross-campus labor coalition connecting faculty, students, staff, and contract workers in the struggle for economic and social justice. We will begin by examining the constellation of structural forces and professional hierarchies that amplify labor exploitation on campus, subvert shared governance and academic freedom, and cultivate a campus culture of disconnection, competition, and alienation. Finally, our conclusion will argue that addressing these long-standing and emergent threats to public higher education will require a project of flexible and reflexive solidarity. In this project, those who enjoy the most protections and resources will be called upon to leverage their power and join in solidarity with those marginalized by unequal systems to revitalize the university's public mission to serve the common good.

For academics, in the United States, the contemporary neoliberal university is an engine of disconnection. Before we even arrive on campus, our contracts divide us into categories: graduate assistants, graduate lecturers, part-time faculty, full-time term, and full-time tenure-line. These categories not only represent hierarchical orderings but also differentiate us by pay, precarity, job security, and access to power and resources–with real material consequences. We exist within units and colleges that also compete for resources, where we are constantly reminded that our individual and collective security depends on steadily increasing enrollments and external grant funding. We are told that this game—an entrepreneurial survival of the fittest—is ours to win or lose. None of us invented this game. Few of us entered the profession to market our "brands" and those of our programs. But as Omar Little from *The Wire* once put it, the game is out there. It's either play or get played. In this context, should it surprise anyone if faculty life is often marked by feelings of disconnection and discontent, isolation, mistrust, alienation, and exhaustion?

Yet the truth is that, despite the structural inequities in American higher education and the best efforts of administrators charged with dismantling the university, we remain deeply connected to one another. We care about our research and our teaching. We care about our colleagues, and we care about our students. But perhaps most fundamentally of all, we share the experience of being *workers* linked in a complex division of academic labor, where we are all, by varying degrees, harmed by the commodification of our labor and the subordination of our vocation to the cold calculus of efficiency and productivity.

These deep connections can be easily obscured by the grinding daily life of faculty labor within the neoliberal university. The symbolic divisions of discipline, vocation, status, pedigree, and prestige–

so central to the experience of American higher education–continue to play a daily and powerful role in shaping our sense of who has value, who should be respected, and who should be included or excluded from the community of scholars.[1] And when these symbolic divisions are intertwined with governance regimes that pit us against one another in a struggle for material resources, the pressure to disconnect, to compete, and to win becomes even harder to resist.

To address faculty disconnection, isolation, alienation, and burnout, university administrators lean into "self-care," mindfulness, and other modalities that place the burden of repair squarely on the shoulders of faculty workers. They develop multiple, overlapping initiatives designed to build professional connections between faculty and leverage these connections to advance the goals of increased productivity and enhanced individual "well-being." The solutions seldom address or even acknowledge the material conditions that generate feelings of alienation and burnout.

Our perspective is different. Rather than focus on individual well-being, a discourse that emerges from and reinforces neoliberal and capitalist regimes of labor exploitation, we instead argue that the only effective response to the disconnection, isolation, alienation, and exploitation of faculty is not mere connection but something much more demanding: *solidarity*.

But what does solidarity mean in the contemporary American university, particularly given the multiple, interlocked forms of oppression on campus that enable not just labor exploitation but also reproduce social hierarchies of race, gender, sexuality, nation, and ability? What distinguishes solidarity from neoliberal discourses of connection and well-being? And, perhaps most importantly, what are the material and social barriers to building solidarity across a structurally divided and dispirited faculty, and how might these barriers be overcome through the intellectual and practical labor of faculty organizing?

To explore these questions, this article will draw on our experiences as leaders of GMU-AAUP, George Mason University's advocacy chapter of the American Association of University Professors. As will become clear, our story is not one of seamless growth and triumph. Although we are proud of our chapter's accomplishments, our story also features numerous setbacks and dead ends. Yet we also believe our experience pushing back against the material forces of privatization, exploitation, and separation at GMU, however modest, has reproduced a dynamic common across many struggles for social justice. Like most activists, we have found that it is only in the challenging of boundaries that the boundaries themselves, usually naturalized under layers of obfuscation and rhetorical misdirection, become visible. We have found, in short, that challenging embedded, material systems of power and privilege forces these systems to reveal themselves in all their structural and coercive glory. Mapping these systems of power, drawing on sociological and discursive theories of neoliberalism, is the goal of the first section of this article.

But actually doing something about these systems—taking risks, taking collective action, working as accomplices for justice—will require nurturing and extending acts of solidarity among and between all workers on campus, including contract workers, staff, graduate students, and faculty. We cannot individually achieve our way out of this mess, nor can we ethically or morally turn our backs on those most marginalized, exploited, and harmed by the system. No amount of individual well-being or yoga or deep breathing will save us. The only path forward to rebuilding a university devoted to the common good and the flourishing of all workers is solidarity. We will only win back the university if we collectively organize to win it back together. To this end, the concluding sections of the article draw on our experience as faculty organizers in GMU-AAUP to discuss three principles of collective action that can guide, however imperfectly, a broader and more sustained effort to build faculty and student power in American higher education.

Finally, before we begin in earnest, we should discuss two key caveats. First, following the example of Stuart Hall and Patricia Hill Collins, we have attempted to integrate questions of race and gender into our materialist analysis of faculty disconnection. As Hall (2018/1980) argues, multiple axes of social hierarchy and material dispossession–including class, race, gender, sexuality, ability, and

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1 For the balance of this article, we will use the term "faculty" to refer to all forms of instructional and research labor, including graduate research and teaching assistants, graduate lecturers, and part- and full-time professors of various ranks and categories. In doing so, we are following the AAUP's inclusive definition that is based on the premise that, at the university, we are "one faculty." For details, see Monnier (2017).

many others–are always deeply articulated with and intertwined to create what he called, following Althusser, a "structure in dominance." For her part, from a less explicitly materialist position, Patricia Hill Collins (2017) offers an intersectional framework for conceptualizing how multiple forms of oppression intertwine in specific historical moments to produce a "matrix of domination." We recognize, however, that our efforts at tracing these complex articulations in American higher education are not fully developed in this paper. Yet, we hope we have made a modest contribution to the discourse.

Second, although faculty across the world often face similar challenges when confronting the processes of corporatization and privatization,[2] we should also note that the discussion below focuses almost entirely on the American context, with a particular emphasis on the experiences of faculty teaching in large public universities with significant graduate student populations. Academics working in other national and organizational contexts no doubt confront a set of challenges that differ in many ways from those we discuss below. For this reason, we offer this article to our colleagues working in other contexts in a spirit of humility and with the hope that they will find our analyses at least somewhat helpful as they attempt to protect the values of openness, equality, shared governance, and academic freedom at their own universities.

On Neoliberalism: Political Economy and Subjectivity

The literature on neoliberalism is vast and diffuse, with multiple definitions and applications across multiple disciplines (Ganti 2014). Overall, though, we believe it is useful to think about neoliberalism as a concept woven from three distinct but intertwined threads—the economic, the political, and the discursive.

In the first thread, neoliberalism refers to a now-dominant regime of capitalist accumulation that sought to restore conditions for capitalist economic growth after the crisis of postwar Fordism, principally by attacking forms of worker solidarity and state regulation that resist maximum rates of labor exploitation (Amin 1994; Harvey 2007). The development of new communication and information technologies played a decisive role, allowing capital to respond to uncertain and competitive markets by exploding the vertically integrated industrial firms of high Fordism into complex constellations of smaller firms stretching across the globe (Castells 2009). Linked by temporary contracts, these production networks linked together otherwise isolated units of labor, with business services proffered by high-skill, high-wage workers in "global cities" and routine production outsourced to low-wage export production zones (Sassen 1991).

As Harvey (1989) writes, the key principle at work in the neoliberal regime of accumulation is "flexibility." Networks of firms coalesce to take advantage of temporary opportunities for generating profit, then dissolve just as quickly when the window of profitability begins to close. Importantly, in this "flexible" neoliberal regime, relations between workers and firms are thoroughly transformed. The once common experience of job security and lifetime employment under postwar Fordism fades into myth (Pugh 2015). Instead, workers are told they must become "flexible" themselves, that is, to be ready at a moment's notice to reinvent themselves in order to meet the ever-shifting needs of employers (Ross 2004). To be "flexible" as a worker in neoliberalism, therefore, is to be precarious, anxious, and forever insecure (Dyer-Witheford 2015).

Other work on neoliberalism develops a second thread—the political. As regulation theory suggests, all regimes of accumulation must be accompanied by a distinctive *mode of regulation* that works to stabilize the inherent contradictions of capitalism and thus promote the regime's social reproduction over time (Brenner and Glick 1991). This is where we encounter the distinctive character of the neoliberal state, as developed, for example, by scholars writing on the rise of Thatcherism in the UK (Hall 2017).

Although it can take somewhat different forms, the neoliberal state attempts to promote capitalist

2 See the following for discussions of the neoliberal university in other national contexts, including Canada, Ethiopia, the Netherlands, Sweden, Turkey, and the UK (Dinibutun, Kuzeym and Dinc 2020; Fleming 2021; Ghanizadeh and Jahedizadeh 2015; Harris 2005; Ideland and Serder 2023; McKeown 2022; Reuter 2021; Shore 2008; Siyum 2022; Tekin S. 2003).

logic—individualism, competition, and the equation of accumulation with the social good—both laterally and vertically throughout society. Laterally, the state attempts to reduce or eliminate all "friction" that might slow or impede the spread and intensification of capitalist accumulation, including any environmental regulations, labor protections, attempts at collective bargaining, and any other restrictions that impinge on the freedom of "property" (Brenner and Theodore 2002; Harvey 2007). Vertically, the state commits to aiding the penetration of capitalist relations into realms of life once sealed off or protected from the logic of accumulation, including especially within civil society (Dean 2010; Rose 1990). This is where we have seen nearly 50 years of neoliberal policies that sell off collective resources (infrastructure, natural resources, etc.) while also privatizing public services like pensions, health care, and public education (Harvey 2007). The faith is that if we organize all social relations around capitalist logics of property, individualism, and competition, and if we push all risks and rewards onto individuals rather than collectives, the social good will emerge naturally via the apocryphal "invisible hand" (Buchanan and Tullock 1999; Friedman 2020/1962). The virtuous will be rewarded, the idle will be punished, and all resources will be devoted to their "highest and best" use.

Finally, beginning in the late 1990s in the English-speaking world, scholarly work on the economics and politics of neoliberalism began to be supplemented by a third thread of research, one that focused on the distinctive forms of subjectivity and identity that have emerged in the post-Fordist, neoliberal era (Ouellette and Hay 2008).

Overall, this work on "the neoliberal subject" looks not to Marx but to Foucault for inspiration, focusing especially on Foucault's late-career work on "governmentality" (Dean 2010). As Foucault argued, governmentality is a form of social power that operates at a different register than sovereignty (the power of state coercion) and discipline (power exerted within institutions). Instead, governmentality works to mold and shape subjects from a distance, eschewing coercion or discipline in favor of modeling, education, and persuasion (Lemke 2019). Importantly, this "molding" of subjects emanates from agents from multiple social locations, including the state, yes, but also, and more powerfully, from organizations in civil society, including the media, publishing, popular entertainment, the helping professions, and religious communities (Rose 1990). The goal of "government," in this more expansive sense, is the "conduire des conduites" (or "the conduct of conduct") through discourse, principally through interventions that encourage subjects to adopt self-conceptions and habits of behavior aligned with specific models of ideal selfhood (Foucault 1994: 237).

Drawing on these concepts of governmentality and subjectivity, multiple scholars have shown how various organizations and social actors, mostly within civil society and the private sector, have cultivated a widespread and now culturally dominant model of ideal selfhood: *the neoliberal subject* (Brown 2015). Generally, within this literature, the ideal neoliberal subject is presented as entrepreneurial, self-disciplined, and focused on individual achievement (Ouellette and Hay 2008; Pugh 2015; Wilson and Yochim 2017). If life is understood as a competition for scarce opportunities and resources, *the neoliberal subject intends to win*, including "winning" at school, at work, and even in relationships, as happens when one "trades up" for "better" friends and romantic partners (Dardot and Laval 2014). This ideal neoliberal subject views life through the categories of capitalist accumulation. New skills, forms of education, and even social connections are "investments" in one's "brand," meant to increase one's store of "human capital," which can then be exchanged for other strategic resources, including better jobs, new careers, and enhanced social standing (Goldin 2016; Hund 2023). Perhaps most importantly, the neoliberal subject in its purest form is free of obligations to others, liberated from collective responsibilities, and beholden to no one (Brown 2015).

Without a prime mover, without a singular agent "pulling the strings," these powerful economic, political, and cultural threads have, in the last thirty years, intertwined in relations of mutual reinforcement (Hall and Shea 2013). The emergence of neoliberal regimes of capitalist accumulation undermines the material security of workers across the global capitalist landscape. At the same moment, neoliberal policymakers relentlessly attack all sources of collective security and solidarity (social insurance, social housing, food assistance, collective bargaining) that might buttress workers against the corrosive effects of capitalist creative destruction. And finally, from within this landscape of precarity and

insecurity, multiple actors, from integrative therapists to TikTok influencers, engage in parallel projects of governmentality, offering their followers a vision of a "new you," a vision of an ideal, entrepreneurial "self" who can not only survive but indeed *thrive* in a never-ending contest of all-against-all (Wilson and Yochim 2017; Hund 2023).

American colleges and universities have not been sheltered from the destabilizing forces of neoliberalism, far from it. Indeed, the whole concept of a "public university" has been under a sustained assault, with its public mission–producing knowledge and educating students for the common good– increasingly threadbare and frayed by decades of neoliberal governance. Neoliberal logics dominate the field of higher education everywhere, defining students as consumers, professors as exploitable labor, and a college degree as an individual investment in one's "human capital" (Fleming 2021).

In the next section, we show how these intertwined economic, political, and discursive logics of neoliberalism have shaped and reshaped both the material conditions of faculty work in American universities and our own professional self-understandings of what being a "faculty member" means. We do this by suggesting that the contemporary neoliberal university is constituted by multiple *engines of disconnection*. Taken together, these engines work tirelessly to isolate and divide faculty by redefining intellectual life as a competitive quest for individual achievement and prestige, and in so doing, these engines undermine the material and social conditions necessary for relations of faculty solidarity to grow and take hold.

Engine of Disconnection I: Neoliberalism and the Entrepreneurial Professor

As noted above, one of the distinguishing features of neoliberalism as a regime of accumulation is to create competitive markets in all areas of life, including social fields once sheltered from market forces. The argument is that setting up a competition for scarce resources (space, time, money, and status) will not only determine the best use of these resources but will also discipline the competitors into becoming the most self-actualized, most accomplished versions of themselves. In short, out of the crucible of competition will emerge an ideal neoliberal subject–an entrepreneurial or "edu-preneurial" subject focused on individual achievement and advancement (Idleland and Serder 2023).

This is the idea, at least. In practice, of course, these competitions are never equal to begin with, and they inevitably amplify the maldistribution of resources and the hardening of status and prestige hierarchies into caste-like forms. Moreover, actual human beings can and do refuse to adopt the subject positions proffered by institutions, so perfectly realized entrepreneurial subjects may be difficult to find (Watts 2022). Even so, neither these negative outcomes nor the subtle resistance of faculty have prevented university leaders from pushing these same market logics deep into the heart of university policy and governance.

At George Mason University, we see this competition principle at multiple organizational scales, including the Department, College, and University levels. We compete with one another for enrollment, for faculty lines, and for graduate funding. At GMU, in fact, very few resources are awarded to all equally. However fantastical it seems now, it was once commonplace in American higher education for full-time faculty to receive sabbaticals on a regular, seven-year cycle (six years of work, one year of rest) (Macfarlane 2022). At GMU and many other universities, however, faculty must now compete against one another in a time-consuming application process to win one of a handful of study leave slots or professional development grants available each year. Indeed, within the neoliberal university, the only resources that are distributed without competition are high-workload, low-status positions like Associate Chair, which come with punishing workloads but *without* significant power or salary increases, or even a meaningful bump in professional prestige. Indeed, such service positions can preclude advancement in the faculty hierarchy.

Of most consequence, however, is the competition for job security in the form of a tenure-line, full-time faculty position. To be sure, tenure-line positions at all colleges and universities have been competitive since the AAUP first formalized the concept in 1915. Yet, for much of the 20th century, tenure-line positions were the norm, not the exception. For example, in 1975, 56% of all college and

university faculty positions–including two-year, four-year, and doctorate-granting institutions–were occupied by tenured or tenure-track professors (Curtis 2014). Not surprisingly, tenure density was even higher at comprehensive, research, or doctorate-granting universities. For example, even as late as 2004, tenure density in the California State University system–a public university system whose mission is squarely focused on teaching–was at 66% (Stein 2023). Yet for all institutions, teaching- or research-focused alike, tenure density has declined precipitously since the higher watermark of the early 1970s. By 2011, across all of American higher education, only 29% of faculty positions were held by tenured or tenure-track faculty. Indeed, the AAUP estimates that over 90% of the growth in faculty positions between 1975 and 2011 was in contingent, non-tenured positions (Curtis 2014).

Access to tenure has thus, in the last 40 years, become a precious and rare resource and one subject to brutal competition. This competition, of course, begins long before most competitors are even aware they are in the game. After all, an academic's life, let alone the life of a tenured full professor, is not equally accessible to everyone (Kennelly, Misra, and Karides 1999; Stricker 2011; Navarro 2017; Ellsworth et al. 2022). The accumulated advantages accrued by being born in a particular family, of a particular race or national origin, with a particular gender and sexual identity, in a specific zip code, with access to good jobs, good schools, enviable incomes, and endless enrichment opportunities have all combined to create an American academy thickly populated with academics from dominant social groups (Hamer and Lang 2015; Mignacca 2019; Museus, Ledesma, and Parker 2015).

From these family advantages, the competition then moves to SAT scores, college and graduate admissions, graduate funding, and being mentored by the "right people" at the "best," most exclusive universities. Regardless of whether you are teaching or research-focused, all of these social and economic advantages make securing a full-time or tenure-line position much more likely (Colby and Fowler 2020; Pifer et al. 2023),

It is here, then, at the precipice of the academic job market, where the system truly pits all against all in the battle for tenure and job security. Tenure has historically been available to all faculty, both research-focused and teaching-focused faculty alike, and our profession should treat those who view themselves primarily as teachers with as much respect as those who develop a passion for conducting research (Ludlum 1950; Reichman 2021). Yet the slow withdrawal of tenured positions has hit teaching-focused faculty hardest of all, particularly in so-called "research universities" and public comprehensives. In these institutions, tenure is now reserved almost entirely for research-focused faculty, thus presenting teaching-focused faculty with a choice between competing madly for the small number of tenured positions typically available at teaching-focused liberal arts colleges, shifting to community colleges (a sector experiencing its own hemorrhage of tenure-line positions), or applying for a non-tenure-track job at a research university or public comprehensive.

Regardless of the pathway, those who win in these competitions at institutions large and small get access to the shrinking number of tenure-line jobs, along with the material rewards of job security, lower teaching loads, and better pay. Those who are denied access to tenure-line jobs are thrust into a competition for the growing percentage of untenured but still full-time teaching positions available at public comprehensive or larger research universities. To be sure, these contingent positions most often come with benefits, and for many, they also fit more comfortably with their intellectual identities as inspiring and dedicated teachers. Yet, despite these benefits, these positions also demand that faculty take on punishing teaching loads and even service obligations that, for many, can slowly corrode their passion for teaching and mentoring students (Sabagh, Hall, and Sayoran 2018; Ghanizadeh and Jahedizadeh 2015; Siyum 2022).

Finally, those who find themselves still standing after this brutal game of musical chairs for full-time positions (tenured or untenured alike) often either leave academic life entirely or somehow patch together a living as a hyper-exploited adjunct (Anthony et al. 2020; Andro 2021). Of course, the dirty secret in academic circles is that *everyone* knows (or has mentored) a brilliant thinker and teacher who never landed that elusive tenure-line or full-time position despite years of trying. Most likely, we know more than one. We may pretend this competition rewards the very best of us, especially if we ourselves have managed to win this high-stakes lottery, but in our hearts, most of us know that meritocracy in

higher education is a lie (Purcell 2007).

The consequences of this neoliberal, all against all competition for resources, reverberate across campus. From the full-time contingent faculty perspective, we have heard from so many who have shared what it feels like to have been dispossessed of something tenured faculty enjoy: job security. Although our chapter depends on dedicated contingent faculty, even our most courageous untenured colleagues have told us they always calibrate their levels of exposure and risk. Will my chair get upset if I speak up in a meeting? Will the Dean note my presence at a GMU-AAUP rally or my signature on a faculty petition? As chapter leaders, we have been told numerous times by non-tenure track faculty that "I love what you do, but I'd prefer to stay in the background," and the reasons they give almost always boil down to one thing: fear of losing their jobs.

Not surprisingly, we have heard this same fear in our conversations with tenure-track Assistant Professors, and for many of the same reasons. On the tenure track, the mantras we've heard are "keep your head down," and "don't antagonize senior faculty." Who can blame them? With their privileged status and their family's future hanging in the balance, the logic of the neoliberal university pushes early career faculty into a bind: either direct every ounce of time and energy into research productivity or risk losing your career. For this reason, in our experience, Assistant Professors are another common source of GMU-AAUP support and praise from deep in the background.

What about tenured faculty? Although tenured faculty do enjoy enhanced job security, even these relatively privileged workers are not spared from either the competitive pressures of the neoliberal university or from feelings of insecurity and fear.

Put simply, tenure does not make you bulletproof. The threat of post-tenure review lies quietly in the background, even if it has been used relatively sparingly at GMU in recent history. Moreover, most, if not all, members of the tenured faculty have built their careers during an era when neoliberal models of university governance have been ascendant (Fleming 2021; McKeown 2022). From their first days in graduate school, in short, tenure-line faculty have been socialized into thinking about their work through the lens of the ideal entrepreneurial faculty subject, where they are called relentlessly to *produce*, to be *productive*, to accumulate individual achievements and lengthy CVs, to progress from assistant to associate to full–and to do so quickly, lest we be seen as a late bloomer or, condescendingly, a "good worker bee" (Putnam 2009; Schwartz 2016; Nititham 2022).[3] Such hits to our professional reputations sting deeply, yes, but more to the point, they undermine our power and ability to exert control over our working conditions. In the academy, research is the coin of the realm. It is a powerful source of symbolic capital (Barnett 2003; Lucas 2004).

In other words, regardless of contract status, rank, or position, the incentives of faculty life in the neoliberal university all push toward an ethos of individual achievement and away from collective action. When you combine these symbolic incentives and pressures (status, prestige, fear) with the material concerns of precarity, overwork, and burnout (discussed in more detail below), virtually everything in faculty life is stacked against the decision to get involved. Given this hostile institutional context, we feel fortunate and grateful for the amount of buy-in we have, in fact, received from our tenured, term, and part-time colleagues.

Engine of Disconnection II: The Dull Compulsion of Overwork

If the penetration of market logics into university governance has yielded a faculty divided by imperatives of competition and fear, the economics of contemporary American higher education also works against faculty solidarity in a much more direct way. It simply buries us all under punishing and ever-increasing workloads. As faculty activists, the most common reason we hear from our colleagues for not getting involved is "I'm just too busy." There really is no satisfying response to this, because it's true. They *are* too busy to advocate and agitate for better working conditions. They are stretched too thin at work. They are on their own at home. They are indeed stuck on the late capitalist hamster wheel. To be sure, we can say–and we do–that the only way to get off the wheel is to organize with others

3 Direct quote from a former chair who described [the co-author] to a former Dean in this way.

and that, someday, the time they sink into organizing will pay off in a more humane workplace. But this doesn't help them now. They are already at 100 percent and have nothing left to give.

It took a long time to get to this unhappy place, and a lot of intertwining political decisions and policies worked to get us here. These policies include the disastrous decision, beginning in the 1980s, to reconceptualize a university education as "human capital," the benefit of which accrues not to the society but to the individual student (Kezar 2004; Saunders 2007; Fleming 2021). This reconceptualization served as the justification for steadily reducing state support for higher education while shifting the burden onto students and their families (Cottom 2017; Newfield 2018). Not only did this lead to the explosion of student debt during the next 40 years, disproportionately impacting students of color, first-generation students, and students from low-income families (Newfield 2018), but the slow starvation of public universities aided in the installation of the neoliberal modes of governance discussed above (Cloud 2018). The modern public university would be run like a business, with the constant pressure of shrinking state support helpfully forcing administrators and faculty alike to "do more with less," a nice euphemism for the wrenching move to a majority-contingent faculty workforce toiling under increasing teaching loads, escalating research expectations, and increasing class sizes (Washburn 2006; Navarro 2017; Andro 2021; Marcus 2021).

To this history of neoliberalization we might also add the intertwined histories of racial and gendered exclusion in the American academy. Black and Indigenous scholars, along with other minoritized scholars, were almost universally excluded from faculty positions at American universities until the development of Historically Black Colleges and Universities (HBCUs) in the mid-1800s (Kennelly, Misra, and Karides 1999). Today, even as the civil rights movements of the 20th century forced open the doors of predominantly white institutions, at least as a matter of law, these exclusions persist in practice if not policy. In 2017, less than one percent of postsecondary faculty identified as Indigenous (American Indian or Alaska Native), only six percent identified as Black, and, in total, only 24% could be identified as "non-white" (Davis and Fry 2019). White women have had more success in breaking down the ivory gates at American universities, reaching near parity with men across the American faculty as a whole. In fact, most professors and students in higher education are women. Yet scholars who identify as women are far more likely than men to find themselves pushed toward non-tenure track and contingent positions. Overall, according to Colby and Fowler (2020), women only occupy 43% of tenure-track positions, and only 33% of full professors identify as women.

However sobering, these numbers fail to convey the struggles faced by women, scholars of color, and racialized women most of all (Cottom 2019). For their part, Kennelly, Misra, and Karides (1999) document the loneliness and isolation minoritized scholars have endured, especially considering that they are often the only faculty of their particular mix of racial, gender, and sexual identity within the Department or even the university as a whole. Almost everyone who identifies as a woman or scholar of color can tell multiple stories of social exclusion, unequal pay or recognition, harassment, or discrimination at their universities, and even these stories cannot capture the corrosive grind of microaggressions that sap the spirit and serve as near-daily reminders of continuing exclusion and marginalization (Hamer and Lang 2015). The ongoing hostility of predominantly white institutions to scholars of color and the stubborn persistence of implicit (and explicit) sexism in the academy present daunting barriers to faculty organizing and the goal of building intersectional trust and solidarity across lines of race, class, sexuality, and gender.

So in the United States, now over four centuries deep into our intertwined histories of white supremacy and misogyny, and more than four decades down the neoliberal road of austerity, privatization, and precaritization, where do we stand? As faculty organizers, we can confidently state that we are not in a good place. In fact, from our vantage point at George Mason University, faculty morale is at an all-time low.

Let's start with our most exploited faculty colleagues. At GMU, adjunct professors are capped at six courses per year (excluding summers), a figure which purposefully puts them just below the threshold for receiving employer-provided health insurance under the Affordable Care Act. The absolute most they can earn at GMU teaching these three classes a semester–a full-time load under

any reasonable system–is between $19,656 and $30,942 (Guilford 2024). Even at the upper limit, this income represents only 51% of what is required to meet basic expenses for a single individual in Fairfax County, Virginia (Living Wage Institute 2024).

Not surprisingly, job satisfaction is lowest among what GMU administrators call "full-time adjuncts," that is, those part-time professors whose only form of support is teaching and who would like to land a full-time faculty position with benefits (Jones and Boehm-Davis 2016). We have heard reports of adjuncts sleeping in their cars as they try to piece together a living teaching 4-5 courses a term across multiple institutions. Even if we were skilled at meeting our adjunct colleagues halfway and centering their concerns in our work–and, alas, we are not–their working conditions present daunting challenges to anyone hoping to organize adjunct faculty and link them with other instructional workers on campus.

For their part, full-time term faculty have a vital presence and deep roots in all academic units at GMU. And like adjuncts, they are exploited as well, laboring under intensive 4/4 workloads for salaries that are, by policy, set significantly below their tenure-line counterparts. In fact, the university's required minimum salaries for term faculty at each rank (assistant, associate, full) are set, in lockstep, a full $15,000 below those on the tenure track (Ginsberg 2020). Although individual colleges can raise their term faculty above these minimums to create parity across the tenure divide, the minimum salary policy is a clear statement that GMU values research (full-time tenure-line faculty) more than teaching or practice (full-time term faculty).[4]

Full-time contingent faculty who teach feedback-intensive courses–including writing courses, performance courses, journalism, and research methods–are particularly exploited. Each semester, term faculty tell us they are drowning under multiple assignments in each section as they return detailed and iterative feedback on multiple drafts to help students develop their skills. Although guidelines from national organizations mandate small course caps for feedback-intensive courses (e.g., a maximum of 15 students for writing-intensive courses), GMU routinely packs 24-40 students into such courses (Conference on College Composition and Communication 2015). Some of our writing and composition faculty on 4/4 loads are required to respond to the work of 80-120 students each term, returning feedback on multiple drafts per student.

This pace is not sustainable. It corrodes our colleagues' health and well-being. It also saps their energy and ability to engage even in basic university governance, let alone the "optional" work of organizing with GMU-AAUP. The result is that, although term faculty do most of the undergraduate teaching at GMU, they are often silent–or rendered silent–when it comes to setting policy at the department, college, and university levels. Although they have the formal right to engage in faculty governance, they often lack the time and energy to engage in either while also lacking the job security to speak their minds openly and publicly in governance debates. Although many dedicated term faculty somehow find time to engage and courageously speak their minds, in general, these working conditions exert near-constant pressure on our term faculty to keep their heads down and try to stay ahead of their intensive teaching workloads.

Finally, tenured and tenure-track faculty also find themselves buried under escalating workloads. Research expectations, especially for new Assistant Professors, have steadily escalated. Upon tenure, intensive service obligations often await, particularly for women and faculty of color who often feel subtly called, cajoled, or pressured to focus their time on advising students and serving their colleagues in such roles (Misra et al. 2011). Even those who reach the pinnacle of the faculty status hierarchy–our full professors, our research superstars, our golden ones–feel ground down by the incessant competition for grant funding and the demands of mentoring the next generation of university researchers.

None of this is good news for faculty organizers. The colleagues we are trying to organize are all exhausted from the performativity demands of the neoliberal university.

The above sketch has focused on the challenges we have faced. But that is only one side of our experience. Despite these challenges, we have also seen faculty of all ranks and positions at GMU selflessly give their time to support their colleagues, both in faculty governance and as members and

4 Internal memorandum available online at https://drive.google.com/file/d/1x2uthxGTfxdBjyrN73zQabrXl4joju3k/view?usp=sharing

leaders in GMU-AAUP. We are deeply grateful to all those who somehow defy the system and carve out precious time to engage in collective actions that may not reach their goals or pay off for years.

At the same time, the material and ideological barriers to faculty solidarity described above are quite real. The institutional culture and incentive systems of the neoliberal university–built on reductive notions of individual productivity and achievement–quietly undermine solidarity, demanding that faculty produce more with less and discouraging faculty from thinking about our interdependence with others. Even when faculty reject these symbolic and material incentives, the dull compulsion of overwork pushes relentlessly down on faculty of all ranks, smothering the impulse to join with others to improve working conditions for all. Taken together, these dynamics perform exactly as designed. They isolate and divide the faculty against one another, keep these isolated faculty focused on their individual ambitions, and thus undermine our ability to engage in the single activity powerful enough to challenge neoliberal systems of university governance: collective action.

A Better Path Forward

Throughout this paper, we have struggled to balance the agency of individual faculty with the pressures and limits exerted by structural relations of power and resources. It's not always easy to focus on the structure. When you ask faculty members for help, and they say no, it feels like an individual choice. After all, *we* are engaged in this work even though we have individual ambitions, and our work and family lives can also feel chaotic and overwhelming. Despite this, we found a way to say yes. But we also know that, as leaders, we must put these feelings aside. More to the point, as critical scholars, we are intimately familiar with the severe limits of individualistic or agency-centered analyses of social action. We are, in fact, committed materialists. We understand that, paraphrasing Marx, human beings indeed make their own choices, but never under conditions of their own choosing.

To untangle these questions of agency and structure in promoting or undermining collective action at the university, we turn to Iris Marion Young's (2011) political and feminist theorizing on how structural oppression and unequal power relations operate to reproduce and maintain inequitable systems. In Young's framework, oppression is certainly the product of tyrannical power, where a ruling group, such as in South Africa during Apartheid or in the US during slavery or Jim Crow, deploys myriad, often punishing and dehumanizing, strategies to maintain power and control over its subjects. But critically, Young also recognizes that oppressive forces operate in the everyday, where well-intentioned people working within systems enact and enforce practices that likewise reproduce structural marginalization and exclusion. In this way, oppression also refers to the systematic constraints on groups that are "embedded in unquestioned norms, habits, and symbols, in the assumptions underlying institutional rules and the collective consequences of following those rules" (Young 2011: 41). Thus, she argues that institutionalized power is mediated by many actors or "third agents" who, for a complex host of reasons, including unconscious processes, "support and execute the will of the powerful" (Young 2011: 31). In her writings, Young describes how institutionalized power is exercised by, for example, a judge over incarcerated people via a network of agents, including prison wardens, administrators, guards, lawyers, and parole officers, who are each tasked with operationalizing and carrying out the laws, policies, rules, and regulations of the criminal legal system.

To fully understand how structural oppression operates, we must understand how individuals, as agents of the powerful, knowingly or unknowingly reproduce the background conditions necessary to perpetuate marginalization (Young 2011). In this sense, individuals are not to blame for structural inequities, and accounts that focus on individual agents most often miss the mark. Indeed, Young claims that individual attribution or blame would not help remedy structural injustice because structural injustice is not an isolated instance of wrongdoing. For Young, structural oppression is the product of multiple actions and processes occurring over time that are enacted and enforced by diverse agents or everyday workers who are following "the rules" and acting within accepted institutional norms. In other words, structural oppression is the "unintended, cumulative result of everyday, accepted behavior" (Young 2011: 52).

We believe that similar dynamics are at work within the neoliberal university. Inequities are baked into the institution at a structural level, and the actions of well-intentioned administrators and faculty enact and enforce, reproduce, and maintain structurally oppressive outcomes. Focusing on the actions or inactions of individual faculty, blaming individual faculty members for their decisions to "go along to get along" rather than engaging in collective action for structural change, is to miss the mark. We are all simply trying to survive and succeed within the context we've been given, with the resources at our disposal. The system presents rewards, however meager, for relentless and exhausting productivity. It offers nothing in return for collective action.

The political question before us is clear. What are the principles and practices that promise to break through the structural barriers discussed above and encourage a renewed commitment among faculty to collective action for change at the neoliberal university? We can only begin to sketch an answer here, but in this final section, we offer three principles that we believe can productively guide efforts to build solidarity on campus.

Principle 1 - Organizing versus advocacy

The first principle speaks to the purpose of faculty advocacy organizations like GMU-AAUP. Right away, the language we often use to describe our work–advocacy–subtly leads us in the wrong direction. As we have written with other AAUP activists, the term "advocacy" connotes a specific philosophy of social change and posits a particular relationship between an organization's leaders and members (Fields et al. 2022). Briefly, framing activism as "advocacy" suggests that leaders with expertise *represent* their members in the halls of power and attempt to drive movements of social change from the top down. For this reason, as a form of activism, advocacy has a certain flavor. Advocates send letters to administrators demanding investigations and meetings. They pass tightly crafted resolutions in the Faculty Senate. They ask tough questions in public meetings. And what about members? In an advocacy model, members take on a largely transactional role. They pay the dues that support the chapter. They ask for help when their rights are violated. When a crisis hits, they might be willing to sign the occasional petition or attend a rally. However, their main role as members is to provide passive support for chapter leaders who pressure decision-makers on their behalf.

This is no way to build faculty consciousness about structural oppression or build faculty power to leverage systemic change. The advocacy model is hierarchical, and it is easily co-opted by administrators. Indeed, we can think of many well-intentioned colleagues who have taken the oft-trod path from faculty advocacy to administrative ambition. But most of all, the advocacy model, in true neoliberal form, cultivates an ethos of passivity and customer service among members. It is also very seductive. We have learned how easy it can be as leaders to slip into a "watch-dogging" posture, where our work becomes focused on problem-solving for individual faculty (like an ad hoc grievance committee) and hitting administrators with social media broadsides. All of this is time-consuming, to be sure, but in truth, it's much simpler and easier than doing the daily, difficult work of raising consciousness about the harms of neoliberalism and our respective roles in its perpetuation and building one-on-one connections with faculty across lines of status, rank, and discipline. Yet, ultimately, advocacy is self-defeating, leading inevitably to burnout and bitterness. This is a familiar trap we have fallen into multiple times.

Instead, we have tried to put *organizing*, not advocacy, at the center of our work. As Fields and her co-authors argue, organizing begins with the premise that lasting, structural change occurs when large numbers of individuals refuse to "go along to get along" and come together to press demands on decision-makers. The power our chapter wields is collective power. It is the power that accumulates when large numbers of faculty are actively engaged in the daily life of the chapter. The more active our members are, the more collective power we wield to press for systemic change (Fields et al. 2022). In this way, chapter leaders are not the source of power. They are merely those who volunteer their labor temporarily to coordinate wide participation in the process of building connections, expanding faculty

buy-in, setting goals, and planning campaigns. Good leaders may magnify and focus power, but the source of power lies with our members and supporters who understand how structural oppression and unequal power relations operate and are deeply motivated to fight in solidarity for our collective, interlinked liberation.

Building collective power in this way is not glamorous. It means pushing out of one's comfort zone, reaching out to colleagues, going to coffees and lunches, and talking with faculty about their experiences and their hopes for the future. It is the kind of relational, trust-building work that garners little currency within the neoliberal university. It means asking people to trust and do things together for the common good, to join as members, to pay dues, to move from doing nothing to doing something, and then to do a little more each year. None of this is easy. We fail at it all the time, yielding to the demands of our day jobs. But we also know that this work is the only way to build the kind of collective power necessary to force structural, systemic change to liberate our university from the grips of oppressive neoliberalism.

Principle 2 - Center the margins

We have argued that the barriers organizers face in this task of building connections and collective power are formidable. The twin engines of disconnection–neoliberal competition and the dull compulsion of overwork–not only squeeze every last drop of productivity from faculty labor, but they also act to constrain individual agency. These engines exert friction against the decision to get involved.

No one is immune from this friction, but clearly, some faculty–chiefly tenured faculty–have more agency than others. Yet our university's entrepreneurial organizational culture pressures tenured faculty to devote their enhanced agency toward the goal of increasing productivity, but their enhanced job security and autonomy also means they have more room to maneuver, to resist.

Call it the Spider-man principle. With enhanced agency comes great responsibility. As tenured faculty, we believe we have a moral responsibility to help advance the interests of colleagues who face more risks and earn fewer rewards and to help those who are the most vulnerable and carry the heaviest burdens in an oppressive, gendered, racialized, and classed structure. Following feminist praxis, in short, we believe our work should center the margins (hooks 2000).

But this is not merely a moral commitment. It is a pragmatic and strategic choice as well. Tenured faculty could devote their autonomy toward advancing their specific class interests–more research leave, more support for grant writing, and more funding for research assistants. However, this would only widen the gap between contingent and tenure-line faculty and undermine the collective power necessary for true systemic change. Instead, we believe tenured faculty should devote their enhanced resources to initiatives that increase the autonomy of faculty across all ranks, with a specific focus on contingent faculty and graduate students.

Universalizing tenure, for example, does not directly benefit tenured faculty. However, it would greatly empower full-time contingent faculty, reducing the barrier of fear and freeing them to engage more vigorously and openly for systemic changes–including reduced workloads and increased pay–that benefit all faculty (and students as well). The same logic applies to initiatives that enhance the agency and autonomy of graduate students. Faculty support for graduate employee unionization not only improves our students' quality of life, but their increased security would free graduate students to join more openly in cross-campus activism. The recent and dramatic victory of a coalition of tenure-line professors, contingent faculty, and graduate student workers at Rutgers University–where all three instructional unions struck at once and won historic concessions from university administrators–offers a powerful example of the strategic value of centering the margins (Bowman 2023).

Ultimately, as Erik Olin Wright (2019) argued in his last book, the goal of organizing should not simply be to win concessions from authorities while the more fundamental "rules of the game" go unchallenged and unchanged. Rather, *the goal is to change the game itself*–that is, to win resources and establish policies that decisively alter the field of struggle in ways that advantage faculty and

students. The quickest and most powerful way to change the game itself is to struggle alongside the colleagues whose agency is currently most constrained and win them access to the resources they need to join the fight. To not engage in this way is to wittingly or unwittingly serve as the agents of the powerful in the reproduction of structural oppression.

Principle 3 - Embrace reflexive solidarity

Like most other political concepts, solidarity is in danger of devolving entirely into buzzword or hashtag status. We cannot let this happen. Solidarity, in fact, is a concept that must be rescued, nurtured, and rehabilitated not merely in discourse but in practice. Solidarity, in short, is not just something you *feel*. It is something you *do*. Organizing in this way is the labor of solidarity. *It is solidarity work*.

For their part, Kneuer et al. (2022) argue that solidarity can be best conceptualized as a particular kind of social relationship that occurs when (a) at least two actors (b) share in a goal of overcoming adversity, and, crucially, (c) are prepared to incur high costs in the process of achieving the goal. It is this last element–a willingness to incur individual costs for collective goals–that separates solidarity from compassion or other forms of tacit or symbolic support. Beyond mere well wishes, solidarity means that both parties have skin in the game. Both parties are taking risks, even if the risks are rarely distributed equally among the parties involved.

Solidarity operates as a powerful orienting ideal with deep roots in the experience of the social movements of the 19th and 20th centuries. Yet the history of these movements has also repeatedly shown solidarity work itself is subject to internal divisions and unequal relations of power. In short, power relations *within* social movements have often defined solidarity in ways that advantage the perspectives and goals of group leaders at the expense of marginalized movement actors (Collins 2017).

In fact, the second wave of Black feminist scholarship and praxis famously focused on precisely this intersection between solidarity and power in social justice struggles (Carastathis 2016; Collins and Bilge 2020; Crenshaw 2019). Even as they struggled for gender equality for all women, Black feminists faced demands from white leaders to subordinate their concerns about race and class within the feminist movement in the interest of presenting a united front against their "common" experience of misogyny. At the very same time, the male leaders in Black liberation movements pressed similar demands on Black women to ignore concerns over sexism within the struggle for racial justice and civil rights.

For this reason, Patricia Hill Collins' (2017, 2019) work on intersectionality argues for a model of revolutionary praxis based on what she calls *flexible solidarity*. For Collins, flexible solidarity is a conditional, adaptable, and pragmatic form of solidarity that is especially suited to the needs of marginalized groups within larger movements for social justice. She describes how Black feminists in the 20th century would strategically tack back and forth between moments of united-front solidarity with male leaders, particularly when engaged with the White power structure, and moments where they would press demands for the dismantling of patriarchy and sexism within Black liberation movements themselves. As Collins (2017: 32) concludes,

> *Black women saw the need for solidarity yet calibrated their ideas and actions to hone critical understandings of solidarity that were better suited for political projects. Solidarity was not an essentialist category, a bundle of rules that was blindly applied across time and space. Instead, a flexible understanding of solidarity enabled Black women to work with the concept, molding it to the challenges at hand.*

At GMU and elsewhere, a similar ethic of flexible solidarity would recognize that, particularly for faculty who are in more precarious positions within the university, solidarity must be flexible and conditional. Faculty members who have accumulated power and resources, including those based on race, gender,

and sexuality, must *earn* the solidarity of their comrades and not expect that it be freely given as a matter of course.

Finally, to Collins' concept of flexible solidarity, we would add one other dimension: reflexivity. In social science, reflexivity refers to a process of self-monitoring when one's own practices come into view for observation and reflection (Giddens 1991). This concept plays a particularly important role in qualitative forms of social inquiry, where researchers commit to applying systematic methods of observation and analysis to their own research assumptions, premises, and practices (Day 2012). In short, reflexivity in research contexts means that the tools of critical inquiry–questioning, testing, interpretation, criticism, and judgment–must be applied not only to participants but to the researcher as well. The hope, of course, is that this process of reflexivity will work to counter the powerful pull of implicit biases and the perils of selective observation and interpretation.

In a similar way, we argue that all participants in faculty organizing should engage in reflexive solidarity–that is, an ongoing self-evaluation and re-examination of their collective policies, commitments, and actions. To what extent are we living up to our values? Do our current practices of building solidarity recognize both internal and external imbalances and inequalities of power and influence? What is the current distribution of risks and resources within our collective, and should these risks and rewards be refigured or redistributed in some way? These are the questions both leaders and members must continually ask themselves and one another as they attempt to strengthen their commitment to act *with and on behalf of one another*.

Reflexive solidarity work is, in this way, open-ended. It is a conversation where we question, negotiate, and rework our commitments to one another. In this conversation, nothing is guaranteed, and failure is always possible. As Jodi Dean (1995: 114) argued:

> *once solidarity is conceived reflectively, we can no longer establish once and for all the content of the expectations of solidarity groups. How we understand ourselves as a 'we,' the expectations we have of ourselves and others, changes over time, varying with respect to our needs, circumstances, and understandings of what is necessary to secure the integrity of our relationships.*

In conclusion, Dean (1995) writes that it is by having this open-ended conversation that we define, as a collective connected *across* and *through* our differences, what it means to stand with and take responsibility for one another–without reducing the other's interests to our own. And it is our hope that by pursuing a strategy of bottom-up organizing, where the margins are centered and where solidarity is not demanded but rather negotiated and offered freely (but flexibly and provisionally), we can both imagine and construct a more open, joyful, post-neoliberal university.

References

Amin, Ash, ed. 1994. Post-Fordism: A Reader. 1st edition. Oxford; Cambridge, Mass: Wiley-Blackwell.

Andro, Erin. 2021. "Exploitation and Isolation in Academia: The Marginalized Experience of Adjunct Faculty." PhD dissertation, Department of Sociology, Kent State University.

Anthony, Wes, Patti Levine Brown, Nicole Fynn, and Phil Gadzekpo. 2020. "The Plight of Adjuncts in Higher Education." Practitioner to Practitioner 10(4):3–10.

Barnett, Ronald. 2003. Beyond All Reason: Living with Ideology in the University. London: Society for Research into Higher Education & Open University Press.

Bowman, Emma. 2023. "The Rutgers University Faculty Strike Is over, for Now, after a Deal Is Reached." National Public Radio. April 15. Retrieved June 1, 2024 (https://www.npr.org/2023/04/15/1170284149/rutgers-university-faculty-strike-ends-tentative-deal).

Brenner, Neil, and Nik Theodore. 2002. "Cities and the Geographies of 'Actually Existing Neoliberalism.'" Antipode 34(3):349–79. doi: 10.1111/1467-8330.00246.

Brenner, Robert, and Mark Glick. 1991. "The Regulation Approach: Theory and History." New Left Review 188(1):45–119.

Brown, Wendy. 2015. Undoing the Demos: Neoliberalism's Stealth Revolution. Cambridge, MA: MIT Press.

Buchanan, James M., and Gordon Tullock. 1999. The Calculus of Consent: Logical Foundations of Constitutional Democracy. Volume 3. Indianapolis, IN: Liberty Fund.

Carastathis, Anna. 2016. Intersectionality: Origins, Contestations, Horizons. Lincoln, NE: University of Nebraska Press.

Castells, Manuel. 2009. Communication Power. New York: Oxford University Press.

Cloud, Dana. 2018. "From Austerity to Attacks on Scholars." Inside Higher Ed. Retrieved April 13, 2023 (https://www.insidehighered.com/views/2018/05/03/neoliberal-academy-age-trump).

Colby, Glenn, and Chelsea Fowler. 2020. "Data Snapshot: Full-Time Women Faculty and Faculty of Color." Retrieved June 1, 2024 (https://www.aaup.org/news/data-snapshot-full-time-women-faculty-and-faculty-color).

Collins, Patricia Hill. 2017. "The Difference That Power Makes: Intersectionality and Participatory Democracy." Investigaciones Feministas 8(1):19–39. doi: 10.5209/INFE.54888.

Collins, Patricia Hill. 2019. Intersectionality as Critical Social Theory. Durham, NC: Duke University Press.

Collins, Patricia Hill, and Sirma Bilge. 2020. Intersectionality. Hoboken, NJ: John Wiley & Sons.

Cottom, Tressie McMillan. 2017. Lower Ed: The Troubling Rise of For-Profit Colleges in the New Economy. New York: The New Press.

Cottom, Tressie McMillan. 2019. Thick: And Other Essays. New York: The New Press.

Crenshaw, Kimberlé. 2019. On Intersectionality: Essential Writings. New York: The New Press.

Curtis, John W. 2014. The Employment Status of Instructional Staff Members in Higher Education, Fall 2014. Washington, DC: American Association of University Professors. Retrieved June 1, 2024 (https://www.aaup.org/sites/default/files/files/AAUP-InstrStaff2011-April2014.pdf).

Dardot, Pierre, and Christian Laval. 2014. The New Way of the World: On Neoliberal Society. London: Verso Books.

Davis, Leslie, and Richard Fry. 2019. "College Faculty Have Become More Racially and Ethnically Diverse but Remain Far Less so than Students." Pew Research Center. Retrieved June 1, 2024 (https://www.pewresearch.org/short-reads/2019/07/31/us-college-faculty-student-diversity/).

Day, Suzanne. 2012. "A Reflexive Lens: Exploring Dilemmas of Qualitative Methodology Through the Concept of Reflexivity." Qualitative Sociology Review 8(1):60–85. doi: 10.18778/1733-8077.8.1.04.

Dean, Jodi. 1995. "Reflective Solidarity." Constellations: An International Journal of Critical & Democratic Theory 2(1):114. doi: 10.1111/j.1467-8675.1995.tb00023.x.

Dean, Mitchell. 2010. Governmentality: Power and Rule in Modern Society. Thousand Oaks, CA: SAGE Publications.

Dinibutun SR, Kuzey C, Dinc MS. 2020. "The Effect of Organizational Climate on Faculty Burnout at State and Private Universities: A Comparative Analysis." SAGE Open 10 (4): 1-19. 10(4):215824402097917

Dyer-Witheford, Nick. 2015. Cyber-Proletariat: Global Labour in the Digital Vortex. London: Pluto Press.

Ellsworth, Diana, Erin Harding, Jonathan Law, and Duwain Pinder. 2022. Racial and Ethnic Equity in US Higher Education. Executive Summary. McKinsey & Company. Retrieved June 1, 2024 (https://cic.edu/wp-content/uploads/2023/03/Racial-and-Ethnic-Equity-in-U.S.-Higher-Education-Ellsworth-et-al.pdf).

Fields, Shawn, Tim Gibson, Rob Kilgore, and Bethany L. Letiecq. 2022. "How to Organize around Issues and Build Faculty Power." Academe 108(1). Retrieved, June 1, 2024 (https://www.aaup.org/article/how-organize-around-issues-and-build-faculty-power).

Fleming, Peter. 2021. Dark Academia: How Universities Die. London: Pluto Press.

Foucault, Michel. 1994. Dits et Écrits 1954-1988, Vol. 4, edited by D. Defert. Paris: Gallimard.

Friedman, Milton. 2020 [1962]. Capitalism and Freedom. Chicago: University of Chicago Press.

Ganti, Tejaswini. 2014. "Neoliberalism." Annual Review of Anthropology 43: 89–104. doi: 10.1146/annurev-anthro-092412-155528.

Ghanizadeh, Afsaneh, and Safoura Jahedizadeh. 2015. "Teacher Burnout: A Review of Sources and Ramifications." British Journal of Education, Society & Behavioural Science 6(1):24–39.

Giddens, Anthony. 1991. Modernity and Self-Identity: Self and Society in the Late Modern Age. Hoboken, NJ: John Wiley & Sons.

Ginsberg, Mark. 2020. "Faculty Minimums Office of the Provost – Effective FY21." Internal memorandum, George Mason University. Retrieved June 1, 2024 (https://drive.google.com/file/d/1x2uthxGTfxdBjyrN73zQabrXl4joju3k/view?usp=sharing).
Goldin, Claudia. 2016. "Human Capital." Pp. 55–86 in Handbook of Cliometrics, edited by C.

Diebolt and M. Haupert. Berlin: Springer Berlin Heidelberg.

Guilford, Renate. 2023. "Memorandum: Adjunct Faculty Salary Matrix, Effective Spring Semester 2024." Office of the Provost and Executive Vice President, George Mason University. Retrieved June 1, 2024 (https://provost.gmu.edu/faculty/faculty-appointments).

Hall, Stuart. 2017. Selected Political Writings: The Great Moving Right Show and Other Essays. Durham, NC: Duke University Press.

Hall, Stuart. 2018 [1980]. "Race, Articulation, and Societies Structured in Dominance." In D. Morley (Ed.), Essential Essays Volume 1: Foundations of Cultural Studies. Durham, NC: Duke University Press.

Hall, Stuart, and Alan O'Shea. 2013. "Common-Sense Neoliberalism." Soundings 55:9–25.

Hamer, Jennifer F., and Clarence Lang. 2015. "Race, Structural Violence, and the Neoliberal University: The Challenges of Inhabitation." Critical Sociology 41(6):897–912. doi: 10.1177/0896920515594765.

Harris, Suzy. 2005. "Rethinking Academic Identities in Neo-Liberal Times." Teaching in Higher Education 10(4):421–33.

Harvey, David. 1989. The Condition of Postmodernity: An Enquiry into the Origins of Cultural Change. Cambridge, Mass.: Wiley-Blackwell.

Harvey, David. 2007. A Brief History of Neoliberalism. Oxford: Oxford University Press.

hooks, bell. 2000. Feminist Theory: From Margin to Center. London: Pluto Press.

Hund, Emily. 2023. The Influencer Industry: The Quest for Authenticity on Social Media. Princeton, NJ: Princeton University Press.

Jones, Tina, and Deborah Boehm-Davis. May 2016. Report on the Adjunct Faculty Task Force Survey. Provost's Office, George Mason University. Retrieved June 1, 2024 (https://drive.google.com/file/d/14CH-fsXeq0I41Kab2dojmetrE9a9D7XMP/view?usp=sharing)

Ideland, Malin, and Margareta Serder. 2023. "Edu-Business within the Triple Helix. Value Production through Assetization of Educational Research." Education Inquiry 14(3):336–51. doi: 10.1080/20004508.2021.2019375.

Kennelly, Ivy, Joya Misra, and Marina Karides. 1999. "The Historical Context of Gender, Race, & Class in the Academic Labor Market." Race, Gender & Class 6(3):125.

Kezar, Adrianna. 2004. "Obtaining Integrity? Reviewing and Examining the Charter between Higher Education and Society." Review of Higher Education: Journal of the Association for the Study of Higher Education 27(4):429–59. doi: 10.1353/rhe.2004.0013.

Kneuer, Marianne, Michael Corsten, Hannes Schammann, Patrick Kahle, Stefan Wallaschek, and Franziska Ziegler. 2022. "Claiming Solidarity: A Multilevel Discursive Reconstruction of Solidarity." European Journal of Social Theory 25(3):366–85. doi: 10.1177/13684310211045794.

Lemke, Thomas. 2019. Foucault's Analysis of Modern Governmentality: A Critique of Political Reason. London: Verso Books.

Living Wage Institute. 2024. "Living Wage Calculator - Living Wage Calculation for Fairfax County, Virginia." Retrieved June 1, 2024 (https://livingwage.mit.edu/counties/51059).

Lucas, L. 2004. "Reclaiming Academic Research Work from Regulation and Relegation." Pp. 35–50 in Higher education in the runaway world, edited by M. Walker and J. Nixon. Buckingham, UK: Open University Press.

Ludlum, Robert P. 1950. "Academic Freedom and Tenure: A History." The Antioch Review 10(1):3–34. doi: 10.2307/4609390.

Macfarlane, Bruce. 2022. "The Academic Sabbatical as a Symbol of Change in Higher Education: From Rest and Recuperation to Hyper-Performativity." Journal of Higher Education Policy and Management 45(3):335-348. doi: 10.1080/1360080X.2022.2140888.

Marcus, Jon. 2021. "Some Universities' Response to Budget Woes: Making Faculty Teach More Courses." The Hechinger Report. Retrieved June 1, 2024 (http://hechingerreport.org/some-universities-response-to-budget-woes-making-faculty-teach-more-courses/).

McKeown, Maeve. 2022. "The View from Below: How the Neoliberal Academy Is Shaping Contemporary Political Theory." Society 59. doi: 10.1007/s12115-022-00705-z.

Mignacca, Elizabeth Seton. 2019. "Social Class in the Formation of Scholars: A Critical Review of Literature." Sociological Viewpoints 33(1):56–69. doi: 10.26908/3312019_013.

Misra, Joya, Jennifer Lundquist, Elissa Holmes, and Stephanie Agiomavritis. 2011. "The Ivory Ceiling of Service Work." Academe 97(1). Retrieved June 1, 2024 (https://www.aaup.org/article/ivory-ceiling-service-work)

Monnier, Nicole. 2017. "'One Faculty' and Academic Governance." Academe 103(3). Retrieved June 1, 2024 (https://www.aaup.org/article/one-faculty-and-academic-governance)

Museus, Samuel D., María C. Ledesma, and Tara L. Parker. 2015. "Racism and Racial Equity in Higher Education." ASHE Higher Education Report 42(1):1–112. doi: 10.1002/aehe.20067.

Navarro, Tami. 2017. "But Some of Us Are Broke: Race, Gender, and the Neoliberalization of the Academy." American Anthropologist 119(3):506–17. doi: 10.1111/aman.12888.

Newfield, Christopher. 2018. The Great Mistake. Baltimore, MD: Johns Hopkins University Press.

Nititham, Diane Sabenacio. 2022. "Positionalities of Precarity: An Autoethnography of 'Making It' in the Neoliberal Academy." Journal of Autoethnography 3(1):38–56. doi: 10.1525/joae.2022.3.1.38.

Office of Institutional Effectiveness and Planning. 2024. "Faculty and Staff Dashboard by Gender and Race/Ethnicity." George Mason University. Retrieved June 1, 2024 (https://oiep.gmu.edu/data-analytics-research/human-resources/faculty-and-staff-dashboard-by-gender-and-race-ethnicity/)

Ouellette, Laurie, and James Hay. 2008. Better Living through Reality TV: Television and Post-Welfare Citizenship. Hoboken, NJ: Wiley.

Pifer, Meghan J., Karley A. Riffe, Jacob T. Hartz, and Maria V. Ibarra. 2023. "Paradise, Nearly Forty Years Later: The Liminal Experiences of Working-Class Academics." Innovative Higher Education 48(1):105–25. doi: 10.1007/s10755-022-09601-0.

Pugh, Allison J. 2015. The Tumbleweed Society: Working and Caring in an Age of Insecurity. New York: Oxford University Press.

Purcell, Mark. 2007. "'Skilled, Cheap, and Desperate': Non-Tenure-Track Faculty and the Delusion of Meritocracy." Antipode 39(1):121–43. doi: 10.1111/j.1467-8330.2007.00509.x.

Putnam, Linda L. 2009. "Symbolic Capital and Academic Fields: An Alternative Discourse on Journal Rankings." Management

Communication Quarterly 23(1):127–34. doi: 10.1177/0893318909335420.

Reichman, Henry. 2021. Understanding Academic Freedom. Baltimore, MD: Johns Hopkins University Press.

Reuter, Shelley Z. 2021. "The Responsible Professor: Eaps and the Neoliberal University." Canadian Journal of Sociology 46(1):1–32.

Rose, Nikolas S. 1990. Governing the Soul: The Shaping of the Private Self. New York: Routledge.

Ross, Andrew. 2004. No-Collar: The Humane Workplace and Its Hidden Costs. Philadelphia: Temple University Press.

Sabagh, Zaynab, Nathan C. Hall, and Alenoush Saroyan. 2018. "Antecedents, Correlates and Consequences of Faculty Burnout." Educational Research 60(2):131–56. doi: 10.1080/00131881.2018.1461573.

Sassen, Saskia. 1991. The Global City. Princeton, NJ: Princeton University Press.

Saunders, Daniel. 2007. "The Impact of Neoliberalism on College Students." Journal of College and Character 8(5). doi: 10.2202/1940-1639.1620.

Schwartz, Joseph M. 2016. "Resisting the Exploitation of Contingent Faculty Labor in the Neoliberal University: The Challenge of Building Solidarity between Tenured and Non-Tenured Faculty." in Neoliberalizing the University: Implications for American Democracy. New York: Routledge.

Shore, Cris. 2008. "Audit Culture and Illiberal Governance: Universities and the Politics of Accountability." Anthropological Theory 8(3):278–98. doi: 10.1177/1463499608093815.

Siyum, Berihu Asgele. 2022. "University Instructors' Burnout: Antecedents and Consequences." Journal of Applied Research in Higher Education 15(4):1056–68. doi: 10.1108/JARHE-04-2022-0131.

Stein, Marc. 2023. "The End of Faculty Tenure and the Transformation of Higher Education." Academe 109(1). Retrieved June 1, 2024 (https://www.aaup.org/issue/winter-2023-whats-happening-tenure).

Stricker, Kristi. 2011. "Class Consciousness and Critical Mass; Exploring the Practice and Scholarship of Academics from the Working Class." Race, Gender & Class 18(3/4):372–84.

Tekin, Serdar. 2003. "Rethinking the Idea of the University: Neoliberalism, Technical Reason, and the Future of University." Toplum ve Bilim/Science & Society (97):144–63.

Washburn, Jennifer. 2006. University, Inc.: The Corporate Corruption of Higher Education. New York, NY: Basic Books.

Watts, Galen. 2022. "Are You a Neoliberal Subject? On the Uses and Abuses of a Concept." European Journal of Social Theory 25(3):458–76. doi: 10.1177/13684310211037205.

Wilson, Julie A., and Emily Chivers Yochim. 2017. Mothering through Precarity: Women's Work and Digital Media. Durham, NC: Duke University Press.

Wright, Erik Olin. 2019. How to Be an Anticapitalist in the Twenty-First Century. London: Verso Books.

Young, Iris Marion. 2011. Justice and the Politics of Difference. Revised edition. Princeton, NJ: Princeton University Press.

Shut your cake hole, you over-educated whore: The misogynistic weaponization of the PhD

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Abstract

The (higher) education of women is a pinball in the arcade game of contemporary masculinity. Andrew Tate, while proclaiming the irrelevance of university degrees, has deployed their nomenclature through his Facebook page, titled the Tate University. One of his 'courses' was described as a PhD (Pimpin' Hoes Degree). Why is the education of women discredited, yet the vocabulary of education appropriated and activated to build the 'alpha male'?

This article does not (only) investigate Andrew Tate, alpha culture or the black pill ideology. It explores why the higher education of women – and university-educated women – is a focus of sustained, brutalizing name calling and abuse in the manosphere.

Keywords

Femininity is a marginal and marginalized identity in online environments. As the internet commercialized, women became visible as customers for the digital shopping centre. Women were unwelcome online visitors who had a right to shop, but did not speak and comment. With the growth of social media through the first quarter of the twenty-first century, other changes accompanied this rise. Women gained from the widening participation agenda that swept through national university systems through the 1980s and 1990s, often accompanied by an introduction or increase in fees to subsidize these degrees. By 2017, and for the first time in the United States, there were more women enrolled in doctoral programmes than men (Whiting, 2018). In 2022, and for the first time, the majority of PhD enrolments in Aotearoa / New Zealand were women (Education Counts, 2024). This trend has been repeated in many nations, with Australian doctoral programmes also dominated by women, sometimes composing two-thirds of enrolments.

Doctoral education matters. I have fulfilled the role of a dean of graduate studies and research for much of the last decade. Concurrently, I have delivered a weekly video for higher degree students and academic colleagues. Recording these vlogs has accompanied me on trips around the world, followed my transfer between jobs, and even the death of a husband, Professor Steve Redhead. Many of these sessions have emerged via requests from higher degree students. The topics vary from the instrumental – *how do I write a conclusion?* – to the practical – *what do examiners look for in a thesis?* – and the ontological – *what is theory?* I have been lucky. The feedback has been generous and gentle.

These weekly sessions have accompanied scholars on commutes, dropping their children at school, or as the soundtrack for a treadmill walk. My ageing process has been catalogued. Life's disappointments and traumas have been shared – including a pandemic, deaths of students, and grief – alongside the neoliberal vagaries of higher education.

Aggressive, confronting and trolling comments have been rare. In 2024, and for the first time, a troll offered comments on the videos that were written and disseminated for doctoral students. Because I filter all comments so I can guarantee a safe space for a diverse group of students, they were caught and seen before they could upset doctoral candidates. Here are some of the unusual comments.

> Look at this muppet
> Look at these muppets
> Look at this little dog
> OMG there it is again.

The language was banal so that YouTube's language policies would not automatically discard the message as spam and / or offensive. Muppets, dogs and 'it' are denotatively neutral terms in most contexts. But as these comments continued to be offered and deleted, they increased in their weirdness and directness. I investigated the profile of the poster. Not using a real name and not posting any videos, or even listing and curating the videos of others, "Heartfelt Henry" joined YouTube in 2022. They created no content. They offered no shareable material or community-building videos. The person was – and is - a meat puppet, constructed to offer anonymous reviews without consequences. As these messages continued, I reported him. The meat puppet disappeared back to their freezer.

One of the more provocative Heartfelt Henry's comments before returning to the deep freeze was "Shut your cakehole, you overeducated whore." As an offensive statement, it has a brilliance to it. It captures the objectification of women's body parts (cakehole), the necessity for women to remain silent (shut your cakehole), and the sexualization of women in public (whore). Of most interest is the word 'overeducated.' How is the 'over' in education determined? As a mitigation to a noun that is an important and valued characteristic – education – the notion of being *overeducated* demands attention. It is relational. For one human to be overeducated, another must be undereducated. This word activates perception, rather than fact. To label another personal 'overeducated' is to log under confidence, brittleness, fear, and worry. As confirmed by Jaki et al, language matters to men and misogynistic communities, with automatic detection software catching up to their vocabulary, language patterns and attacks (2019).

Language is important to this paper. The imperative of my article is to explore why the language of higher education is used by Andrew Tate, the Incel, alt-right, manosphere and Trump-fuelled 'movements' while – concurrently – attacking universities, degrees and the women who work hard and graduate with qualifications. The interventions on my 2024 YouTube channel remain an entrée into the focus of this paper: how the doctorate is being weaponized and used as a tool of ridicule by misogynists. I first recognized the attacks on women holding doctorates with the treatment of Dr Jill Biden, academic and wife of the President of the United States. The mocking of her qualifications, research and career was odd. Peculiar. Nasty. These attacks emerged from men that neither matched nor held equivalent verifications. Therefore, the first section of this paper provides a first lens on the myopathy of misogyny.

Dr Biden, or 'kiddo'

A prequel is required to scaffold this argument. When Joe Biden was elected to the Presidency of the United States, replacing Donald Trump, the education of his wife enflamed social media. Dr Biden's Doctor of Education set off an array of misogynistic attacks. These were not simply attacks on a woman, but on a qualification dominated by women. The doctorate is a standard and level of degree. It is a volume of work. It is relationally defined, being above a masters and bachelor degree.

It is assessed by external examiners and must confirm a SOCK, a significant original contribution to knowledge. A medical doctor holds an MB BS, from the British tradition, acknowledging the achievement of a Bachelor of Medicine and a Bachelor of Surgery. A medical doctor does not hold a masters or a doctorate. Qualifications are ordered in levels that are – as an example - presented in the AQF, the Australian Quality Framework. In a scaffolding from one to ten, qualifications are placed into tiers. Each number is accorded particular graduate attributes and a volume of learning. A bachelor degree is an AQF 7. With honours it is an AQF 8. A Masters degree is an AQF 9. A doctorate is an AQF 10 (Australian Quality Framework Council, 2013).

Within this volume and standard of work, there are many types of doctorate. Doctorates are a genre of writing. The traditional thesis spans between 70,000 and 100,000 words. The artefact and exegetical thesis presents a series of research artefacts – creative writing, sonic, visual, or design based – and a 40,000 word exegesis, explaining the original research configured through the artefacts. A PhD by Prior Publication clusters an array of career publications on a particular area, completed before the enrolment. These are then aligned to confirm a SOCK in an integrating essay or contextual statement, spanning 20,000 to 40,000 words. Then there is the professional doctoral suite. These include the Doctor of Education, the Doctor of Creative Arts, the Doctor of Public Health, and the Doctor of Business Administration, to offer a few of the best known nomenclatures. Depending on the nation, one third of the degree is coursework and two-thirds is independent research. The dissertations are often shorter than the traditional doctorate because of the coursework component.

Dr Jill Biden holds a Doctor of Education, a professional doctorate. Upon her husband's election, she was attacked as an academic. The mocking of her qualifications, her research and career was disturbing. At the time of Joe Biden's presidential victory, I tweeted the importance of this moment, that Dr Biden was a career academic and doctorally qualified (Brabazon, 2020). The responses were immediate, intense, and weird. But these comments were productive in their oddity, and provided an indication of the fear, loathing and anger created through the education of women. The goal was to undermine, discredit, and create false equivalences. For example, Joseph Epstein, in the pages of the *Wall Street Journal*, combined an attack Dr Biden, feminism and doctorates, describing her as "kiddo" (2020) He attacked the use of the "Dr" for humanities and social science academics, and – particularly – ridiculed the discipline of education. He mocked her thesis topic, titled "Student Retention at the Community College: Meeting Student Needs" (Biden, 2007). This is an important area of research, as community colleges reveal a high attrition rate. However, the doctor of education – while demonstrating a volume of learning required by regulatory mandates such as the AQF 10 - differs from the Doctor of Philosophy (PhD). Differences can be exist within the genre of a doctorate while maintaining standards. Natalie Wexler showed why Biden's use of the "Dr" captured a critique of the discipline in which it was achieved: education. There is a particular focus – and fixation – on the scientific method. Most disciplines do not use it. Rigour and transparency are proven and configured differently (Wexler, 2020). Credibility is carried on the scientific method. The experimental sciences – particularly physics – are the only disciplines still dominated by men.

This ridiculing of Dr Biden did not (only) emerge through the election of her husband. The weaponizing of the doctorate and research expertise, particularly when held by a woman, was only intensified through the pandemic. Through the 2020s, the proportion of women in doctoral programmes increased, now forming a majority of students in most national systems. Men are the minority. This inversion has startling consequences. The tipping point is coming where the most educated people in many nations will present a feminine face. This radical reshaping of the ideologies of success, merit and achievement is transformative of how education, qualifications, knowledge and learning are valued. This moment of historical pivot is crucial to the history of doctoral education, but also men, women, and those occupying different gender affirmations. Through such a transformation of credentialling and qualifications, it is necessary to undermine a woman's education, which was clearly revealed in responses to tweets about Biden's doctorate (Cahill, 2024).

Dr Jill Biden is an educated woman and an educator. As shown in social media appearances about love and relationships, she is reflective, intelligent and considered in her views (@meetcutesnyc,

2024). It is possible – and common – to be in a long-term relationship, a parent, an active member of the community, and a doctorally qualified academic. The woman scholar occupies an agitated and unsettled space both inside and outside the university. They complete the 'housework' of the university, servicing men who focus on the actions and behaviours to enable their profile, success and promotion (Macfarlane and Burg, 2019). Therefore, what is happening? Why are educated woman 'a problem' – and for whom? One answer is that women with an education have choices, including the ability to live outside of heteronormative relationships. Currently, a diversity of women, roles and possibilities are available through popular culture to visualize these alternatives. The remarkable and intense response to *The Barbie Movie* (Hinsliff, 2024) and the success of – and backlash towards - Taylor Swift are two examples. The often-cited line from the Barbie screenplay – "She's everything, he's just Ken" – confirms the different popular cultural narratives emerging for young men and women, and the diverse approaches to gender and sexuality. Hinsliff realized the consequence of such movements: "as young women become dramatically more liberal, young men are getting more conservative" (2024). Also confirming this difference, *The Economist* probed, "Why young men and women are drifting apart" (2024).

There is a reason for this separation. My research now moves to explore the ideologies of men and masculinity, while recognizing the powerful historical legacy of Men's Studies (Kimmel, Hearn, Connell, 2004). Certainly when feminists have explored the topic of men, such as Barbara Ehrenreich's *The hearts of men: American dreams and the flight from commitment* (1983), the results are ambivalent and intriguing. Ehrenreich, from the tail end of the second wave of feminism, explored why women marry men, and why men marry women. She recognized the "inequality of motivation" (1983, loc 58), with homophobia being used as a stick to coax men into marriage and validate few alternative positions or roles beyond the breadwinner. From this contextualization of marriage for men, political, economic and social contexts have transformed, with specific attention to the education of women. The anti-woman ideology is a gateway drug for the alt-right. What begins with misogyny moves into white supremacy (Romano, 2018). From this foundational complexity encircling a First Lady and her education, this article moves to the manosphere.

Blackpill Ideology

The manosphere is a reified but productive word that captures a return to traditional values (that never existed). Attended by phrases such as "toxic masculinity," and "casino capitalism" (Manno, 2020), the manosphere is punctuated by attacks on homosexuality to shape a constricted rendering of heteronormativity. Women are reduced to bodies, and indeed orifices, for a penis to enter.

The best known part of the manosphere is the Incel 'movement,' which has gained recent and popular attention, mainly because of the violent words, imagery and action of its members. There is an outlier origin to the word, being formed in 1997 as Alana's Involuntary Celibacy Project. This was a community of all genders and sexual orientations, composed of those who were lonely and not in a relationship. From this benevolent origin, a post-subculture (Redhead, 2016) appropriated the word and reconfigured it for the read write web in the 2010s, activating the commentaries, life and death of Elliot Rodger (Witt, 2020). The r/incels subreddit became the focus of digitized secondary socialization, where men blamed women for their lack of sexual relationships. This subreddit was banned in November 2017 (Bell, 2017).

This post-subculture is composed of mainly heterosexual white men. The trope that organizes the Incel community is the failure of these men to form or build romantic or – more specifically – sexual relationships with women. This is what Michael Halpin described as "weaponized subordination" (2022). The causes of this failure and subordination are displaced onto women, resulting in misogyny, sexualized entitlement, sexualized violence, the celebration of rape, objectification, and online abuse. Research from Grunau et al has shown that unwanted celibacy correlates with misogyny (Grunau, 2022). The Incel 'movement' has come under scrutiny from educational institutions, law and order

organizations and governments, as this online post-subculture has framed and enabled mass murders of women (Ohlheiser, 2018).

Angry men – aggrieved men – blame women for their sexual failures. A wider context exists that validates and codifies this extremism, through the alt-right, the manosphere, Men's Rights groups, Fathers' Rights groups, Men Going Their Own Way (MGTOW) and Pick UP Artists (PUAs). The unifying trope of these diverse misogynistic ideologies is that women are objectified for their sexual use, and possess few rights. At its most extreme is Nathan Larson's websites, that not only justified raping women, but offered strategies to rape. There is also a validation of paedophilia and sexual intercourse with minors (Kelly et al, 2022). Young women without experience and consciousness of alternative ways of life, living and decision making, are the target of this predatory behaviour and advice.

My article is not 'about' the Incel. Instead, I explore why such communities and ideologies are justified through the lexicon of education, research and intelligence, while also denying formal learning infrastructures and the education, research and intelligence of women. The manosphere mobilizes the words of scholars such as Jordan Peterson (Han and Yin, 2023; Brabazon, 2022a) and Brian Gilmartin (Daly and Reed, 2022; Bono, 2023). Reified biological determinism and evolutionary psychology are offered as evidence to justify injustice. Such irrationality is hooked through the narratives of popular culture because real humans and contexts do not fulfill the ideological brief. The red pill and blue pill from *The Matrix* series has been enlarged to include the black pill. Science fiction tropes, rather than peer reviewed research, has been deployed to validate present injustices. The black pill is an ideology held by the Incel that incorporates biological determinism, fatalism and defeatism for those configured as 'unattractive.' It is founded on misogyny and displacement, denying women's liberation and movements for equality, and reifying women to the attractiveness of their face and the availability of their genitals. Within this flawed discourse, women will select the most physically attractive men, and the black pill ideology confirms that there is a group of men that will never be successful with women. Success is reified to having sex with women. From this perspective, women are cruel, shallow, and gold diggers. The nomenclature for women amongst the Incels is clear: Femoids (female humanoids or foids) and roasties, which connotes that the labia minora of women look like roast beef after continual sexual use. Attractive women are 'Staceys.' Less attractive women are 'Beckys.' Sexually active men are 'Chads.'Those men who are neither Chads nor Incels are 'Normies.' This taxonomy of identity summons hopelessness and leads to destructive behaviours, such as suicide and violence towards others.

Studies have shown that Incels are predominately white men in their late teens and early twenties (Hoffman et al., 2020). There is violence in their words and, occasionally, actions. George Sodini, in August 2009, shot and killed women at the LA Fitness club in Pittsburg. Elliot Rodger killed six people, and injured fourteen, in Isla Vista in 2014. Both these men are hailed as role models in the Incel community. These brutal killings were continued through Chris Harper-Mercer in 2015, Sheldon Bentley in 2016, William Atchison in 2017, and Nikolas Cruz and Alek Minassias in 2018. All these men left online notes, diaries and posts, increasingly describing an Incel Rebellion or a Beta Uprising (Ware, 2021). As shown through Kennedy-Kollars monograph, these murders have continued through the 2020s, with online treatise justifying the rape and killing of women (2024).

The phrase 'alpha male' entered popular culture through the online and offline writing in and about the manosphere and Incels in particular (Ging, 2019). Alphas are sexually successful with women, wealthy, physically health, tall and strong. Neoliberalism matters to the construction and mobility of this ideology. How are men to understand and justify why they are not attractive to women? One strategy is to overfill the alphas with hyper-neoliberal characteristics: wealth, competitiveness, excessive consumption, affluence and ruthlessness. This is their "Blackpill science" (Burton, 2022), a way to justify a lack of sexual partners and shift the blame over to women.

The literature exploring the Incels and the manosphere is strong, built on fifty years of Men's Studies and Masculinity Studies. Lisa Sugiura's *The Incel Rebellion: the rise of the manosphere and the virtual war against women* (2021) enacted an online ethnographic study of what she described as a subculture. Noting the long literature in the theorizing and critiques of subculture and deviance,

alternative terms and divergent configurations of ontology, methodology and epistemology are possible. However, she provided the thick and rich description that is a characteristic of the most effective ethnographic research. She summoned the Chads and other alphas, and probed the function of women in Incel culture, being described as a 'hole.' That is, an object for men to use. Men have sex. Women submit and make their holes available.

Sugiura aligned the Incel movement with a "larger backlash against feminism" (2021, 28). Justified through black pill ideology and entrenched nihilism and alt-right fuelled libertarianism, hypergamy is validated through pseudoscience. Through these agitating ideologies, there is one unifying maxim: the Incel is populated by men that do not have sex with women. They are lonely and cluster into a community of shared grievance. As shown by Sykes and Matza's "technique of neutralization," once a marginal community is formed, these extreme views become more extreme (1957). There is then a break, rupture, or disconnection from consensus values and ideology. This breakage or snapping of connectivity starts to explain how and why the language of higher education is used in these communities. Sugiura, in her ethnography of Incels, added information to understand this paradox.

> Incels overwhelmingly appear to be educated, often to degree level, this is information often volunteered on forums and through my direct interactions with them. It shows that they are keen to demonstrate intellectual ability, something which is undeniably positive and a major achievement, in opposition to the failure they otherwise present themselves as. But for incels, being smart cannot detract from being unattractive, looks will always trump intelligence (2021, 95).

It would have been beneficial for Sugiura to present more granular interpretations about the 'appearance' of being educated, and the nature of the degrees held by her respondents. Clearly, it is important for these men to affirm their intelligence. This is relevant in contrast, particularly when noting the frequency with which men such as Andrew Tate describe women as "stupid" or possessing a "low IQ" (Tate, 2024). Female empowerment is a problem, as it blocks men to gain access to women's bodies. The formal education of women subverts the logic of knowledge, degrees and universities being valuable, useful and important. The paradox is clear. The education of men is necessary to perform, share and value. The education of women must be undermined, belittled, and marginalized.

Misogyny is an easy word to use. But the hatred of women – the repulsion – requires more precision in its analysis. The repetitive use of words such as 'whore' and 'slut' is significant. It is the privilege of men to label women and have the resultant offences minimized through phrases and cliches like "boys will be boys," and "sowing his wild oats." Yet the consequences of this minimization, disrespect and disgust of the feminine is that girls grow up frightened of men (Pryor et al., 2024). This fear of men and their brutalizing violence is both deployed and mobilized by the manosphere. Feminism is blamed for men's suffering because it interferes in – and critiques - men's behaviour, language and actions. As Laura Bates confirms, "at its simplest, the argument goes like this: if women's sexual autonomy has given them wicked and tyrannical control over men's lives, then women's liberation is at the root of all male suffering" (2016, 27). For the Incel, young virginal women – or 'Jailbait' – are the focus of their attention because experienced women are dangerous. They are literate in men's incompetencies, weaknesses, and fears. Domestic violence is merely one example of everyday sexism to maintain control of women, as is internet trolling, and (pa)trolling the behaviours and expectations of women. The behaviours span from the Incels through to Jordan Peterson, who commenced his 'public intellectual' career critiquing trans citizens and their pronouns, but very quickly move to a management and framing of acceptable femininity (Brabazon, 2022a).

To describe the Incels as a subculture, as Sugiura has deployed in her ethnography, is minimizing their relationship with wider political organizations, such as the alt-right. This is not a small subculture. It bleeds through digitized platforms such as Twitter/X, TikTok and YouTube. Wider tropes entwine, of heteronormativity, patriarchy, misogyny, race and racism. This is populism. It fed – and feeds – Donald Trump and Donald Trump voters. For example, on October 2, 2018, Trump stated about the #metoo

movement that, "It's a very scary time for young men in America, where you can be guilty of something you may not be guilty of … women are doing great" (Diamond, 2018). The polarity of women's success at the cost of man's autonomy is also fed by evangelical Christianity, as seen through X profiles such as @beherleader (2024), that show why men should rule and discipline their wives.

Such vocabulary and behaviour is not limited to one man or a subculture. This is an andragogical movement, teaching men how to behave. From this framework emerges a series of 'guides' – odd interventions – from men to build a 'successful' woman. One, from Bryan Bruce is titled – memorably – *How to become a high quality woman*. The outcome of being a high-quality woman is that, "men of worth marry virtue" (2024, 3). Such books commence with the struggles of contemporary masculinity, confused by the rules of interpersonal relationships, or how to treat a woman. What is a man's purpose in such a system? Bruce offers some answers.

> He would be seeking a friend as well as a mother for his future children (2024, 7)
> He knows that he is not adequate and fully grown and he expects that she makes him want to grow and be a better man (2024, 10)
> He expects a caring and loving girl who is a bit like his own mother (2024, 10)
> In order to make your man want you, you have to be gorgeous. Because, a gorgeous woman always steals the hearts of men and keep them under her magic (2024, 16)
> Men want you to be faithful in a relationship; even though evolution has made fidelity much more difficult for your man than for you. (2024, 19)

The challenge for this particular version of heteronormativity is that if women do not play the role of a faithful, attractive carer, then the resultant bereft masculinity looks somewhat strange and strained.

The archetype of this strange and strained masculinity is found in Leo Black's book, *Semen Retention Revolution*. While the title is – appropriately - strained, the subtitle is stunning in its confidence, and detail: "unlock alpha male confidence, attract women, status, and success, and overcome porn and masturbation addiction with sexual transmutation mastery" (2024). Part Monty Python, part January 6 Shamen, the book summons "ancient teachings on masculinity (2024, 1) to critique the way in which men "are almost constantly accosted by opportunities to make us softer, more vulnerable, and less able to fight back against our urges and whims" (2024, 1). The last phrase is particularly intricate. Urges and whims must be fought, but acknowledging vulnerability and a soft masculinity reduces the capacity to develop personal control. Such layered contradictions manifest through the imperative to "abstain from ejaculation"(2024,2) and create "a stronger you" (2024, 3). For Black, there is a "war on Masculinity" (2024, 6) that has resulted in the "feminization of men" (2024, 8). The shaping of this argument is resonant if repetitive. Reinforcing the strength of the binarized poles in terms of roles and positions creates a closed semiotic system that ignores history, context and change. Women exist to be of service to men.

> The rising standards of beautiful feminine women should serve as even more of an incentive to improve and give yourself the best chance of attracting the best gal (or gals) for you. (Black, 2024, 66).

This goal of attracting 'gals' (noting the plural) is founded on men focusing on semen retention. Arbitrary pseudo-science is used to manage social changes that are challenging asymmetrical patriarchal relationships.

Noting the diversity of voices, views and ideologies in the manosphere, only unified through the disrespect, marginalization and disgust of the feminine, it is important to render these toxic masculinities plural. They must be discussed. They have a history. It is important to understand them, rather than recoil or marginalize their importance. The attention must be placed on how the most famous of these 'manfluencers' defines and mobilizes masculine ideologies (Ging, 2019), while also deploy higher education as a lexicon to make money, empower men and degrade women.

Andrew Tate and authentic inauthenticity.

The minstrel for this misogynistic tune is Andrew Tate. The oddity of masculinity in late capitalism is that a kickboxer has become the muse, sage and prisoner – in the many meanings of that noun – of this time. Yet what is significant is that he has appropriated the language of higher education, degrees and a university to sell his 'products.' He has rendered himself a libertarian and a liberator.

I offer no sugar-coated platitudes or soft comforts. Instead, I serve you the raw, unfiltered truths that society often overlooks (Tate, 2023, 2)

He writes books, including *Warrior Mindset: Top G's Inspirational Quotes for Living Authentically*. This is a 73-page 'book' with a single quote on each page. The statements on these pages include:

Success is always stressful (9).
Do the impossible and never doubt yourself again (15).
The internet is the new battleground of earth, the wild west, the place of truth and opportunity (22).
The harder you work, the more important you become (30).
Money will fix all your problems (47).
You are viewing yourself as a short man! Walk up and be THE man! (58).

Part Tony Robbins (2012), part Iron John (Bly, 2013), inspiration, determination and confidence create a chimera of success. But the brittleness of the achievement is clear. This is a world where 73 pages – each with a single line featured – is a 'book.' This is a world where a two-hour video is a PhD programme.

Andrew Tate was born in the United States in 1986 and deploys an array of acronyms, including Top G and King Cobra. A professional kickboxer, he entered British Big Brother and – significantly - was removed through publicity for sexist and homophobic tweets, alongside footage of him hitting a woman with a belt. While in the Big Brother house, he was also the subject of a sexual assault investigation. This Big Brother exposure and notoriety enabled entrepreneurship through operating – with his actual brother Tristan – a webcam business. Young women were lured, through personal and sexual relationships, to work for the Tate brothers. This process was revealed in a BBC documentary to socialize women into sex work and perpetuate violence against women (BBC, 2023). The Tate Brothers have a second cluster of businesses involving online courses. These titles and platforms included the PhD (Pimpin' Hoes Degree) and Hustler's University, which transformed into The Real World and, for higher fees, access to The War Room. His 'training courses' focus on two areas: gaining wealth and men's relationships with women.

Sexual intercourse is Andrew Tate's foundation, frame and punctuation. He is a man for the simulacrum. He lives in re-representations, offering a cartoon-like aggression fuelled by rapid fire threats. Andrew Tate is authentic in his inauthenticity. He encourages men to "make money" (Latmotivation, 2024) and "leave the matrix" (The Shark Band, 2023). In one of his short promotional videos, Tate stitched to the video of a disappointed and unnamed woman who had supposedly achieved two degrees and was being offered entry-level employment options. She expressed personal disappointment that her degree did not enable more senior roles (@andrewcobratate10, 2024). There are challenges with authenticating this video and the qualifications from the featured woman speaker. However, Tate attached her disclosure to his wide-ranging attack on degrees and universities. Education, supposedly, does not matter. Making money matters. While this straw woman was used to demonstrate – through a single data point – that university degrees create disappointment, he has been overt and clear in other videos that, "women are fucking stupid" (Tate, 2023). Such offensive statements are not unusual. His preference for young women is so that he can "make an imprint" on them (Trillionaire Mindset, 2023). If a woman accused him of having sex with multiple partners, he stated his response would be, "bang

out the machete, boom in her face and grip her by the neck. Shut up bitch" (Katz, 2023). He confirmed that women who are raped "bear some responsibility" for it (Katz, 2023). When asked if he was a rapist, he responded with, "I like the idea of just being able to do what I want. I like being free" (Katz, 2023). The cartoon violence may seem troubling, or even humorous. But the problem is that this violent masculinity has become a business model (Haque, 2022). These are not comedic slogans. They are dog whistles to make money from desperate and angry men who subscribe to his platform.

The legal difficulties in which the Tate brothers have been entangled occurred through the "Loverboy method" (Dahir, 2023), which describes the ensnaring of women to feel love for their exploiter, and then using them to make money. In the case of the Tates, the allegations encircle the use of the Loverboy method to lure women to perform in their webcam business. This method extended to alleged human trafficking. The challenge confronting the Tates in their defence of these charges is that they have developed a 'course' teaching men how to convince women to sleep with them, so that they can be exploited. Their 'courses' have proven the case for the prosecution. Indeed, the Loverboy method became the basis of his PhD 'course': Pimpin' Hoes Degree. This particular PhD course has some foundational principles:

> Women are impressed by men with money
> Women are biologically programmed to seek an alpha male
> Men must be opportunistic with women to be successful

While this course was part of the deplatforming of Tate from Instagram, Facebook and YouTube, the 120 minute video is available from multiple sources for downloading (@TheMilkBarTV, 2023; CourseHuge, 2024). The diversity of sources, platforms and locations of this content – and the extreme responses to this material – can be investigated by researchers, alongside the hundreds of thousands of views and comments.

The simulacrum masculinity colonizes the real, the true, and the diverse. The repetition of simple if brutalizing mantras creates certainty from confused misogynist ramblings. With reality colonized, education is similarly gated. Andrew Tate ran Hustler's University (Hustler's University, 2024). After the deplatforming, this migrated to a subscription service, where people paid US$49.99 per month to receive information about how to make money. The goal was not professional development and improvement, but leveraging cryptocurrency and selling the services of webcam 'models.' It was also a pyramid scheme, as revealed by Paul Harrigan (Purtill, 2022). By deploying the more elegant nomenclature of 'affiliate marketing,' the outcome was the same: members received money for recruiting other members. In 2022, Hustler's University reached new popularity as Tate asked his member to disseminate his videos on social media. Through this dissemination emerged increasing concerns about the content. A series of his accounts were suspended and banned on Twitter. Through the Musk-configured rendering of X, he returned in November 2022.

After this deplatforming, Hustler's University changed its name to the appropriately Baudrillian title of The Real World Portal – with the subtitle of Andrew Tate University - in October 2022, and still maintains a subscription model (The Real World, 2024). Andrew Tate also constructed another service, titled The War Room. It was here that the PhD course was housed, instructing men how to isolate and manipulate women to naturalize sex work via webcams. The dehumanizing of women has had an impact and consequence. This is popular culture, but it is also populist dehumanizing of women. The next section of this article probes why the vocabulary of higher education is used to marginalize, ridicule and demean women at the very point that women are dominating many disciplines in our universities.

Andrew Tate's PhD: Pimpin' Hoes Degree (or why is Andrew Tate so focused on simulacrum higher education)

At this moment in history where women are enrolling in greater numbers of higher degrees than men, the response of libertarian masculine 'influencers' is intriguing. Instead of working hard, testing themselves and enrolling in a Doctor of Philosophy, a manfluencer writes his own version of a higher degree. The Pimpin' Hoes Degree (PhD) results from two and a half hours of watching an Andrew Tate video. In this video he smokes, orders a woman to complete menial tasks, and offers repetitive commentary about the laziness, the stupidity and foolishness of women.

Moving from subscription services, he also publishes books – or 'books' – including *Hustler's University* (2023). The title is significant and once more confirms a fixation on higher education. While dismissive of formal education as part of the 'matrix,' he relies on the tropes and vocabulary from universities. From this foundation, his project is clear.

> Welcome to Hustlers' University, where you'll study all I know about creating money in business from the ground up. Traditional schooling, in my opinion, is a waste of time and a swindle. Universities do not teach valuable money-making skills, and conventional education brainwashes individuals into being worker drones. As an alternative to traditional education, I recommend learning from me and joining my war room (2024, 1)

There are multiple ideological slippages happening in this passage and book more generally. Firstly, a discrediting of universities emerges because academics are not 'teaching' money-making skills. Significantly – and absent from his ideology – is the verifiable outcome that those with a degree earn more money than those that do not. For Tate, paid employment is critiqued, summoning 'worker drones.' Finally, building on the discrediting of university qualifications, he commercializes his own (supposedly) educational business, The War Room.

The only valuable lesson to learn is "making money" (Tate, 2024, 1). Indeed, "Money comes first" (2024, 4). The fastest path to making money is to "get things online" (2024, 2). The next issue for Tate to address is the methodology for making money. His solution is predictable, if clear: "if you want to start a business my way, make a website, put some pictures on it, say you have a lot of stuff you don't have, and start getting money" (2024, 7). In other words, the way to make money is to commit fraud. The question is how credibility is carried through such a scheme. It is clearly ridiculous, irrational and illegal. However, credibility does not emerge with qualifications, verification or expertise. Instead, "there is a level of respect humans have for other humans who are a physical specimen" (2024, 9). Deploying his data set of one, he confirms, "if you command a physical presence, your words have more weight, and it helps in business across all things" (2024, 11). Using the ambiguous noun 'things' is the only available strategy to transform a strange opinion into the mantra of a manfluencer.
The inversion is startling. It is Orwellian. This cascading of assumptions, falsehoods and lies results in the exploitation of women.

> Everything I know, webcam girls is a very unusual business, and none of you have probably run webcam girls, but I learned a whole bunch about business running my webcam girls. In fact, I approached my webcam girl business the same as I approached every other business with the same tenants. I stared it for cheap with a laptop I already had and the girlfriend I already had. I found out how to get the money in before I found out how to produce the videos. I had people sending me money for these feature-length porn videos I couldn't even produce them. I didn't have a camera. Money first. … But the reason I could have so many girls listen to me is because I am me, and I'm me because I'm big and strong, I'm entertained (2024, 11).

This is the current state of the manosphere in late capitalism. Running 'webcam girls' is a model for both commerce and success. Yet because of his lack of skill in online development, "I'll hire a student to make my app" (2024, 18). Therefore, the actual capacity to build online infrastructure is beyond him. His content creation involves the exploitation of others. As he states, "even if you have no talent or good ideas, if you can get attention, you can become a millionaire" (2024, 34). This is the archetype of Andrew Manno's "Casino Capitalism" (2020). Credibility, knowledge and expertise are displaced for profile and attention. When discussing his "Warrior Mindset" (Tate, 2023), Tate emphases "inspiration" and "determination" (2023, 2). While focusing on working hard (2023, 5), the work is on the self and the exploitation of others. He states, "freedom will only come when you no longer trade your time for money" (2023, 10). The goal is a "bigger house and nicer car" (2023, 21). Hypercapitalism, selling anything for personal gain, is confirmed with the mantra, "money will fix all your problems" (47).

The manfluencer is damaging education and educators. A recent study of 30 women teachers revealed the consequences of Andrew Tate's masculine ideologies on students. Many had left the classroom (Wescott, Roberts and Zhao, 2024; Hermant and Yussuf, 2024). This manfluencer is lying to boys and young men and truncating the teaching careers of women. This is masculinity that exists to demean, marginalize and harass. The Wescott et al study specifically focused on educated women, whose profession is to teach others. The researchers log the abuse they are receiving. Andrew Tate was named as the font and cause of the name calling and disruption in the classroom.

Andrew Tate is teaching men how to treat women. Conceptualizations of consent, ethics, work and professional relationships are displaced. Obviously, this language and behaviour exists far before the profiling of the Incels or the recent rise of Tate. As Matthew Hall and Jeff Hearn have researched, *Revenge pornography* has a long history, of using sexually-triggered revenge as entertainment. Communication technologies are the carriers of sex and sexuality. Digitization enables the consumption – and production – of explicit material in the home. The sexualization of women and the loss of their autonomy when a photograph is taken by another person, creates the culture where descriptors such as 'whore' proliferates. Women exist for the use and entertainment of men. However, alternatives exist and are offering powerful critiques.

Men's Studies – a different way

Men's Studies and Masculinity Studies maintain an outstanding history and trajectory. Michael Kimmel has committed much of his career to deep thinking about men, both inside and outside feminism. He realized that the Global Financial Crisis was an example of "what can go wrong with uncontrolled corporate masculinity" (2010, loc 145). Yet post the Global Financial Crisis, zombie neoliberalism continues, a failed ideology that continues to shape the post-pandemic present (Brabazon, 2021; Brabazon, 2022b).

What Kimmel's work confirms is that heterosexuality has a history and it changes. Feminism ensured that women had choices, could be educated, maintain reproductive rights, and earn a living wage. But, as Kimmel argued, "just when women had found a voice through which they could finally speak about their experiences men declared themselves tired of listening, and then trooped off to the woods to be by themselves (2010, loc 3089). After Donald Trump's election, Kimmel explored the angry white man and found two causes: "entitlement and a sense of victimization" (2017, ix). Kimmel combines these causes into an important concept that is productive in its resonance: "aggrieved entitlement" (2017, ix). The anger is real. The consequences for this "aggrieved entitlement" is a blame culture activated on women who do not service men. Meritocracy, the American Dream and patriarchy have all failed these men. This is also tracked by Case and Deaton's *Deaths of Despair* (2021). Angry men gather to increase their anger, and their behaviour becomes more extreme. In the manosphere, life is a game of chess. If one group loses, another must gain.

Women gain life choices through educational opportunity. When women are educated, their employment opportunities increase, their salaries rise, as does their capacity to remain independent

outside of a breadwinner's household economy. This is an historical shift. Universities were places for men. As Kimmel confirmed,

> Academia has long been a bastion of untrammelled, if genteel, masculinity. So manly, in fact, was the college classroom, the chemistry lab, the frat house, the locker room that women were excluded from its hallowed halls for centuries" (2017, 125).

Men taught men about men. The exclusion of women from universities required a series of illogical and unfounded arguments. The bible or biology were used to block access. Then women's inability to complete scholarship at the academic standard became the excuse. The challenge for ideologues of procreative heteronormative masculinity is that the higher the level of a woman's education, the fewer children she births (Martin, 1995). Women's higher education is directly connected to the procreative potential of men. The 4B movement, with its origins in South Korea, is one version of women's empowerment (Lee and Jeong, 2021). Women can remain alone while building friendships and financial security. They have choices about intimacy and partnership.

Importantly, and deploying many tropes from Men's Studies, men are turning on their mobile phones and answering back to Andrew Tate and the manosphere. Will Hutchens produces expansive content that summons humorous and accurate archetypes of "Whiteboard guy" and "a man with a microphone" (Hutchens, 2024a). Specifically, he attacks the notion that women's value is determined by physicality (Hutchens, 2024b). He also – repetitively – critiques men that assemble cultures of fear around women (Hutchens, 2024c) and critiques "broscience" (Hutchens, 2024d). Im6footseven validates a diversity of women in terms of race, size and shape. He responds to men abusing women's bodies with the phrase "you all don't like women" (im6footseven, 2024a). The behaviour of Incels – their language and ideological parameters – are also the font of comedy. The premises are so ludicrous – so ridiculous – that releasing the humour reveals the inversions and irrationality. When men laugh at other men, the power and potency is diffused. Josh Johnson logs the consistency of the Incels. He argued that they were right: no one wants to sleep with them (Johnson, 2024). These disintermediated and deterritorialized voices offer the drumbeat of critique. Men are answering back to men that restrict, reify and limit the capacity of women to be fully human. This is Men's Studies in action, confirming the plurality and diversity of men, beyond the Alpha.

Significantly, the #metoo movement and the #everydaysexism initiative, have enmeshed with the #notallmen and #noteveryman interventions. While there is a confusion between men, masculinity, patriarchy and misogyny, most men are not predators, abusers, perpetrators of domestic violence, or oppressors. But every man gains from misogyny. Every man gains from the patriarchy. The asymmetrical power relationships reinforce the power of the few. From the misogynistic abyss of digitized popular culture, some men are activating an important service.This masculine channel for change is built through humour, inversion and the potent stitching of clips from Andrew Tate and the manosphere, to 'answer back' in situ.

By way of conclusion

Patriarchy renders women small, frightened and exposed to attack. Bell hooks stated that, "male fantasy is seen as something that can create reality whereas female fantasy is seen as something used for escape" (2000). Misogyny enables the dreams, hopes and visions of men. It provides men with a microphone, whiteboard and camera to share these imaginings of men and women far beyond a pub or a sports bar. Or, indeed, the University.

This is a serious moment for women academics. This is a serious moment for educated women. After watching thousands of hours of 'courses' and short reels on TikTok, Instagram, Twitter/X and Facebook, I am permanently changed. The hatred of women is clear. The imperative to dominate, hurt and wound is profound. Laughter, lightness and irony have gone. Women cannot manage the scale

of this onslaught. In response to this relentless semiotic and performed violence, women in online spaces are claiming the right to be alone. They also recognize the horrific truth of daily life for women living and working in, around and through the manosphere. "They fucking hate us," is the brutalizing and stunning response from @ashbabank (2024). It is a tough time to be a woman circulating in the world. It is a tough time to be a woman circulating in the contemporary workforce. It is a tough time to be a woman working in our universities. Intellectual papercuts fester. They become infected. They are wounds that do not heal, but are layered over other injuries. The imperative is to place women in a box of marginalization, minimization, and decay. We are less. Small. Confused. Torn. Damaged.

This article has probed a very simple question: why are particular members of the manosphere focused on ridiculing educated women while deploying the vocabulary and language of universities for their 'courses' and 'degrees'? Harrison Butker's speech to the graduating class at Benedictine College (2024), speaking directly to the "ladies" in the audience, confirmed the vocation of being a wife and mother. Students who have just graduated from a degree had to listen to a footballer telling them to prioritize the care of a man and children over other roles. Education provides women with a diversity of choices beyond the advice of men. Yet these men with microphones pretend that the world has not changed.

I argued in one of my early books, *Ladies who Lunge* (Brabazon, 2002), that disempowered groups use disempowered sites to renegotiate their social position. If women are to summon opposition to The War Room, Hustler University or Pimpin' Hoes Degrees, then that renegotiation and critique will be initiated on the most banal of popular cultural platforms. For example, the April 2024 social media debates involved women making a decision about an inflated and imagined scenario. Women were walking on their own in the woods. What would women prefer came on their path: a man or a bear? Women's overwhelming response of 'bear' created an inflammation of wounded masculinities. The reasoning and justifications expressed by women tapped into a fear of attack and rape, and the argument that they would not be believed if a man abused them (Hutchens, 2024e). These popular cultural interventions are shocking in their relentlessness. Women are frightened of men. Not all men. But men crossing their paths cannot be trusted. Confronting a bear is preferable to meeting an unknown man (@dillanmichaelwhite, 2024).

I commenced this article with comments from a troll who was very focused on ensuring that an educated woman did not speak and was reminded of her status as a "whore." While writing this article, on March 17, 2024, a new troll appeared, offering a comment to my video titled, "How to make the corrections examiners ask of you and your thesis." This vlog was not the most provocative and poignant of topics for the manosphere to critique. Feminism, femininity or women are not mentioned. However @addammadd offered in response: "POV: La Llorona is disappointed with your scholarship but sincerely wants to help." La Llorona is a story with its folkloric origins in Mexico (Kearney, 1969). It is the story of a woman who drowned her children after discovering her unfaithful husband. As the tale progresses, anyone who hears her cries either dies or suffers failure throughout their lives. This is Medusa with a microphone.

Perusing his channel, viewers see a fixation on Zizek, which includes reading his chapters to camera, often with expletives attached (@addammadd, 2024). Intriguingly, for his videos, comments are not permitted. But once more, I was attacked, like so many educated women, not for my ideas or interpretation – but for the flaws in my femininity. My pathway through femininity has been different and defiant. Unlike La Llorona, I have birthed no children. This was the correct and intentional decision for me. I respect the reproductive choices of all citizens. I have also been fortunate to be married to two remarkable husbands, both inspirational scholars. Neither were nor are unfaithful. One died of pancreatic cancer. I was his sole carer and was with him at the moment of his death. The other is a remarkable physicist who builds pathways for women in STEM and the careers of Indigenous scholars in the experimental sciences.

I am one woman. But the lives of women – real women – are built from hope and despair and aspirations and efforts that transcend the Proppian patriarchal folktales that binds us to narratives not

of our choosing. The question returns. What is to be done with the well qualified, academic woman? Historic and sexualized tropes may be summoned. But emotions are not facts. Past injustices are not our future. Committing to higher education and enabling the future learning of generations of women will continue to change the world by enables choices and alternatives. We speak of diversity, of connection and community. We are more than the product of our orifices. We are more than the labels placed on us. The doctorate matters. It stands for the long-fought achievements of women in our diversity. We occupy this space. We listen. We speak. We summon a different future.

References

@adammadd. (2023). *Narrating Zizek: for all the fuck's sake*. YouTube: https://www.youtube.com/watch?v=eJRTvsm4s2g

@andrewcobratate10. (2024). *Escape the Matrix*. Facebook Reels: https://www.facebook.com/reel/1394589531193616

@ashbabank. (2024). *Good Morning*. TikTok: https://www.tiktok.com/@ashbabank/video/7350033989777870111

@beherleader. (2024). *Be her leader*: https://twitter.com/beherleader

@dylanmichaelwhite. (2024). *Man or Bear*. Facebook Reels: https://www.facebook.com/reel/1262730424686166

@meetcutesnyc. (2024). *Jill and Joe*. Facebook Reels: https://www.facebook.com/reel/1236049047352674

@TheMilkBarTV. (2023). *Pimpin' Hoes Degree*: https://twitter.com/i/status/1709046713825321048

Australian Quality Framework Council.(2013). Australian Quality Framework: file:///C:/Users/tarab/Downloads/aqf-2nd-edition-january-2013.pdf

Bates, L. (2016). *Everyday sexism: The project that inspired a worldwide movement*. Macmillan.

BBC. (2018). Elliot Rodger: How misogynist killer became 'incel hero.' BBC.com. April 26: https://www.bbc.com/news/world-us-canada-43892189.

BBC. (2023). Andrew Tate: The Man Who Groomed the World: https://www.bbc.co.uk/iplayer/episodes/m001q1nf/andrew-tate

Bell, C. (2017). Reddit bans 'involuntarily celibate' community. BBC News. November 9: https://www.bbc.com/news/blogs-trending-41926687.

Biden, J. (2007). *Student Retention at the Community College*. University of Delaware.

Black, L. (2024) Semen Retention Revolution: Unlock alpha male confidence, attract women, status, and success, and overcome porn and masturbation addiction with sexual transmutation mastery

Bly, R. (2013). *Iron john*. Random House.

Bono, M. H. (2023). " *Lonely and disaffected young men": a thematic content analysis of online posts by members of incel forums* (Doctoral dissertation, Rutgers University-Graduate School of Applied and Professional Psychology).

Brabazon, T. (2002) *Ladies who Lunge: celebrating difficult women*. Sydney. University of New South Wales Press.

Brabazon, T. (2020) Many inspiring stories will be told on this day. Twitter: https://x.com/tarabrabazon/status/1325201981552558081?lang=en

Brabazon, T. (2021). Claustropolitanism, capitalism and Covid: Deviant leisure, un/popular culture, and a (post) work future. *International Journal of Social Sciences & Educational Studies*, *8*(1).

Brabazon, T. (2022a). *12 Rules for (Academic) Life: A Stroppy Feminist's Guide through Teaching, Learning, Politics, and Jordan Peterson*. Springer Nature.

Brabazon, T. (2022b). Claustropolitanism at the end of the world: Rethinking post-pandemic globalization and higher education. *Journal of Languages & Translation*, *2*(2), 1-14.

Bruce, B. (2024) How to become a high quality woman: Know what guys think about women and relationships, then turn them around and use them to your advantages. Self-published.

Burton, A. (2022). Blackpill Science: Involuntary Celibacy, Rational Technique, and Economic Existence under Neoliberalism. *Canadian Journal of Communication*. 47.4: 676–701

Butker, H. (2024) Commencement Address. Benedictine College: https://www.youtube.com/watch?v=-JS7RIKSaCc

Cahill, J. (2024). Jill Biden has a PhD in education. X: https://twitter.com/tech_52/status/1741943464332267747

Case, A., & Deaton, A. (2021). *Deaths of Despair and the Future of Capitalism*. Princeton University Press.

CourseHuge (2024). Andrew Tate Courses Collection: https://coursehuge.com/product/11-andrew-tate-courses-collection/

Dahir, I. (2022). Andre Tate's Hustlers University 2.0 has made at least $11 million in just one month. *Buzz Feed*. October 25

Dahir, I., (2023). How to spot an Andrew Tate follower. *Buzz Feed*. February 20:

Daly, S. E., & Reed, S. M. (2022). "I think most of society hates us": A qualitative thematic analysis of interviews with incels. *Sex Roles*, *86*(1), 14-33.

Diamond, J. (2018). "Trump says, "It's a very scary time for young men in America," *CNN*, October 2: https://edition.cnn.com/2018/10/02/politics/trump-scary-time-for-young-men-metoo/index.html

Economist, (2024). Why young men and women are drifting apart. *The economist*. March 13: https://www.economist.com/international/2024/03/13/why-the-growing-gulf-between-young-men-and-women?utm_medium=cpc.adword.pd&utm_source=google&ppccampaignID=21228634515&ppcadID=&utm_campaign=a.22brand_pmax&utm_content=conversion.direct-response.anonymous&gad_source=1&gclid=CjwKCAjwgdayBhBQEiwAXhMxtv-IMbO9Rg9mqnPsWUBBmz147tAhtvMbwOHJos8lQoI41Kmo2zUJd_RoC9kAQAvD_BwE&gclsrc=aw.ds

Education Counts. (2024) Doctoral Degree Enrolments: https://www.educationcounts.govt.nz/statistics/research#:~:text=Between%202020%20and%202021%2C%20the,2011%20and%2048%25%20in%202001.

Ehrenreich, B. (1983). *The hearts of men: American dreams and the flight from commitment*. New York. Anchor Books.

Epstein. J. (2020). Is there a doctor in the White House? Not if you need an M.D. *Wall Street Journal*: https://www.wsj.com/articles/is-there-a-doctor-in-the-white-house-not-if-you-need-an-m-d-11607727380

Ging, D. (2019). Alphas, Betas, and Incels: Theorizing the Masculinities of the Manosphere. Men and Masculinities. **22**(4): 638–657.

Grunau, K., Bieselt, H., Gul, P., Kupfer, T. (2022). Unwanted celibacy is associated with misogynistic attitudes even after controlling for personality. *Personality and Individual Differences*. **199**: 111860. doi:10.1016/j.paid.2022.111860.

Hall, M., Hearn, J., & Lewis, R. (2022). *Digital gender-sexual violations: Violence, technologies, motivations*. Routledge.

Halpin, M. (2022). Weaponized Subordination: How Incels Discredit Themselves to Degrade Women. *Gender & Society*. 36 (6): 813–837:

Han, X., & Yin, C. (2023). Mapping the manosphere. Categorization of reactionary masculinity discourses in digital environment. *Feminist media studies*, *23*(5), 1923-1940.

Haque, U. (2022). The toxic-masculinity-industrial complex. Medium. December 31: https://eand.co/the-toxic-masculinity-industrial-complex-46663fd55fc6

Harvey, R. (2024). Another man stalking a woman. Facebook Reels: https://www.facebook.com/reel/406772762137357

Hermant, N. and Yussuf, A. (2024) Andrew Tate effect in Australian classrooms. *ABC News*. https://www.abc.net.au/news/2024-04-02/andrew-tate-effect-in-australian-classrooms/103657122

Hinsliff, G. (2024). I was puzzled by younger women's reaction to Barbie. It turned out Gen Z men held the answer. *The Guardian*. February 2: https://www.theguardian.com/commentisfree/2024/feb/02/younger-women-barbie-gen-z-men-feminism

Hoffman, Bruce; Ware, Jacob; Shapiro, Ezra (2020). Assessing the Threat of Incel Violence. *Studies in Conflict & Terrorism*. 43.7: 565–587.

Hooks, B. (2000). *Feminism is for everybody: Passionate politics*. Pluto Press.

Hustler's University. (2024) https://hustlersuniversity.net

Hutchens, W. (2024a) Tater Tot. Facebook Reel: https://www.facebook.com/reel/270832265927096

Hutchens, W. (2024b) *Women's Value*. Facebook Reel: https://www.facebook.com/reel/1280844162570229?mibextid=kcDB8O

Hutchens, W. (2024c). *Cool guys are not promising plate spinners*. Facebook Reel: https://www.facebook.com/reel/2149122225432825

Hutchens, W. (2024d). What are your plans for the weekend Whiteboard guy, Facebook Reel: https://www.facebook.com/reel/443142738265361

Hutchens, W. (2024e). Tell it to a tree. Facebook Reel: https://www.facebook.com/reel/465879155978184

Im6footseven. (2024a) You all don't like women. Facebook Reel: https://www.facebook.com/reel/3268713466682691

Im6footseven. (2024b). We all allowed our preferences. Facebook Reel: https://www.facebook.com/reel/1088051435613861

Jaki, S., Smedt, T., Gwóźdź, M., Panchal, R., Rossa, A., Pauw, G. (November 25, 2019). Online hatred of women in the Incels.me forum: Linguistic analysis and automatic detection. Journal of Language Aggression and Conflict. **7** (2): 240–268

Johnson, J. (2024). Incels make sense. Facebook Reel: https://www.facebook.com/reel/810363544460448

Katz, J. (2023). Andrew Tate as a teachable moment. Ms Magazine: https://msmagazine.com/2023/01/04/andrew-tate/

Kearney, M. (1969). La Llorona as a social symbol. *Western Folklore*, *28*(3), 199-206.

Kelly, M., DiBranco, A., & DeCook, J. R. (2022). Misogynist incels and male supremacist violence. In *Male supremacism in the United States* (pp. 164-180). Routledge.

Kennedy-Kollar, D. (2024). *Extremism and Radicalization in the Manosphere: Beta Uprising*. Taylor & Francis.

Kimmel, M. (2010). *Misframing men: The politics of contemporary masculinities*. Rutgers University Press.

Kimmel, M. S., Hearn, J., & Connell, R. W. (Eds.). (2004). *Handbook of studies on men and masculinities*. Sage Publications.

Latmotivation. (2024) Andrew Tate's motivation speech about making money. TikTok: https://www.tiktok.com/@latmotivation/video/7263540252080393478?q=Andrew%20tate%20making%20money&t=1717469408276

Lee, J., & Jeong, E. (2021). The 4B movement: envisioning a feminist future with/in a non-reproductive future in Korea. *Journal of Gender Studies*, *30*(5), 633-644.

Macfarlane, B., & Burg, D. (2019). Women professors and the academic housework trap. *Journal of Higher Education Policy and Management*, *41*(3), 262-274.

Manno, A. (2020). *Toxic Masculinity, Casino Capitalism, and America's Favorite Card Game: The Poker Mindset*. Springer Nature.

Martin, T. C. (1995). Women's education and fertility: results from 26 Demographic and Health Surveys. *Studies in family planning*, 187-202.

Ohlheiser, Abby (April 25, 2018). Inside the online world of 'incels,' the dark corner of the Internet linked to the Toronto suspect. *The Washington Post*. April 25: https://web.archive.org/web/20180518040456/https:/www.washingtonpost.com/news/the-intersect/wp/2018/04/25/inside-the-online-world-of-incels-the-dark-corner-of-the-internet-linked-to-the-toronto-suspect/?utm_term=.25b216dacb46

Papi Guy. (2024). Three steps to make your wife laugh. Facebook Reel: https://www.facebook.com/reel/1000247311437878

Purtill, J (2022). Booted from Facebook and Instagram, Andrew Tate is now being scrubbed from TikTok. Is this the end for his misogyny? *ABC News*: https://www.abc.net.au/news/2022-08-22/misogynist-influencer-andrew-tate-is-being-scrubbed-from-tiktok/101356652

Pryor, D. W., Hughes, M. R., & Langdon, J. J. (2024). Agents of socialization, anxiety, college women, and fear of rape. *Violence against women*, *30*(3-4), 691-721.

Redhead, S. (2016). Football fandom: and post-subculture. In *Routledge handbook of football studies* (pp. 228-237). Routledge.

Robbins, T. (2012). *Awaken the giant within*. Simon and Schuster.

Romano, A. (2018). How the alt-right's sexism lures men into white supremacy. *Vox*. April 26: https://www.vox.com/culture/2016/12/14/13576192/alt-right-sexism-recruitment

Sugiura, L. (2021) *The Incel Rebellion: the rise of the manosphere and the virtual war against women*. Bingley. Emerald.

Matza, D., & Sykes, G. (1957). Techniques of neutralization: A theory of delinquency. *American Sociological Review*, *22*(6), 664-670.

Tate, A. (2023). Women are stupid. *YouTube*: https://www.youtube.com/watch?v=oLH2lpUiNW4

Tate, A. (2024). *Hustler's University*. Self-Published.

Tate, A. (2023). *Warrior Mindset: Top G's Inspirational Quotes for Living Authentically*. Self-published.

Tate, A. (2024). Women have a low IQ. *Facebook Reels*. https://www.facebook.com/reel/1143359127116842

The Real World Portal: Andrew Tate University (2024) https://www.therealworldportal.com

The Shark Band. (2023) Andrew Tate explains how to leave the matrix. YouTube: https://www.youtube.com/watch?v=t2JAoumra2A

Trillionare Mindset. (2023) Andrew Tate on dating younger women. YouTube: https://www.youtube.com/watch?v=p9WH7FZpn5E

Ware, J. (2021). Beta uprising. *Counter Terrorist Trends and Analyses*, *13*(2), 10-15.

Wescott, S., Roberts, S. and Zhao, X. (2024). The problem of anti-feminist 'manfluencer' Andrew Tate in Australian schools: women teachers' experiences of resurgent male supremacy. *Gender and Education*. 36.2: 167-182

Wexler, N. (2020). What's really behind the flap over Jill Biden's Doctorate? *Forbes*, December 18: https://www.forbes.com/sites/nataliewexler/2020/12/18/whats-really-behind-the-flap-over-jill-bidens-doctorate/?sh=274843d46089

Whiting, (2018) Women were awarded more PhDs in the US than men last year. *World Economic Forum*. October 15: https://www.weforum.org/agenda/2018/10/chart-of-the-day-more-women-than-men-earned-phds-in-the-us-last-year/

Witt, T. (2020). 'If i cannot have it, i will do everything i can to destroy it.'the canonization of Elliot Rodger: 'Incel' masculinities, secular sainthood, and justifications of ideological violence. *Social Identities*, *26*(5), 675-689.

"Rise of the Resistance" and the Demise of Social Being: The Autolysis of Subjectivity in the Twenty-First Century

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Introduction

What is the task of social theory in the 21st century? What critical questions must theory engage, and which categories could it build on in order to apprehend its object in the historical present? How can social theory remain adequate for its time?[1]

The questions are not rhetorical. They express the concern that the form of collective life that has become fully manifest in the 21st century necessitates a radical rethinking of the categories that hitherto informed social theory. Adequate analyses of this new form of social reality and discerning its transformations require categories beyond that which could be provided through paradigms of subjectivity that engage capitalist modernity from the standpoint of discursive,
rational, and cognitive potentialities of the subject.[2] It is now imperative to ask whether category of subjectivity and the normative notions that determine subjectivity in its individual form, namely autonomy, freedom, and reason— the conceptions of subjectivity that constitute the normative grounding of modernity— are adequate categories to apprehend the historical present. It is the premise of this paper that social theory can remain adequate to its time only if it can comprehend collective life through categories apprehended in their historicity. This paper is intended as a contribution to such undertaking, albeit with a limited scope.[3] It argues for critical ontology as a form of social theory that builds on Hegel's ontological account of categories and Durkheim's social theory that reinterprets Hegel's account in social-theoretical terms.

Elsewhere, I argued that Durkheim's social theory, both as a paradigm of society as well as in terms of its central concepts, is, in fact, a social-theoretical re-articulation of Hegel's philosophy, and as such, Durkheim's sociology culminates in social ontology as a form of social theory (Kadakal, 2021). For the purposes of this paper, I will build on one key category, which has central analytical importance in Durkheim's ontological account of collective life, namely representations (*Vorstellung*). Both in Hegel and Durkheim, representations serve to apprehend categories of social life as well as forms of consciousness mediated through them in their ontological becoming and transformation. Recovering this ontological account is pivotal for apprehending the historical present and its categories, more specifically, for apprehending the contemporary form of subjectivity as a form of determinate being.

In what follows, I will first draw on a recent product from the culture industry, namely The Disneyland theme-park ride called "Rise of the Resistance" based on the sci-fi movie *Star Wars*, which, rather than being merely an anecdote in popular culture, involves a representation that has a significant illustrative value for apprehending contemporary form of subjectivity. (I) In order to clarify how an analysis of this artifact of culture industry allows for apprehending subjectivity as a category, in the second part of the paper, I will delineate the notion of representation as a central element of critical ontology as a form of social theory by building on Hegel and Durkheim. (II) Against this backdrop of illustrative and conceptual expositions of representations, in the third part of the paper, I will assert how a critical ontology that builds on representations reveals the onto-genetic transformation of the subject and its autolysis in the historical present. (III)

With autolysis, I denote the obliteration of subjectivity both as a determinate being and as a category of collective life, a form of negation that comes into being as the determinate outcome of the subject's own actuality, the outcome of the subject's realization in the commodity form that had taken on the form of collective life. When apprehended through representations, I argue, such autolysis, which is experienced as an entertainment, reveals itself as the mark of a new form of collective life, one that involves radical transition in categories of collective life, and hence necessitates equally radical scrutiny of categories hitherto obtained in social theory.

The fundamental transformations in subjectivity in relation to collective life have been the main concern of penetrating and insightful analyses over the past decades.[4] Baudrillard's analysis, most significantly, delineates the contemporary culture as "the era of simulation," that is, the reproduction of reality without an original, without any referentials to the real or to truth, as "hyperreal." (Baudrillard, 1994, pp.1-3). In Baudrillard's assessment, in the era of simulation, the distinction and distance between the real and the imaginary is obliterated, or to put it more precisely, "reabsorbed on behalf of the model" (Baudrillard, 1994, p.121). This universe of simulation, of the hyperreal, is "dull and flat, without exteriority," a form of culture that eliminates the potential and the capacity for an 'ideal' or a critique on the part of the subject (Baudrillard, 1994, pp. 121-122). For Baudrillard, the culture of postmodernity marks the revolution of the twentieth century: a generation of a world that is neither real nor fictional, a world defined by a lack of such a distinction, a world "without depth" (Baudrillard, 1994, pp. 121-125). The questions of depthlessness, flatness as a cultural form, and the postmodern culture as the culture of the image or the simulacrum were also the central concerns of Jameson's seminal essay (Jameson, 1984). For Jameson, postmodern culture is defined by what he refers to as "the waning of affect" (Jameson, 1984, p. 61); that is, rather than the "vanishing of all feeling and emotion," what we observe in postmodern culture is the disappearance, within the subject, of the very distinction between inside and outside, between an experience of affect, an inward emotion, and its outward communication and externalization. As the cultural logic of advanced capitalism, this postmodern culture denotes a "mutation" both in the "object world," which has become a simulacra, as well as in the "disposition of the subject" (Jameson, 1984, pp. 60-62). As Jameson puts it, as to be observed in the realm of aesthetic expression, postmodern culture constitutes "a field of stylistic and discursive heterogeneity without a norm" (Jameson, 1984, p. 65).

The following analysis differs from these main paradigms in its analytical and conceptual framework. In what follows, I argue that contemporary culture, insightfully depicted as hyperreal, as a

"world without a depth" (Baudrillard) or as "waning of affect" (Jameson) is in fact a world with a specific content, one that still holds distinctions. Such content needs to be apprehended not in the idiom of its extension, as its "depth," as its linearity, but rather dialectically, as a matter of mediations as its essence—mediations through which the content produces and reproduces itself and its categories in their constant transformation and change. Put differently; I assert that the flatness of the universe of simulation, a world with "stylistic and discursive heterogeneity" but "without a norm," only discloses a historically specific outcome of mediations in collective life, namely a one-sided negation of the category of subjectivity as I will depict later. Although such historically specific outcomes of mediations appear to be impossible to surmount from the side of the subjectivity, which is itself a determinate being, or such outcome might take the form of— as Baudrillard puts it—an "insuperable" simulation (p. 125), nevertheless, the content and its distinctions, that is, collective life and its categories, are not an indeterminate totality. The flat universe of simulation, in other words, needs to be apprehended in terms of determinate transformations in the categories of collective life. More specifically, when apprehended as representation (*Vorstellung*), simulation, or the lack of distinction between the real and the imaginary in fact discloses a truth. Such truth inheres not in affirmation of simulacrum but in its critical apprehension as a representation of what the "world without a depth" and the lack of capacity for an "ideal' or critique entail on the side of subjectivity (cf.Baudrillard, 1994, pp. 121-123). By the same token, the "waning of affect" and the "fundamental mutation" in subjectivity, as Jameson puts it in relation to postmodern culture (Jameson, 1984, p. 60), need to be apprehended as manifestations of fundamental transformations in the categories of collective life—transformations that are ontological through and through. That is to say, if one observes in the artistic expressions in late capitalism the disappearance of the experience of alienation and alienated forms of sociality such as anomie, isolation, and fragmented sense of self and social life, this is because what Jameson refers to as the "parable of the transformation" (Jameson, 1984, p. 61) in fact extends beyond the objects and subjects of postmodern art: It involves subjectivity itself as a historically specific category.

Social theory, adequate to its time, must apprehend categories in its mediation and assess the truth in its historicity. For a social theory adequate to its task, such truth is not a "metaphysical baggage" as postmodernism sees it (Jameson, 1984, p. 61) but rather is its vantage point. While the poststructuralist critique might very well be a symptom of the postmodernist culture, as Jameson insightfully puts it, nevertheless, the fact that various "depth models" (e.g., hermeneutic, Freudian, existentialist) (see Jameson, 1984, p. 62) and their normative implications had been repudiated by the postmodernist critique evinces the fact that adequate social theory ought to comprehend its own categories and their normative implications in their historicity. It is in that sense that the postmodern critique should be taken very seriously—not as an affirmation of the radical rejection of truth, but rather as forms of thought that compel social theory to radically question the validity of its categories, including the category of subjectivity, and investigate into their ontological grounding and scrutinize their normative implications. As I will argue below, what the Disneyland ride and its simulations bring forth through their content and their associated ideas and ideals are neither external nor alien to the form of subjectivity defining the historical present. What the ride reproduces in the form of a representation is in fact very much real, actual, and affirmative within the subject—real and actual, and hence, the representation could in fact recreate it as a simulation, and affirmative because as a representation it denotes a form of subjectivity who is capable of living this simulated experience as a form of entertainment. The fact that such content has become a source of amusement and an enjoyable experience evinces a form of subjectivity both as a category and as a determinate being. Social theory adequate to its time must critically apprehend such truth—subjectivity in its determinations, in its ontological transformation.

Since the eighteenth century, subjectivity in its individual form has been central to modernity's self-understanding. As a category and representation, it expressed the notions of autonomy, freedom, and reason as idealizations that modern society had put forward for itself. Social theory adequate to its time, however, must apprehend categories, including categories of subjectivity in their historicity, as forms of determinate beings. The following account is one such attempt for social theory to go beyond the eighteenth-century forms of thought, apprehend categories and their normative intimations critically

in their historically determined ontology, and inquire whether they are adequate to the truth with which they were once identified.

"Rise of The Resistance"

Recently, the Disney Company introduced in its theme-parks an amusement ride called the "Rise of the Resistance." The ride is based on the popular and commercially immensely successful movie franchise *The Star Wars*. It incorporates the characters, images, scenes and prompts from the movie sequels, and utilizes advanced technology in automation, imaging, and visual effects in order to create a simulation of various scenes depicted in the movie sequels.[5] The narrative elements of the ride are devised to have the customers— referred to as "park guests" by Disney—participate in the ride in the form of a role-play through a sequence of scenes in the storyline, resulting in—as Disney promotes it— "one of the most advanced and immersive experiences ever undertaken by Walt Disney Imagineering." The ride starts in a hall set up to simulate a military post—a frequent scene in the movie sequels—on a fictional planet. The guests play the part of "new recruits" for the "Resistance" fighters in a war against what is called the "First Order," and they are to be transported to a secret base to join fellow members of the Resistance. During transport, the spacecraft that carries the new recruits is intercepted by the forces of the "First Order," whose "military officers" board the vessel. The guests are told they are being detained and are ordered to disembark for interrogation.

Figure 1. Disneyland cast members dressed as a member of the First Order, ordering guests to disembark for interrogation. "Star Wars: Galaxy's Edge - Star Wars: Rise of the Resistance" by Jeremy Thompson is licensed under CC BY 2.0

As the guests (who are now "detainees,") exit the vessel and step into a large hangar of the First Order Star Destroyer, they encounter a sight that strikes an immediate awe: rows of clone soldiers (the Stormtroopers) standing in ready formation, staring directly at the "detainees." The scene projects an immediate sense of domination by massive military power.

Under the gaze of the Stormtroopers, detainees are then sent to an adjacent hall for"processing." The "processing" scene takes place in a setting that simulates a hallway on a military spaceship, and it consists of interactions where Disney employees, costumed in uniforms, play the role of the "First Order military officers" in charge of the "processing."

Figure 2. Stormtroopers on stage. "Star Wars: Galaxy's Edge - Star Wars: Rise of the Resistance" by Jeremy Thompson is licensed under CC BY 2.0

Figure 3. Stormtroopers on stage. "Inside the "Rise of the Resistance." Truly an amazing experience. Star Wars: Galaxy's Edge - Star Wars: Rise of the Resistance" by Peter Lee is licensed under CC BY-NC 2.0

The military mise-en-scène, the script, the enactment, and various commands and instructions delivered by the "officers" during the "processing" are clearly designed to emulate power and domination. The "officers" order the "detainees" to line up against the wall on marked and color-coded spots. The pre-scripted interaction involves disparaging and disdainful intonations, often mixed with sarcasm.

Figure 4. Guests line up in the hallway awaiting "processing" and "interrogation." "Star Wars: Galaxy's Edge - Star Wars: Rise of the Resistance" by Jeremy Thompson is licensed under CC BY 2.0

The "detainees" are given orders that mimic domination and slight creatively delivered by the Disneyland employees enacting the scene: "Stand on the marked line!" "Pay attention and remember the color code you are assigned to!" "No point in denying your involvement with the resistance!" "You will be interrogated!" "It will be painful!" "You will be hearing each other's screams." After the "processing" scene, the guests, who are now "prisoners," are moved to a room that simulates a small prison cell. Two characters from the movie sequels ("General Hux" of the "First Order" and a figure known as "Kylo Ren") appear on the scene (both simulations), standing high above the cell and chiding the "prisoners" down below behind the bars. The "prisoners" are told that the information —the location of the secret base—will be extracted from them.

Figure 5. Disneyland cast members pose as officers of the First Order. "Rise of the Resistance. Star Wars: Galaxy's Edge, Disney's Hollywood Studios by Kelly Verdeck is licensed under CC BY-ND 2.0

When the military leaders leave the scene, and the prisoners await their interrogation and torture, the resistance fighters come to help the prisoners break free and escape the First Order spaceship. The ride ends with a motion ride and a flight simulation. The guests exit through the gift shop, where they can purchase theme-based merchandise, including the First Order uniforms, and in the park interact with the characters from the ride.

Figure 6. The First Order uniforms are for sale at the park gift shop. Photo by Efford.

While "Rise of Resistance" appears to be simply a visually attractive spectacle with "hight-tech automation" based on a theme from a highly popular science fiction title, as a form of entertainment, its significance extends beyond the genre, the theme, and the specific features of the technology employed. Rather than being simply an anecdote of popular culture, the Disneyland ride offers crucial illustrative value. What allows the ride—the experience it purports to provide—to be a form of entertainment, that is to say, what makes a simulation of a fiction to be enjoyable make-believe, is the fact that such an experience involves a form of representation.[6] The fundamental element of this representation consists in the form of subjectivity it denotes. More specifically, as a representation it carries the mark of a subjectivity in its ontological transformation.

Figure 7. The guests interact with characters from the ride. "Star Wars: Galaxy's Edge (Disneyland)" by geoff dude is licensed under CC BY-NC-ND 2.0

In order to elucidate this representation and its significance for the form of subjectivity it intimates, I will offer next a brief account of *representation* as a form of thought as identified by Hegel and its social-theoretical re-articulation by Durkheim. For the purposes of my argument, my reinterpretation of Hegel and Durkheim will be limited to expounding representations from the standpoint of the critical ontology of categories, including the category of subjectivity in its individual form. In this account, categories are to be apprehended both as thought determinations, as well as concretely as forms of beings that unfold *as* history— an account of categories radically different than the way they are conceived by paradigms of subjectivity and its underlying conception of truth. Only after this brief account of representations and categories will I be able to expound next on what the Disneyland amusement ride involves as a form of representation and on the implications of the experience it purports to reproduce in the form of entertainment. As I will argue, this representation takes and fixes upon as its object a theme from a popular culture as it brings into relief a historical moment of subjectivity as a determinate being in its ontological transformation.

Representations

From the standpoint of critical ontology as a form of social theory, Hegel's account of categories stands distinctly apart from the subjective idealism of the late eighteenth century. In subjective idealism, as to be found in Kant's First Critique, thought is reduced to 'understanding,' and the latter itself is conceived, in turn, through antinomies that build on abstract oppositions. This subjective-idealist explanation of categories ends in a form of thought that cannot reach beyond those thought determinations that give rise to the conceived antinomy itself in the first place. In Hegel's philosophical account of categories, i.e., in his *Science of Logic*, in contrast, we find categories apprehended in their mediation, in a movement of thought through which categories come into being and exist as absolutely distinct yet equally inseparable from each other. This is a movement of thought where each category immediately disappears in its opposite: "Being" immediately disappears in its other, "Nothing"; their truth consists in their "Becoming." In *the Science of Logic*, accordingly, the truth of being is to be sought in its coming into being as a determinate being and in its determinations.[7]

In the development of social theory, Hegel's account of categories has been appropriated in two main forms, which led to two forms of ontology as a form of social theory. The first is Lukács' materialist ontology, which reconstructs Hegel's idealist ontology and his account of categories by building on praxis, labor, and mediation. The second is Durkheim's sociological paradigm— which is deeply misunderstood in American sociology— that re-articulates Hegel's account of categories in social-theoretical terms.[8] Especially Durkheim's paradigm of society in the *Elementary Forms* expands directly on Hegel's notion of *representations* as a form of thought, re-articulated to reveal the relationship between categories and collective life. We can briefly outline this progress from Hegel to Durkheim from the standpoint of social theory in order to delineate how representations become critical to apprehending categories both as thought determinations as well as in their coming into being concretely in collective life.

Representations as a Form of Universality of Thought

If Hegel's *Science of Logic* is an account of this movement of thought as an account of categories, his lectures on the *Philosophy of Religion* are an account of the movement of thought in the form of religious consciousness where representations hold a vital role. This ontological grounding of religious consciousness through an account of representations is central to Durkheim's central paradigm in *Elementary Forms*. In broadest terms, in Hegel's usage, representation *(Vorstellung)* captures the mediated nature of thought as well as the subjective and objective moments of consciousness in this mediation.[9] More specifically, representation is a form of thought—to the extent if one could separate the two for Hegel—through which an object, in its essence, becomes present before the mind and where the mind takes the form of consciousness of the object. For Hegel, this is a moment of consciousness

where the representation of an object and the manifestation of this representation are freed from their immediacy. In religious consciousness, accordingly, consciousness and its object, in their initial development, are differentiated out of totality as a part of the movement of consciousness where the latter differentiates the object as 'other.' Religious representation *[Vorstellung]* is the moment of their "reconciliation" —a moment that marks consciousness and its object, as Hegel puts it, "achieving their unity again in self-consciousness'." What we refer to as 'faith' in religion is, in fact, precisely the "immediate form" that this unity takes. Be it derived from the "inner life" or from external phenomena, for Hegel representation indicates an "immediate relation" of certainty, that is, the moment of immediacy of the content and the self. For Hegel, the whole sphere of manifestations—the "religious spirit" as Hegel calls it— come into being as religious representations attain more and more content through such moments of 'reconciliation" of consciousness and its object as an immediate form of unity and certainty. The religious spirit, in other words, consists of representations and expresses the movement of consciousness toward freedom.

It is important to note that, in this movement of consciousness, a representation is not an abstraction. Nor the categories that come into being in this movement are to be apprehended as abstractions in the sense that subjective Idealism would conceive categories. The form of consciousness involved in representations has an objective content, which, for Hegel, can only exists, like all content of consciousness, through a mode. That is to say, representations, in their content, are not simply subjective, nor are they "merely mine" as in, for instance, dreams, where, as Hegel puts it "I exist as consciousness, I have objects in my mind, but they have no existence." The content of representations exist independently, and yet, in their independent existence, they are inseparable from consciousness. Representations consist of this very content and the mode of form of consciousness. As Hegel puts it, in representations, there are "..two points bound up together ….content is at once independent and at the same time inseparable from me; that is, it is mine, and yet it is just as much not mine." Representations, in other words,are a determinate form of thought in the form of universality. They have an independent content. Yet, they are inseparable from self-consciousness. This account of representations as a determinate form of thought with a form of universality finds its social-theoretical articulation in Durkheim's *Elementary Forms*.

Categories as Representations

Durkheim's sociological paradigm in the *Elementary Forms* is essentially ontological. As is the case with Durkheim's overall sociological paradigm and its central theoretical conceptualizations (e.g., collective representations, organic and mechanical solidarity, social facts), Durkheim's *Elementary Forms* builds on and re-interprets Hegel's idealist ontology in social-theoretical terms. This sociological paradigm consists of demonstrating the onto-genetic relationship between categories as representations and the structure and mode of collective life that become manifest through them. More specifically, the central argument of the *Elementary Forms* synthesizes Hegel's account of categories in the *Science of Logic* and delineation of the development of religious consciousness in lectures on the *Philosophy of Religion* to assert that representations constitute the foundation of "all spheres" of belief and forms of knowledge, including scientific knowledge and categories of understanding. By building on studies of elemental social forms, Durkheim shows that categories in their content and mode as representations are anchored in and express collective life as a form of being and as reality sui- generis.

For Durkheim, the anthropological studies on elemental social forms offer evidence for this relationship between categories as representations and collective life. Representations in religious rites and rituals, accordingly, appear as the moments of collective life where the latter becomes conscious of itself *in* and *through* representations and where representations, by the very process, acquire some of the properties of objects that they are fixed upon. The analysis of representations, in effect, unveils the form of consciousness that comes into being through them. The categorical distinctions such as sacred and profane, as to be found in the elemental social forms, are the instances of representations: They

are classifications that religions introduce into the collective life, or, to put more precisely, the moments where collective life brings forward and represents itself *to* itself through religious classifications. Equally important, since representations come into being concretely and effectively in the mode of rites and rituals as well as in collective beliefs and ideals formed around classifications, they articulate modes of actions and forms of thought. The ontological significance of representations consists in the fact that they are the embodiment of how collective life penetrates the consciousness of its members and constitutes them in its own image, and in doing so, creates and recreates itself as such. In such ontology, religious classifications are only a special case of collective representations—although a foundational one in the elemental forms of collective life. Similarly, the fundamental categories of understanding (e.g., time, space, causality, etc.,) are, in fact, classifications whose origin is not the nature of things but the nature of collective life itself. They are neither a-priori nor innate to the human mind. Categories are founded in collective life and express the processes by means of which collective life achieves a mode of moral and intellectual framework as a condition of its own possibility. Categories, accordingly, are collective representations.[10] They have an objective existence with a form of universality: They take the actual framework of society "as their own."[11] Their content expresses reality—the real being of things, that is, the objective reality of society as a form of being. In fact, not only are categories as representations modeled on collective life and express how collective life apprehends itself, but they also are actual in the sense that they exist objectively, and as such, they are the elements of the processes of social being, its development, and change.

In both Hegel and Durkheim's respective ontological accounts, categories as representations involve a mediated form of consciousness.[12] This is an account of how collective life, which is a form of determined being, apprehends itself by means of categories and distinctions it brings into being as representations. The latter crystallize in and acquire the characteristics of the symbolic, moral, and rational universe—elements that they employ in its process.[13] As such, representations contain the imprints of social life as their foundation, and they reveal the forms of thought through which collective life becomes conscious of itself. Representations, in other words, become a form of mediation.

Apprehending representations as mediated forms of consciousness, however, is not an affirmation of the truth of representation —i.e., the truth of the symbolic object of representation or the content of categories and systems classifications. From the standpoint of critical ontology as a form of social theory, truth exists not *as* representations but *in* representations, in the processes of mediation that bring them into being, and in their transition and change, in their constant processes of becoming. As such, representations are to be apprehended critically, as a form of mediation, as the elements of concrete processes of collective life that bring them into being as such. The task of theory, then, is to attain what is beyond representation and uncover the actual reality it expresses—a reality whose experience imparts representation and truth, albeit in a mediated form. Social theory adequate to its time can critically apprehend collective life and itscategories, including the category of subjectivity, as determinate beings in their historicity through an analysis of the mediated nature of representations.

Autolysis of the Subject

What is crucial to recognize with the Disneyland ride is not simply the fact that what it purports to simulate has no underlying reality—that is, it is hyperreal, its "generation by models of a real without origin or reality"— but rather that it has, as its essence, a representation. This representation, notwithstanding the fictional nature of the object it fixes upon (The Star Wars), carries the visible imprints of truth. Such truth pertains to the experience of the subject. More specifically, as a representation, it denotes a form of subjectivity as a category and as a determinate being with normative implications in the historical present: As a representation, it denotes a form of subjectivity who is being entertained, who can have an "immersive experience" through the form of enactments and simulations of conditions derived from the phenomenon and an ideology of total domination of the subject. If simulations of the experience of detainment, interrogation, and imprisonment can become a form of entertainment, a form of recreation

Figure 8. Disneyland theme park. Photograph by James Bareham, Polygon, and Vox Media, LLC. This photograph is not available for licensing via Creative Commons. Please contact the copyright owner (Vox Media, LLC) for licensing inquiries.

Figure 9. Ferguson, Missouri, 2014. [AP] License pending]

Figure 10. Stormtroopers. Image by Carlos Licensed under CC BY-NC 2.0.

Figure 11. Law enforcement officers hold weapons as police clash with protesters, July 25, 2020, Seattle. [AP] [License pending]

Figure 12: A stormtrooper engages with the guests. Photo by jpellgen, "Interrogation," Licensed under CC BY-NC 2.0.

Figure 13. A mother and her 1-year-old child as surrendering to U.S. Border Patrol agents, June 2018, McAllen, Texas. [AP] [License pending].

that arouses feelings of amusement and pleasure, this is because the ride itself is a representation that merely invokes states of being, sentiments, and attitudes that subjectivity in its historical form already embodies within. If the acts of domination and subjection are expressed as recreation, this is because the ride as a representation only reproduces—albeit in an abstracted form of sci-fi theme—the experiences of domination and subjection comprising the collective life in the historical present. Representations, in their ability to arouse an emotive state, can only bring forth the elements of subjectivity and its associated emotive forces that are already found in collective life. They can neither create them on their own nor introduce them from without.

   Subjectivity is essentially a historically determinate category. Its essence—its determinations—are immanently and necessarily normative: As a category, subjectivity is a *representation* of the notions of autonomy, freedom and reason. Second, and equally important, such category, in its determinations, become actual historically only through its adequate representations—representations by means of which subjectivity apprehends itself, that is, subjectivity as a historical development implied in Hegel's notion of consciousness of freedom. Although we find the clearest and most pronounced articulations of this representation in the subjective idealism of the late eighteenth-century philosophy (i.e., Kant and subsequently in Jena philosophers), eighteenth-century philosophy did not invent subjectivity. Rather, eighteenth-century thought more consciously articulated what had already been emerging as a part of the historical transformation and trajectory of European society: The development of category subjectivity in its individual form.[14] In fact, in terms of the historical development of legal, political, and social institutions, European modernity can be understood as revolving around the representation of the category of subjectivity in its individual form and what the latter entails normatively, politically, and—since Descartes— for the very notion of truth itself. Put differently, subjectivity in its individual form had become the primary mode of self-understanding and an idealization that European modernity had put before itself.[15] In this historical trajectory, the form of subjectivity capable of experiencing the simulation of total domination and subjection as a form of entertainment and the very existence of a theme park designed to recreate such experience as an amusement lay bare the radical transformation in this idealization as well as in subjectivity as a determinate being. In fact, normative notions of autonomy, freedom, and reason can no longer be coherently maintained as representations that had been once fixed upon and articulated through subjectivity as a category and a determinate being. The Disneyland ride, as a representation, carries the visible imprints of such truth of subjectivity as a determined category in the historical present. It marks the *autolysis* of the subject, the obliteration of the normative element in the ontology of the subject, hence its entire ontological element.

Figure 14. "Meeting the Stormtroopers" by Loren Javier is licensed under CC BY-NC- ND 2.0

Figure 15. U.S. Border Patrol Agents process undocumented immigrants at a processing center in Nogales, Ariz., April 6, 2006. [AP] [License pending]

Clearly, in a world beyond the theme park, what is being simulated as entertainment is very much a reality for the marginalized and the disadvantaged. However, we should be alert and not fall back on this point as an immediate line of reasoning. The fact that Disneyland offers the simulation of this reality as an amusement ride cannot simply be understood as disregard for the suffering of others. Nor can the form of subjectivity that is capable of experiencing what is simulated as a form of entertainment can simply be explained away as 'insensitivity' or a problem of recognition. What the simulation presents as a form of recreation, what such recreation represents in the form of entertainment expresses the fact that the content of the simulation and its normative implications are immanent to subjectivity as a category in the historical present. This is because such autolysis is not simply the question of the difference between a concept and its empirical instances— subjectivity in its ideal attributes, for instance, as the eighteenth-century philosophy conceived it vis-à-vis subjectivity as it exists empirically. Rather, this representation, the category of subjectivity it denotes in the historical present, expresses the fact that, as Hegel would put it—though for reasons that are diametrically opposed to those in the historical present— "the spirit has internally transformed itself."

Figure 16 . "Holding Cell" at Disneyland. Image by
Steven Miller is licensed under CC BY 2.0

Such inner structure of the spirit consists in the normative structures of the collective life as a form of objectivity[16]; its transformation involves the transformation of the collective life in its very ontology and in the ontology of its categories.[17] Neither of these can be apprehended by means of the conventional categories of paradigms of subjectivity. Rather, subjectivity in its autolysis needs to be apprehended vis-à-vis the social totality that brings it into being as such. Such autolysis of the subject and the normative structures of the collective life as a form of objectivity carry the imprints of the mediations of the commodity form that has "successfully" reconstituted collective life and the structure of social relations in its own logic, that is, commodity form as a self-moving mediation that materially abolished the conditions of possibility of collective life as ethical life through concrete processes of

commodity exchange and valorizing capital.

Figure 18. "Captain Phasma leads a platoon of First Order stormtroopers" by Dennis D is licensed under CC BY-NC-ND 2.0.

Figure 19. Oakland Police Officers Moving In, January 28, 2012 "Occupy Oakland" by Glenn Halog is licensed under CC BY-NC 2.0

While the relation between the culture of simulacrum and the prominence of exchange value has already been pointed out by multiple and divergent analyses of postmodern culture[18], what is crucial to recognize is that such relation involves more than merely the generalization of exchange value: It involves a thorough domination by value as the form of wealth which, in turn, entails an essential transformation of laboring activity—its quantification—as the fundamental element of commodity form and its organizing logic (see Postone, 1993). The fundamental feature of this commodity form consists in the ontological transformation of subjectivity as a category and as a determinate being, where the subject itself becomes a moment of commodity exchange, a placeholder in the circulation of commodities. Put differently, it is not only the realm of a sense of beauty and the fabrication of taste that is being absorbed by commodification as the mark of contemporary culture (cf. Jameson, 1984, p. 56). Subjectivity itself, in its processes of becoming, has become integral to the commodity form and to its mediations. As collective life as ethical life has been reproduced in the logic of commodity form, normative structures that sustain the subjectivity as such have qualitatively become a function of commodity form and its mediations. As a part of this process, representations of subjectivity as a normatively grounded category and a form of being have withered away from within the sphere of collective life— except as idealizations in accordance with fetishized notions of cultural and ethnic identities as manifested in recent authoritarian-populist political transformations, forms of religiosity, art, and philosophy.[19] The logic of commodity form as a social form and its outcomes are already plainly observable in multiple spheres of collective life: The fact that the subject itself now has become a quantifiable value in the form of big data and the fact that algorithms can serve as an effective rendition of, and AI a functional substitute for subjectivity, are simply the plainly observable moments of this process of autolysis—representations where the subject has become a function of value in the valorization of capital. In effect, the Disneyland ride only discloses the practical and moral affinity for total domination on the part of the subject rather than an aversion to it. The outcome of the commodity form as the onto-genetic determination of the category of subjectivity is such that we might be very well at a point beyond the phenomenon of crises of institutions (Deleuze, 1992).
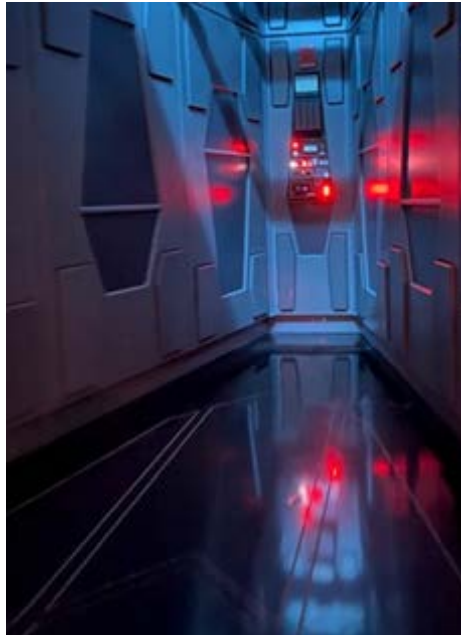
Figure 20. Inside the holding cell at Disneyland, Rise of the Resistance. "Inside Rise of the Resistance " by WDWParks-Gal- Stock Published: May 2, 2023, is licensed under CC BY 3.0

Figure 21. U.S. Border Patrol Holding Rooms, Fort   Brown Station,   September 2 0 1 4 . https://www.gao.gov/assets/ gao-15-521.pdf

As the normative structures of collective life —social life as ethical life, or society as such—are overtaken and transformed according to the ends of capital, the latter re-produces collective life in its own ontology according to which qualitative difference could only become quantitatively determinate: subjectivity as a determined being, in its very ontology, becomes homogenized and reproduced ultimately in the metaphor of value, a placeholder in the circulation of commodities.[20]

This onto-genetic transformation of subjectivity as category and determined being finds its adequate expression in representations in culture industry and in the symbolic universe of commodified popular culture. The Disneyland ride is an instance of this representation, where subjectivity sets upon an external object, i.e., the simulation of a science fiction theme, and in doing so, brings forward and reconciles within itself what is actual, what is already *within* as an experience and what is immanent to modern subjectivity.

Figure 22. Men sleeping on the concrete floor and benches at U.S. Customs and Border Protection detention facilities in Tucson, Arizona. American Immigration Council https://www.americanimmigrationcouncil.org/ content/photo-exhib-its-doe-v-johnson#

Figure 23. Families at Department of Homeland Security detention center in McAllen, Texas. [AP] [License pending]

This representation, both in its *form* and *content*— the simulation and the actual content that comes forward through this form— is an expression of a state of becoming. The emotive experience and the form of consciousness the representation reproduces are already in the subject's experience, in its determinations, and in collective life as such: its autolysis as a category.

Although the ride is only a simulation based on fiction, as a matter of its ontological connotations for subjectivity, 'simulation' is not an illusion. As a representation, it is grounded in reality. While reproduced through and are inseparable from subjectivity, representations are not subjectively determined. They presuppose the subject. Their content is a representation of unanimous emotive states and collective states of becoming. Representations in the historical present are the mediated outcomes of the movement of categories of collective life. In the historical present, they mark the commodity form and its institutionalization as the structure of relations, reproduced within and through subjectivity; they mark the process of total transformation in objectivity that is reproduced, in symbolically mediated form, within subjectivity.[21] In effect, the commodity form as a social form becomes the overdetermination of subjectivity in such a way that it obliterates the distinction between the absolute and the objective in the ontology of the subject by the subject's own activity. The Disneyland ride as a representation then becomes an affirmation of the subject's experience of its own radical transformation. While representation takes place through a curated excitement and entertainment, the very experience itself substantiates for subjectivity the negation of its own normative determination, the normative grounding of its own being, in effect, negation of itself as a determinate being.

Figure 24. The U.S. Customs and Border Protection agents apprehend migrants in El Paso, Texas. [AP] [License pending]

This is perhaps the irony involved in representations. While the ride itself is a simulation, it very much expresses the truth in the form of a representation—a representation through which what is already immanent to subjectivity as a historically determinate being: Simulations of domination, of deprivation of the sense of personhood and autonomy could, in fact, become affirmative experiences for a form of being who has already become both an agent and an object of the very processes. What Jameson appropriately refers to as the "underside" of postmodern culture, namely "blood, torture, death and horror," as the "expression of a whole new wave of American military and economic domination throughout the world" (Jameson, 1984, p. 57) have become immanent to— and in fact realized through—forms of subjectivity itself in the historical present irrespective of one's particular locale relative to such underside. The effervescent feeling and the thrill the ride reproduces in its participants brings forward and fixes upon the abstracted narrative of science fiction the experience of social totality that recast subjectivity in its own mold. Analogous to what we observe, how a work of art confronts an "initial content" (see Jameson, 1984, p. 58), subjectivity appropriates its historical content. In the case of the Disneyland ride, such content—the autolysis—is reworked and experienced as entertainment, where the actuality of collective life and its processes are transformed into sources of amusement. The ride, in other words, and the

form of emotive state it invokes carries the imprints of totality, which creates the category of subjectivity. This is, in fact, why the ride, both in form and content, could indeed become a form of amusement: What is simulated as experience and the subjectivity that is capable of experiencing it as a form of entertainment are, in fact, the embodiment of the subjectivity in such ontological transformation.

If representations in popular culture bring to a relief a form of subjectivity for which simulation of total domination, subjection, and deprivation of personhood could be a form of entertainment, this is -only because subjectivity has already been reproduced in the mold of totalitarian domination of the commodity form.

Figure 25. Guests take a selfie with Stormtroopers at Disneyland. [AP] [License pending]

If the totalitarian domination of the past carried out its inner logic in the annihilation of the subject by means of mass exterminations legitimized by populist political and cultural ideologies, the form of domination in the present carries out its inner logic in the autolysis of the subject. Popular culture that produces simulations of detainment, submission, interrogation, and imprisonment as entertainment, as performances produced as a commodity, intended for consumption as an amusement, and consumed as such by the subject, is an instants of collective life that bring forth subjectivity in its autolysis. To reiterate, then, the Rise of the Resistance is not merely of anecdotal value. What the simulation brings forth through its content, as well as the ideas and ideals that such content discloses, is immanent to subjectivity in the historical present. As a representation, it is underlain by a form of universality. It expresses a form of collective life in the historical present. It reveals the demise of the subject both as a category and as a determinate being. In effect, it is a form of reconciliation of the subject and its experience of autolysis, a renunciation in the form of entertainment

Conclusion

Social theory adequate to its time must apprehend categories in their determinations, in their historicity, in their coming into being and transition as history presents them to us— where history itself is the emergence and movement of categories as forms of beings. In the proceeding account I attempted for such apprehension by building on *representations*. To reiterate, representations are not abstractions. They are determinate forms of thought with objective content. Such content exists independently, but is inseparable from consciousness. In Hegel's usage, representation captures the

subjective and objective moments of consciousness. In Durkheim's ontological paradigm, we find this idealist ontology reconstructed in social-theoretical terms to reveal the relationship between categories and collective life. By drawing on Hegel and Durkheim, I argue that representations are key to discerning the structure and mode of collective life in the historical present that becomes manifest through them. They are the embodiment of how collective life constitutes the consciousness of its members in its own image. It is in this connection that I argue that representations express socio-ontological processes and, as such, they carry the imprints of collective life and its categories as determinate beings. More specifically, they disclose a form of mediation in the historical present whereby truth reaches objectivity, objectively, as well as within the subject. By building on representations, critical ontology as a form of social theory can apprehend such truth, i.e., collective life and its categories in their mediation. One such category and representation in the historical present is subjectivity in its individual form. As a historically determinate category, its truth consists in its normative foundations—its moral and ethical determinations as a category and form of being. If we take up modernity on its own premise, the first article of subjectivity, its principle stipulation, and its determinations consist in the notions of autonomy, its freedom from being determined from without, and social life based on reason. As a category, however, subjectivity could only have become actual by comprehending itself as such, in its normative, ontological determinations, that is, if it has, in its actuality, the consciousness of freedom, if it has a representation of its own normative and ontological distinction as such.

What the representations in the historical present reveal, however, is an onto-genetic transformation of subjectivity, its autolysis. The Disneyland ride is an instance where such autolysis obtains its representations in and through popular culture, a moment where subjectivity in its individual form reconciles with its own ontology. Rise of the Resistance is not a satire but a stand-in. The spectacle it reproduces as a representation is not a moment of critical reflection but a moment of affirmation—affirmation of what is already familiar to the subject, what the latter can recognize as its own being. As a representation, it reproduces, through a seemingly fictional theme of popular culture, what is genuinely immanent to the subject in its determinations.

The category of subjectivity in its individual form—modern, bourgeois subjectivity—was a representation through which ideas and ideals of European modernity and its Enlightenment heritage—autonomy, freedom, and reason— had coalesced. The paradigms of subjectivity in social theory are, in fact, representations brought forward through such history. Their current prevalence expresses a particular epoch in the moral and intellectual universe of European modernity where the relative stability of the liberal democracy and the European welfare-state system had defined the second half of the twentieth century. This historically specific moral and intellectual universe had steered theoretical categories and intellectual concerns away from apprehension of contradictions in social totality and towards attempts to understand and diagnose the strains put on subjectivity, i.e., as impediments to the communicative structures of intersubjectivity, the struggles of subjectivity in its needs of recognition, and the articulations of the ideal conditions of a legal-rational framework for their realization. Nevertheless, a history that brought subjectivity into being a category also included—if not in fact made possible by —domination, alienated social relations, and reified forms of consciousness. The two sides of this 'Janus-faced' ontology of subjectivity, its historically determinate side as a category on the one hand and its representations on the other, express the fact that mediation of subject and object is also their transformation.

I started this paper by arguing that the task of critical ontology as a form of social theory is to apprehend categories in their mediation and in their becoming. In critical ontology, categories of subject and object, their differentiation and relation to each other are not the ontological foundations of being, nor are the foundation of science. They are the outcome of mediations of collective life, and only then they are also theoretical categories. To Hegel, the movement of categories (mediation of being and it's other, their immanent development and differentiation, and negation of this differentiation in a higher unity) appeared to be a movement toward a consciousness of freedom. We must now recognize that the movement of categories—history as such— does not appear to be a movement toward the realization of freedom. Representations in the historical present express such movement—the negation of the category

of the subjectivity, but a negation that is completely one-sided, a negation of the normative grounding of subjectivity as it was once understood, a negation that does not ensue in higher unity. This is a mediation that materializes in subjectivity not as the individual but as the particular, a form of subjectivity that remains as a moment of ever-expanding, homogenizing universe of total commodification of the collective life. The subjectivity that can experience the simulation of its obliteration as entertainment is the embodiment of subjectivity in its autolysis. Social theory adequate to its time, a social theory that apprehends categories in their historicity, must seriously examine whether the subject has not become an illusion and whether maintaining that idea of the existence of the subject as an autonomous being became an ideology. This only means that the fundamental categories of the historical present need to be apprehended differently.

Endnotes

1 An earlier version of this paper was presented at Mid-South Sociological Association, Nashville, TN and Online, (2022). I would like to thank Harry F. Dahms, Alexander Stoner, Thomas Bechtold, Daniel Krier, and the anonymous reviewers for exchanges, comments, and critiques that immensely contributed to the clarity and substance of my analysis. My research was supported by a grant from the Provost's Office, California University Channel Islands. Stormtroopers image from "Star Wars: Rise of the Resistance" by Jeremy Thompson is licensed under CC BY 2.0

2 For recent articulations of paradigms of subjectivity, see Habermas (2022) and Honneth (2021). In observing the discrepancy between idealizations and practices in "social normativity" as a matter of the lack of credibility of the institutions, Habermas asserts the need to "rationally reconstruct" the principles of democratic and just political order from the "intuitive expectations and conceptions of legitimacy of citizens" (2022, pp. 147–149). For Honneth, the notion of recognition, taken as "intersubjectivist reinterpretation of Kant's notion of respect . . . describes the communicative conditions under which social recognition can take place at all" (2-21, p. 147). As Honneth puts it, "Only by recognizing each other as persons who deserve the right to co-determine our shared norms do we fulfill the condition for a normatively regulated social existence" (p. 175). The fact that they frame the discursive, cognitive, and rational potentialities in terms of mutual relations between subjects glosses over the fact that in their presupposition of categories, paradigms of subjectivity do not present any discernible difference from the mainstream social theory, especially vis-à-vis the category of subjectivity and its relation to social totality. Rather, a limited attempt to understand social beings through the logic of language and linguistic communication can be seen in Brown (2014). For my critique, see Kadakal (2023).

3 For the most compelling and thorough analyses of the historical present that build on the historicity of categories and their ontology, see Michael J. Thompson, Twilight of the self: The Decline of the Individual in Late Capitalism, Stanford University 2022. Thompson's work succinctly frames collective life in its current "post-neoliberal phase" surrounds the subjectivity in its individual form by means of re-creating the latter's needs, desires, interests, the perimeter of its knowledge, and the depths of its imagination" in its own logic. Thompson's argument

that we might be very well witnessing the "the disappearance of the critical, rational, autonomous self that was once the ideal of the humanistic Enlightenment" should be heeded urgently by any form of theory that understands itself as a form of intervention in the historical present. See Thompson's excellent framing of the question of subjectivity (pp. 2-26).

4 Most prominently, in Lyotard (1984) (Originally published in French 1979), Baudrillard (1994) (Originally published in French 1981), and Jameson, (1984).

5 The ride opened in California on January 17, 2020, and Florida on December 5, 2020. In 2022, Disneyland Park (CA) and Walt Disney World (FL) reported more than 16M and 17M attendance, respectively. The Global Attractions Attendance Report, 2022. TEA/AECOM Theme Index and Museum Index, published by Themed Entertainment Association (TEA).

6 For practical purposes, I am following the established convention in English translation of *Vorstellung* as "representations," although the latter does not fully convey the connotations of *Vorstellung* in the way Durkheim and Hamelin conceived it. In English, representation often gives the sense of German *Darstellung* rather than *Vorstellung*. For Durkheim and for Hamelin— whose philosophical elaboration on "representations" figures considerably in Durkheim's social-theoretical articulation of the term— "representation" is closer to French conscience than one could imagine such association in English. In fact, for Hamelin, "representation" involves a "reciprocity of being and knowing." See Hamelin (1925).

7 For the purposes of this paper, I limit my reading of *Science of Logic* to an account of categories to the subsequent development of ontological analysis in social theory and leave out a larger account and significance of the *Science of Logic* for the purposes of social theory and its categories.

8 Ironically, Talcott Parsons, who attempted to develop a categorical grounding of a systematic study of social reality profoundly misrepresented Durkheim's social theory. Subsequent development of mainstream American sociology never broke free from this Parsonian framework in approaching Durkheim's sociology.

9 The discussion of issues concerning various editions and translations of Hegel's *Lectures on Philosophy of Religion* is beyond the purposes of

this paper. Nevertheless, it is important to note in the early editions of the *Lectures* available to Durkheim, *Vorstellung* was assigned the subheading "Forms of Religious Consciousness." For a thorough discussion of various editions of Hegel's *Lectures*, see Dodgson's "Editorial Introduction" to Hegel (1984).

10 As Durkheim puts it, "The ideas thus objectified are well founded—not, to be sure, in the nature of the tangible things onto which they are grafted but in the nature of society" (1915, p. 228).

11 Such a framework, in its elemental form, where group life is small in size and individuality and internal differentiation of collectivity are developed only to a small extent, manifests itself as and in contrast to modern society, moral conformity, and intellectual uniformity. See Durkheim (1915).

12 Durkheim appears to be more radical than Hegel, as he understands German *Verhalntnis* as "form of consciousness," whereas given its context, Hegel seems to understand it as "a relationship of mind relative to its object" or simply as "relationship" or "attitude."

13 Neither in Hegel nor in Durkheim do categories need metaphysics for their grounding.

14 This historical trajectory (also) included the category of person whose roots can be traced
back to early Christianity. For such an articulation, see Mauss (1985).

15 For overlapping assertions of subjectivity albeit with differing accounts of ontology, see Worrell (2019). Worrell depicts ontological individualism in relation to the bourgeois liberal notion of the individual very aptly: "…flat intersubjectivity…where there is no reality beyond individuals…engaged in symbolic dances… agreements, negotiations, and contracts." (2019, p.29).

16 In their critique of the delegitimizing notions of authority, Krier and Worrell underline that the concept of authority captures a particular content, a "form of moral surplus" emanating from collective life that takes the form of "should or a must." (2017 p. 638). I take these forms of normative expectations—"moral surplus" in the form of should or must—as elements of what I refer to as the normative structures of collective life beyond the individual notions of morality whose content is, in fact, apprehended by Hegel through the notion of Sittlichkeit. Durkheim's sociological paradigm, as I build on here, involves, among others, a social-scientific apprehension of such an ethical realm that emerges from collective life and takes the form of objectivity for its members. Normativity, in other words, is an immanent feature of collective life and, in fact, its condition of possibility. What Jameson observes as "the dissolution of an autonomous sphere of culture" and the lack of 'critical distance' in late capitalism (1984 p. 87), I argue, reflect these normative structures in transition.

17 As Michael Thompson puts it, "Social ontology does not look for the content of all forms of social life, but rather for the basic underlying categories that undergird different forms of social reality. (2017, p. 25). As a matter of analytical framework, Thompson identifies substance, relations, process, and constructivism as distinct dimensions of social ontology (2017, pp. 25-32). In the main, the analysis I pursue here aligns with what Thompson captures under constructivism, as the latter appears to be a dimension of ontology out of which the other aspects can be discerned without submitting to any reductionist ontology while at the same time materially grounding ontology in concrete, practical activity, especially labor and its mediations that give rise to forms of objectivity beyond their immediate anchoring in social forms of labor.

18 As Jameson puts it, "the culture of the simulacrum comes to life in a society where exchange-value has been generalized to the point at which the very memory of use-value is effaced" (1984 p. 66). See also Lyotard, (1984)

19 For an excellent analysis of authoritarian and populist transformations in relation to new identities, see Antonio (2000). Antonio points out that what has animated new forms of what he calls "reactionary tribalism" is a "radical cultural critique of global capitalism and liberal democracy" on the other hand, and emphasis "on cultural identity and difference," variously articulated in group identities "anchored in ethnic community" on the other hand. For an extensive account of fetishized notions of individuality, see Apter and Pietz (1993). For a critique of a fetishized notion of individuality, see Kadakal (2018).

20Se e Hegel's (1929) account of quantity, quality, and measure.

21 By building on Marx's analysis, Krier and Amidon (2017) offer a succinct depiction of the material, psychological and cognitive processes at the level of subjectivity: "Capital absorbs living labor (ontologically somatic) and congeals/crystallizes/objectifies it into commodities (ontologically psychic as an object of desire), then through the process of realization, the absorbed labor undergoes another ontological transformation into money value (ontologically symbolic)" (p. 268).

References

Adorno, T. 1995. *Negative Dialectics*. Continuum.

Antonio, R. 2000. "After Postmodernism: Reactionary Tribalism." *American Journal of Sociology*, *106*(1), 40–87.

Apter, E., & Pietz, W. (eds.). 1993. *Fetishism as Cultural Discourse*. Cornell University Press.

Brown, M. E. 2014. *The Concept of the Social in Uniting the Humanities and Social Sciences*. Temple University Press.

Baudrillard, J. 1994. *Simulacra and Simulation*, The University of Michigan, [Originally published in French 1981].

D23, The Official Disney Fan Club. (2019, February 27). Everything you need to know about *Star Wars*: Galaxy's Edge. https://d23. com/galaxys-edge-announcements/ Deleuze, G. 1992. "Postscript on the Societies of Control." *October*, *59*, 3-7.

Dodgson, P. C. (1984). "Editorial Introduction." In G. W. F. Hegel, *Lectures on the Philosophy of Religion*. University of California Press.

Durkheim, E. (1915). *The Elementary Forms of Religious Life*. Trans. J. W. Swain. George Allen and Unwin.

Habermas, J. (2022). "Reflections and Hypotheses on a Further Structural Transformation of the Political Public Sphere." *Theory, Culture & Society*, *39*(4), 145–17.

Hamelin, O. 1925. *Essai sur les Éléments Principaux de la Représentation*. Felix Alcan.

Hegel, G. W. F. 1929. *Science of Logic*. Trans. W. H. Johnston & L. W. Struthers. George Allen and Unwin.

Hegel, G. W. F. 1962. *Lectures on the Philosophy of Religion*. Routledge and Kegan Paul.

Hegel, G. W. F. 1975. *Logic*. Trans. W. Wallace. Oxford University Press.

Hegel, G. W. F. 1977. *Phenomenology of Spirit*. Trans. A. V. Miller. Oxford University Press.

Honneth, A. 2021. *Recognition: A chapter in the History of European Ideas*. Cambridge University Press.

Jameson, F. 1984. "Postmodernism, or the Cultural Logic of Late Capitalism," *New Left Review*, 146 (July/August).

Kadakal, R. 2023. "Allegory, Discourse, and Truth: The Ontological Grounding of Social Being." *Current Perspectives in Social Theory*, *40*, 209-225. https://doi.org/10.1108/ S0278-120420230000040014

Kadakal, R. 2018. "The Return of the Fragmented Subject: Critical Realism, False Ontology, and the Regression of Social Theory." [Conference paper]. Annual Conference of the International Social Theory Consortium, Chicago, IL.

Kadakal, R. 2020. "Lukács and the Problem of Knowledge: Critical Ontology as Social Theory." In M. J. Thompson (Ed.), *Georg Lukács and the Possibility of Critical Social Ontology* (pp. 392-418). Brill.

Kadakal, R. 2021. "Recovering Durkheim's Ontology." [Conference Paper]. 19th Annual Conference of the International Social Theory Consortium, University of South Florida, Tampa.

Krier, D. and Kevin S. Amidon. "The Body Ontology of Capitalism" in D. Krier and M. P. Worrell (Ed.) The Social Ontology of Capitalism. Palgrave.

Krier, D. & Mark P. Worrell, 2017. "The Organic Composition of Big Mama:.*Continental Thought and Theory*, Volume 1, Issue 4 (pp. 636-652).

Lukács, G. 1980. *The Ontology of Social Being*. Merlin Press.

Lyotard, Jean-Francois. 1984. *The Postmodern Condition: A Report on Knowledge*. University of Minnesota Press, Minneapolis.

Mauss, M. 1985. "A Category of the Human Mind: The Notion of Person, the Notion of Self." In M. Carrithers, S. Collins, & S. Lukes (Eds.), W. D. Halls (Trans.), *The Category of the Person* (pp. 1-25). Cambridge University Press.

Postone, M. 1993. *Time, Labor, and Social Domination: A Reinterpretation of Marx's Critical Theory*. Cambridge University Press, MA.

Thompson, M. J. 2017. "Social Ontology and Social Critique: Toward a New Paradigm for Critical Theory" in D. Krier and M. P. Worrell (Ed.) *The Social Ontology of Capitalism*. Palgrave.

Thompson, M. J. 2022. *Twilight of the Self: The Decline of the Individual in Late Capitalism* Stanford University Press.

Worrell, Mark P. 2019 *The Sociogony: Social Facts and the Ontology of Objects, Things, and Monsters*. Leiden | Boston.

Wulf, A. 2022. *Magnificent Rebels: The First Romantics and the Invention of the Self*. Knopf.

"You Are Not Independent in Any Way": Potentiality in Biopolitics, Gig Economy Work, and the Emergence of Illegible Antagonisms

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1. Introduction: Potentiality in Biopolitics, Gig Economy Work, and the Emergence of Illegible Antagonisms

In what follows, I examine processes of subjectification and desubjectification and how these become possible in a contradictory way through the production of the biopolitical self in gig economy workers. To do so, I use two biopolitical techniques Lazzarato has analyzed across two books as a conceptual framework. I believe that what has endured since the financial crisis to which Lazzarato responds is not so much the specificity of a subject whose ethical, moral, and subjective disposition is shaped by the indebtedness that constitutes the focus of these two books, but two specific biopolitical techniques of governance that the author uncovers in the course of his analysis of the indebted subject: social subjection and machinic subjugation. The former operates by producing individuals as "individuated subjects" represented in terms of nationality, identity, gender, profession, etc., while machinic subjugation operates as a pre-individual abstraction, reducing subjects to "mechanical parts" defined by our function as platforms for the exchange of information and data (Lazzarato 2015: 187). The concept of machinic subjugation is analogous to what Weiskopf more recently has termed "algorithmic profiling," or the process by which "abstractions are produced that haunt the world" and that nonetheless "circulate and have material effects." (2020: 5). This process amounts to the translation of the unmeasurable human experience, rooted in subjectivity, into quantifiable, calculable and supposedly predictable formats Pressing against limits produced by social subjection and machinic subjugation and the disjunctions arising between these two attempts at biopolitical control, I assert the power of the unquantifiable, which Weiskopf also explores. I believe that what is produced by, and yet what still eludes this attempt at control, is labor power as potentiality. As we will see, these two methods have become essential to capital's biopolitical management of labor power's alternate potentialities, methods to which we are all subject in the wake of poly-crises and revolt.

I depart only slightly from Lazzarato in that I do not believe that the figure of the indebted man is nearly as enduring as the biopolitical figure to whom we are all expected to aspire; Lazzarato attempts to classify the indebted man as an iteration of this figure, but I see the disciplinary and subjectivizing forces of biopolitics as much more durable than the condition of indebtedness, and as finding new states of refinement in the emblematic interactions of gig workers with sociotechnical systems, rubrics, and forms of abstraction. The contradictions apparent in these two modes of subjection—a production of subjectivity and identity in social subjection alongside a radical desubjectification in machinic subjugation—are examples of larger mutually reinforcing contradictions within biopolitical governance, contradictions which Deleuze and Guattari (2009: 239) claim are the limits that capitalism is perpetually evading, reproducing

and evading again. Situating these limits and Lazzarato's two modes of subjection/subjugation within a biopolitical framework shows that gig work as a particular form of biopolitical management of life also reveals new strategies for rebellion in the broader social space that appears because of these contradictions. Recognizing and operationalizing these new strategies for subversion will also entail a break with the dominant mode of capitalist biopolitical governance in its digitized form as it operates within the realm of the circulation of commodities as well as the circulation of human capital throughout what Matteo Polleri (2019), following Romano Alquati, has called hyper-industrialized societies, distinguished by a "mutation in the forms of "industrialization" of production and social reproduction."

Framing contemporary techniques of subjection/subjugation requires a return to Foucault's foundational work on biopolitics as a form of governance that emerged from the disciplinary societies of the eighteenth century. An emphasis on biopower's adoption and adaptation of digital technology to its ends will follow, alongside an analysis of one of its main objects, labor power. Previous works by Paolo Virno (2009) and Kiarina Kordela (2012) will then help situate labor power as one of the main sites of biopolitical management. This framing of labor power recasts it as the vital force of the living person underlying paid labor, a force that constitutes a common ontological surplus that cannot find adequate expression in the representational systems of capitalist valorization. Contextualizing the biopolitical analyses of thinkers who ground their discussions of the topic in labor power will allow us to see that the gig economy relies not on labor classically understood but on channeling labor power into a near-constant work on the self, mediated and policed through technological means. Reconfiguring and reformatting the liberal individual, biopolitical management of gig workers produces a figure whose work on the self is constant, thereby abolishing the historical conditions in which life and work, productive and reproductive labor, were separate domains; life-as-labor becomes a resource from which capital extracts value without, however, exhausting labor power's alternate potentialities. While my analysis follows from that of scholars such as Mario Khreiche (2019: 117), who writes that for gig economy workers, "digitally mediated services *conceal* human labor," I would qualify such a framing by emphasizing the introjection of labor into life without their becoming identical; the rhythms of life and the labor of self-management do not so much conceal labor as demonstrate its new position within the fabric of individual gig workers' lives and subjectivities. As this mobilization of life takes place through simultaneous and ongoing processes of digital abstraction and materialization of the subject alongside broader cultural emphases on singular, coherent individuals, there may appear a line of flight through the mismatched imperatives of self and data. This line of flight appears out of the constitution of what some have termed the "dividual," that is, what Lazzarato (2015), following Deleuze, refers to as the "human' operators, agents, elements or pieces of the socieotechnical machine." The gig economy worker's partial constitution as a dividual will allow me to highlight the potential construction of a subject that can instrumentalize the incoherence biopolitical governance produces, mobilizing desubjectification to a threshold of illegibility. App-based employment's adoption of techniques that contribute to broader biopolitical imperatives of vitality and productivity, as well as its disjunctions and potential production of an illegible subject, show that it is quickly becoming more relevant than the management of populations by, for example, the welfare state institutions to which Lazzarato (2012) refers in The Making of Indebted Man.

I recognize, however, that this limit-point of illegibility may be precisely the type of barrier that Deleuze and Guattari claim capitalism is persistently capable of evading through reappropriation. Willy Solis, who works for a grocery delivery app called Shipt, exhibits the internal contradictions, conflicts, and incoherencies alluded to above, but his eventual disillusionment with the processes of subjugation in gig work may push us all to consider ways to move beyond these two modes of subjection and the perpetual reappropriations of subversive potential that capital invents to discipline subjects society-wide. As important as Khreiche's (2019) analysis of the political, economic, subjective, and power relations of the gig economy is, we should not overlook the revolts and forms of power that provoked this situation, the intervention and production of power within it through subjectivizing forces, and the emergent shapes of subjectivity that could facilitate further rebellion. Solis's reflections on his work reveal processes of social subjection and machinic subjugation in action, processes that have developed through gig economy labor's reliance on what Griesbach et al. has called "algorithmic management" in the years

since Lazzarato first developed these terms (Griesbach 2019: 8). Solis's experience is also unique for the historical framing he gives it, as he reflects on his and his family's engagement with gig economy work as a result of economic struggle resulting from the economic crisis of 2008. Due to the fact that, as Smith argues, apps and gig economy work emerged in the post-2008 period as technologies characteristic not of technological innovation but of capitalist exploitation of the ruins of the crisis—and, I would add, a form of discipline following closely on the heels of worldwide revolts—an examination of Lazzarato's two modes of subjection is appropriate for the contemporary moment, which, since the punctuation point of 2008, is marked not by a singular acute crisis but by what Adam Tooze (2022) has called a poly-crisis.

2. Contextualizing the Gig: Crisis, Circulation, and Algorithmic Management of Labor

Jason Smith analyzes the ways in which the service economy, as has been discussed extensively, has come to fill in the voids that opened as industries both automated certain tasks in factory production and offshored manufacturing. Technological development has not brought significant gains in productivity but instead has been accompanied by wage stagnation and the expansion of the service economy, particularly the work of circulation associated with it (2020: 41). In his discussion of digital microwork, a form of labor whose precarity would make it a close cousin to gig work, Phil Jones makes a similar point, arguing that the long flattening of productivity in the global north since the 1970s has more recently resulted in what he terms "subemployment," precarious and piecemeal work characteristic of the post-crisis economic landscape (2021: 25-26). I argue that it is through biopolitical techniques adopting an algorithmic form that this productivity crisis has been managed, partly through the domination and command of workers who labor on the production of a subjectivity governing itself. Although Smith presents a limited assessment of what counts as productive, in which he ignores the production of subjectivity, effect, desire, etc., a few insights emerge from his contention that gig economy work is a post-crisis phenomenon, insights that will be important to bear in mind as my argument unfolds. First, he reveals the technology underlying gig economy apps has automated nothing other than discipline and supervision that, taken to its extreme in gig economy work, constitutes, for Griesbach et al. (2019: 8), a form of "algorithmic despotism." The disciplinary force of gig economy apps is an aspect of this work that many gig workers and union organizers have affirmed (Perrig 2021: 75). Secondly, these apps extract value from a broader crisis of capital's own design. Finally, Smith shows that one type of work that has now incorporated this disciplinary automation is not so much the affective labor of customer interaction and service work but the labor involved in circulation, which describes well the activities of gig economy workers. As Marx (1973: 635) notes, however, it is an error to regard circulation time as time that creates surplus value. The labor involved in circulation is unique for its engagement with a process that, in Marx's conception of it, entails a deduction from the value created by the labor that produced the commodity in the first place, a deduction arising from the commodity's suspension in circulation, delaying the realization of value and the continuity of the productive process (1973:624). This has spurred capital to transform a moment that delays realization, and that had traditionally involved a deduction of value into a process from which value is extracted through interventions in network relations as well as in the cost-free disciplinary and subjectivizing work gig economy workers are made to perform. In any case, these three insights provide historical and economic context for both gig economy work and for Lazzarato's two modes of subjection, modes that I believe the gig economy has, as it were, inherited from the debt economy. The labor involved in circulating commodities, the production and extraction of value from crisis, and the digital automation of supervision and discipline shape the specific character and subjective disposition of the gig economy worker, whose labor is not exclusively concerned with circulation but also with the production of the biopolitical self as human capital, a crucial figure for any analysis of contemporary labor. This figure, as Griesbach et al. shows in an empirical study of gig work, must believe that they are making choices freely for these new systems of algorithmic management to function smoothly and to conceal freedom's actual absence (2019: 2). To this I would add that this belief in choice, and in freedom and the personal responsibility underlying its actualization, carries with it the historical discourse of liberal individuality associated with the Enlightenment, modifies and

immaterializes the discursive frameworks of property and labor, and subjectifies "workers" by compelling them to work on the self during all hours of life, a form of labor that Griesbach et al. leaves unexamined.

The production of this self on whom one is required to perpetually work is further developed and reinforced by the two modes—social subjection and machinic subjugation—that Lazzarato discusses, revealing new qualitative dimensions of labor power as well as uncovering its potential to be used otherwise. However, it is also important to understand how these two processes interweave in the everyday operation of the algorithms that gig economy apps typically use. Although detailed technical information is difficult to access, as such companies do not openly share it, scholars such as Luca Perrig (2021) and Jamie Woodcock (2021), through interviews with managers, programmers, gig workers, and organizers, provide a basic understanding of how these apps function. Platforms and apps in the food delivery business, for example, charge customers for their orders as well as the delivery of the food, and then buy the food from the restaurant or the store at a lower price than what the customer has paid (Woodcock 2021: 32), transforming an old service into one that is dispersed, digitally mediated, and yet simultaneously centralized in that all data and value accrue to the app's owners. This is typical of gig economy apps, which subject users to new networks embedded within old services—shopping, taxiing, doing laundry, dining—and insinuate themselves in these networks, profiting from "the myriad connections that form between them." They do so by persuading the users, both workers and consumers, to utilize technology that makes "access to the territory staked out by a given networked service…free, in exchange for exclusive access to the data generated by users." (Smith 2020: 51). Khreiche makes a similar point, writing that the gig economy operates "by programming gigification, gamification and taskification into the circuits of social, cultural and economic exchange," that is, into contemporary forms of circulation (2019: 117). For the food delivery worker, in concrete terms, this means that orders are distributed to them while the algorithm functions by factoring distance, price per mile or kilometer, weather conditions, and order density or frequency into pricing schemes as well as into the compensation the worker will receive. Each of these data points, which form one segment of the "inputs" for the algorithm, is then fed into a ranking system that culminates in the display of "performance measures" on the worker's digital dashboard, measures that are based on the speed of the delivery. Perrig emphasizes that managers and programmers who determine these inputs decided to explicitly hide such information as compensation, distance, and route from delivery workers. He explains their rationale: "Managers wanted the couriers to be knowledgeable enough to participate in the game, but not so much that they would be able to 'game the system.'" (Perrig 2021: 77-81). Workers, in one instance, were, in fact, shown the compensation they would receive in advance, yet once programmers and managers realized that this affected the rate of acceptance of orders, they quickly decided to hide that information from gig workers until after a gig was accepted. This forced drivers and couriers to accept gigs regardless of the amount of compensation they would receive, and the same limits to information were implemented with regard to the route on which the app would direct the gig worker. Thus, factors such as order density in a given area, how long an order takes to prepare/deliver, distance and increments by which pay increases against each mile, the weather, and the speed at which workers move all inform how the algorithm delegates gigs and compensates workers (Perrig 2021: 77-83). Workers are subjected, through algorithmic coding programmed by managers whom they will never meet, to a forced acceptance of whatever conditions an order may entail. It is these processes, in which workers must submit to the rule of information that they initially produced, with limits placed on the breadth of knowledge available to them, as well as the quantitative abstractions that rule the qualitative experiences of work, that lie behind contemporary claims that today work "is being controlled algorithmically." (Woodcock 2021: 31). Scholars and activists, as Woodcock asserts, should not lose sight of the fact that it is workers themselves who produce this data used to extract value from circulation, and that their activities effectively "encode workers knowledge into bits and consequently transform bits into numbers for economic planning" (Alquati, cited in Woodcock 2021: 37). Command is thereby "integrated into the smartphones, software, and GPS tracking of workers' day-to-day (or perhaps millisecond-to-millisecond is more accurate) activities." (Woodcock 2021: 37). As we will see, this encoding and abstraction into data of daily activities both during a gig and in the time between, as well as the subjective effect this process has on workers, are contemporary examples of

the two modes of subjection/subjugation Lazzarato first developed in the wake of the 2008 debt crisis.

3. Evolutions in the Biopolitical Programming of Labor Power and Potentiality

Tracing a theoretical lineage through Marx, Nietzsche, and Foucault, Lazzarato contends that the indebted man is shaped by the mnemotechnical systems of guilt, work on the self, and the ethical production of conducts and behaviors to show how the debt economy reconfigured previous forms of power (sovereign, disciplinary, biopolitical) that Foucault developed. Lazzarato emphasizes that historically, the welfare state has played a role in exercising biopolitical power on the population, and since its financialization has been one of the key features of neoliberalism, the welfare state has continuously learned how to operate in what Foucault (2004a: 46) has called a "society where exchange determines the true value of things." The debt crisis of 2008 and onwards, in accelerating neoliberal modes of governance, meant that sovereign debts would be repaid both financially and subjectively/ethically by the populations of indebted countries, through the production of guilt and individual responsibility in citizens, and through modes of conduct and behavior that would reshape individuals' relationships with themselves (Lazzarato 2012: 135). At the level of the individual, therefore, Nietzschean guilt would take hold and propagate itself across populations whose identification as citizen-subjects of indebted countries would perform, through Foucauldian modes of biopolitical management, the disciplinary functions necessary to ensure further dominance of finance capital. It is within this context that Lazzarato develops the two modes of social subjection and machinic subjugation, which together constitute "a joint action of 'morality' and speech on the one hand, with machines on the other," combining subjective dispositions and behaviors with machinic abstractions feeding off this subjective production (2012: 146). However, it seems to me that the contemporary social and economic landscape reveals that biopolitics encompasses more than the individual's relationship with indebted states, welfare institutions, and sovereign debt. Biopolitics, in fact, includes both populations and concern with individual workers conceived as "abilities machines" who have "a lifespan, a length of time in which [they] can be used, an obsolescence, and an ageing" that determines their utility for society's productive vitality, as Foucault shows in his lectures on the topic (2004: 225). As Woodcock (2021: 34) shows, gig work eliminates any "unproductive paid time, with workers only paid for moments of productive time," and yet during this unproductive *unpaid* time, apps and platforms are still gathering data as if the worker were on the clock. Hence, the expansion of the "length of time" in which life itself can be useful and productive to capitalist dominance and valorization, as well as the acceleration of the "abilities machines" of workers through their auto-evaluation using the above-mentioned performance measures, demonstrate the gig economy's absorption and operationalization of biopolitical modes of control. Foucault's development of the theories of human capital and biopolitics helps illuminate the present intertwining of life with labor, now subject to new forms of economic analysis which require, as Lazzarato (2012: 135) emphasizes, constant "work on the self" potentially producing value through nearly all waking hours of one's existence (Fumagalli and Morini 2020). It is the economic absorption of nearly all of one's vital time through algorithmic management, including the time when one is not working but only *potentially doing so,* that characterizes the incorporation of life itself into the political-economic, that is, its biopolitical recomposition. This recomposition is accomplished today through social subjection and machinic subjugation. As we will see below, this redefinition, expansion, and generalization of labor across all waking hours, labor's consistent punctuation of the rhythms of life, may be a more accurate characterization of gig work than the argument that gig work "is part and parcel of an economic system that sets out to eradicate its own reliance on labor" to ostensibly replace it with life (Khreiche 2019: 120). This work is especially important for gig economy workers subject to an extraction of value from living labor that requires intervention into not only labor power's discrete, sellable units of time but also its underlying potentiality and subjectivity. The latter are not subsumed into capital tout court but instead mobilized and channeled into circuits of value creation, domination, and subjectification that do not, however, exhaust other potential uses for labor power. Indeed, labor power's potentiality as situated within the life of the worker, and yet separate from its expression in

exchange value which extracts from this reserve of potential, further affirms the need to theoretically and practically maintain a separation between labor and life and to emphasize that labor-becoming-life is a never-completed tendency that capital imposes upon us.

This intertwining of life and work through algorithmic management finds important theoretical resources in Foucault's work on biopolitics, not only for hisclear elaboration of the new measures and rubrics that emerged from the encounter between biopolitics and neoliberalism but also for how the rubrics produced by this encounter became subjectivized. He emphasizes in his course summary that the problem of the rationalization of "a set of living beings forming a population" should be conceived as inseparable from "the framework of political rationality within which they appeared" (2004: 317). Life, as an object of governance and as a subjective individual relation to a set of choices requiring and producing specific behaviors and conducts, is in its turn embroiled with neoliberal capitalist governance and, as Foucault emphasizes in the ninth lecture, labor. These sets of choices must be subjectively managed, as Greisbach et al. (2019), Perrig (2012), and Woodcock (2021) demonstrate in their discussion of gig economy algorithms, and they not only produce specific behaviors and conducts through performance measures and gamification but are also shaped by the illusion that they are freely made. Life's financialization, and the equation of this financialization with biopolitical health, becomes clearer in Foucault's elaboration of the theory of human capital, the development of which required "the strategic programming of individuals' activity," a phrase which clearly resonates with the above descriptions of algorithmic management of human workers by data. This programming entailed shaping and analyzing individual behavior and conduct so that work and labor are drawn into a field of intelligibility as an "economic conduct practiced, implemented, rationalized and calculated by the person who works." Homo economicus, as the ideal biopolitical node in a larger productive population, has evidently developed such that gig workers now use digital measures to evaluate their own success and manage the speed and intensity of their own labor. This resonates with Foucault's descriptions of the ideal biopolitical subject, the individual worker, who is now expected to evaluate their own "physical and psychological factors which make [them] able to earn this or that wage…so that…labor comprises a capital, that is to say, an ability, a skill." The worker thus appears as an "enterprise for himself." (Foucault 2004: 223-224). This intervening of economic rationality and analysis in the lives of subjects both inside and outside of the work relation—through the management of physical, psychological, and behavioral elements—indicates the specific function that biopolitical governance has had for capitalism's management of new forms of labor. Esposito (2013: 326) has demonstrated the overlapping metaphorical, epistemological, and concrete knowledges and practices of the modern state's equation of biopoliticized populations with a living organism whose health must be guaranteed. The health of this social body, I argue, is partly ensured through the production and maintenance of a population's productive vitality in economic terms, even as today, this takes on an equally important imperative of command. It thus becomes the responsibility of individuals to manage their lives as human capital as this management becomes part of the arsenal of techniques for working on the self, an effort meant to manage labor-power's alternate potentialities.

A. Kiarina Kordela (2013) identifies labor power with its historically contingent appearance as exchange value—"the dematerialization of material bodies"—which, she asserts, does not fully negate its character as surplus to that value, and thus as potentially mobilized for ends other than capitalist work. I believe it is this latter dimension of labor power that the biopolitical techniques outlined by Foucault and developed by Lazzarato seek to manage and control precisely because these dimensions are the site of labor power's unpredictable potentiality. In this regard, Kordela writes that "labor power, as the potential or dynamis of the living body, may be channeled into all possible activities one may want to perform for the enjoyment of oneself or others, but it may also be the labor one is forced to sell." (Kordela 2013: 156). Bruno Gulli makes this point precisely when he writes that labor-power/living labor is contingently caused within capitalist production yet retains "the freedom of the could," that is, the "ever germinating seeds of an alternative." (2005: 13). For both thinkers, labor power, as potential in those who are forced to sell it, may be reasonably identified with a surplus insofar as the potential labor and all of its desires and directions are present but never exhausted in the actual, which here we may identify as surplus value, exchange value, and profit, a point Kordela also emphasizes. These connections and continuities

between labor power's potential, biopolitical control, and capitalist dominance become even clearer when we remember, as Virno emphasizes, that it is the "living person of the seller," that is, the seller of labor power, who is the locus of potentiality (Virno 2004: 82). For all its attempts at management and control of this surplus, extending now to an interweaving of life and labor, constant work on the self, and digitized biopolitical management of that self, there always remains labor power's potential which exceeds the work of self-evaluation and the behavioral dispositions imposed upon subjects. Nonetheless, from capital's perspective, this programming and management ensure the predictable productivity and vitality of the population as a whole. This intervention takes place through the individual's management of the self-as-enterprise, while this self is abstracted through machinic subjugation and channeled into the evaluative data that facilitates ever more efficient extraction of exchange value, identified by Kordela (2013: 149) as "partaking of the realm of infinity," of endless profit and thus endless work.

This requires the integration of disciplinary and biopolitical techniques of power, with the latter "embedding itself in existing disciplinary techniques" (Foucault 2020: 242). Subjectivizing procedures inherited from disciplinary power can, in turn, become generalized at the level of the population to ensure a smooth production and reproduction of a specific "state of life," to ensure against the unpredictable potentiality (for rebellion, antagonism, revolt, etc.) that labor power always contains. The connection between this adaptation and the management of the potentialities of labor power can be found in biopolitics' assurance against the aleatory and random, as the emergence of this form of power is accompanied by early uses of predictions and estimates about populations meant to "optimize a state of life." (Foucault 2020: 246). This optimization of life is programmed into gig economy algorithms, as we saw above, so that the potential for the rejection of a gig, and therefore the potential for an unpredictable and undisciplined use of labor power's potentiality that is not in service to these companies, is mitigated by a technological accumulation of predictable information about weather, traffic, routes, and the compensation the worker will receive. Such data ensures the predictability that any order that is placed will be fulfilled and, therefore, that the biopolitical programming of labor power will carry on apace in the deterritorialized networks of circulation. Gig worker Willy Solis, as we will see, is a clear example of the two modes of subjectivation that Lazzarato identifies. These modes of control can then be increasingly identified in the lives of the population as a whole, not only in the life and work of gig workers, who, in any event, constitute nearly 36 percent of the total U.S. working population (McCue 2018).

The channeling of labor back onto the self has also become a perpetual and ongoing condition of life for whole populations, whether they hold waged work or not. Indeed, in the context of what Negri has called "the real subsumption of society by capital," we can fully expect these strategies of subjection/ subjugation to become further generalized. Yet, as Negri shows, the real subsumption we are witnessing, in contrast to Marx's connection of this phase of capitalism with relative surplus value, does not neatly coincide with a historical Marxist progression from formal subsumption, represented by absolute surplus value (lengthening of the working day), to real subsumption (acceleration, technologization and optimization of the labor process) (2013: 71-73). As Patrick Murray contends, Marx himself does not find clear evidence that formal subsumption occupies "a distinct historical stage"; instead, Murray argues that for real subsumption to continue developing, formal subsumption must accompany it (2016: 303). For both Negri and Murray, capital's function of command (formal subsumption) under real subsumption is just as important as its technological attempts at extraction of value, a claim that coheres with mine in that I see the role of gig work as serving a disciplinary as much as a profit seeking function, especially when we consider that most food delivery and ridesharing apps have yet to show that they can make a profit (Woodcock 2021: 30). As Andrew Ross points out, the precarity of many workers, including app-based workers, is itself both "an exercise of capitalist control" and an *attempt* to profit from "vulnerability, instability and desperation," conditions that are deepened and intensified during the era of the polycrisis (Ross 2008: 44). As a technology of dispersed and individualized self-management, the near-constant Foucauldian-biopolitical work on the self may reasonably be classified as a form of relative surplus value extraction making management easier, intensifying speed, and mitigating any potential militancy that may otherwise emerge in unjust working conditions. Yet, it would also be reasonable to note that the interlacing of life and work better corresponds to absolute surplus value's extension of the working

day and, hence, to a historical period of accumulation that is anything but new. Within this blurring of classic Marxist historical periods, I argue that these modes of extraction/production of value are better conceived as tools of domination rather than historically discrete moments in capitalist development. As Negri argues, absolute surplus value "comes *after* relative surplus value…as it is the absolute category of command over the *mass* of social exploitation…after the dynamic of relative surplus value has pushed capital towards real subsumption" (2013:75). What is new in the present era of accumulation is the digitization of the intertwined processes of subjectivized Command and extraction of value, the simultaneity of relative and absolute surplus value extraction in circulatory processes taming labor power's potentiality. This requires mobilization of subjective dispositions and behaviors as foundations for numerical and digital abstraction, which return to the subject as the dominance of machinic code and the consequent molding of new forms of pliable subjectivities whose boundaries between life and work are eroding.

4. Social Subjection and Machinic Subjugation: Antagonisms and Contradictions in Gig Economy Work

Social subjection and machinic subjugation are historically specific examples of the methods that biopolitical capitalist governance uses to mold labor power as potentiality into manageable, evaluable, and ultimately productive uses in the present context of the circulatory labor of gig economy work. Lazzarato writes that "by producing us as individuated subjects, social subjection assigns us an identity, a gender, a profession, a nationality, and so on," while machinic subjugation's role is to "function by exploiting partial, modular, subindividual subjectivities." Through the latter method, capitalism abstracts us as data, and we become, therefore, akin to platforms or molecular nodes rather than subjects with identities within the larger circuits of valorization and profit (Lazzarato 2015: 183). Together, they are the actualization of the above-discussed overlapping of relative and absolute surplus value. Recall that Marx classifies circulation time as inherently causing a deduction in the value of the commodity. Given this, it would appear that tech companies have found digital methods by which they can extract value from this deduction by distributing the work of circulation more broadly throughout the social body, revealing a further development of the tendency towards real subsumption of society through the enticement of more and more workers in already-existing networks to engage in such labor. Capital thereby multiplies circulation's emissaries, formats and subjectivizes gig workers with biopolitical techniques of subjectivation, and accelerates the realization of value through the multiplication of its nodes, which in turn accelerates production and cements command. A perpetually productive process accrues to the moment of suspended value that circulation previously involved as gig workers continuously *produce themselves as human capital*; they train, manage, and discipline themselves, adopting the appropriate conducts, behaviors, and work routines without the need for any paid supervision. This does not indicate merely digitization of already existing networks, as Smith (2020) contends, as such networks' smooth functioning both presupposes and perpetually reproduces new subjective relations between self and data, life and work; old power relations between boss and worker become internalized and productive of new forms of life and of newly valorizable data for biopolitical control.

For Uber, in particular, this entails the company capturing data from drivers through their phones "even when they are not 'at work.'" (Smith 2020: 110). The information thus gathered by gig economy companies such as Uber, which is valuable well beyond the individual tasks or hours workers log, and which clearly relates not to labor-time traditionally understood but life-time as it weaves itself into digital abstraction, is fed back into systems of valorization and control and used to evaluate workers, creating new standards for their life/labor and new evaluative rubrics, such as dashboards and performance measures that Perrig (2021) discusses, against which workers can both become intelligible and discipline these intelligible selves. Another technique that Uber uses is to encourage workers to continue driving by prompting them to remain available through the appearance of animated graphics on their phone screens. Such graphics are meant to encourage drivers to maximize their hours and earnings, and they

only appear when drivers indicate a desire to stop working for the day (Khreiche 2019: 118). These two examples represent precisely the process of machinic subjugation to which Lazzarato refers: workers are subject to preestablished options that they inform without being knowledgeable of this process, which, through the worker's predetermined set of responses, in turn, produces the subject as a platform for valorization through the capture of life-data both inside and outside the "work" relation. Indeed, this information is refined for the workers in order to produce faster and more effective work regimes, which in the case of Solis, will take the form of a measurement of how many individual gigs he accepts and how frequently (Alvarez 2021). What happens when the worker cannot make a living based on the standards and inputs to which she is subjugated, as is the case with food delivery workers in New York City who can earn as little as thirty-two dollars over the course of a seven-hour shift? (Freytas-Tamura 2020) This is where social subjection becomes important, as a mode of subjectivation in which "the 'enemy' becomes indistinguishable from a part of the self. Complaints are turned against oneself instead of relations of power." (Lazzarato 2015: 187). When, due to machinic subjugation, management and authority reside not in a definable antagonist but in cryptic algorithmic processes, which subject workers to pre-established sets of choices determined by market logic, the class antagonist is depersonalized, faceless, unknowable, and therefore internalized. (Berti, Fleming, and Walker, 2021). The enterprise of the self, which Foucault identifies as a signal figure of neoliberal biopolitical governance, is compelled to evaluate their own actions and measure their own output in such a way as to produce the very rubrics that will, in turn, come back to dominate the labor they perform on themselves, as at once boss and worker within continuous processes of circulation of goods, affects, behaviors, conducts and evaluative subjectivities. Conversely or simultaneously, social subjection produces a self, as machinic subjugation depends upon the production of this "self" as the raw material to be abstracted in the first place. While other thinkers have made similar points to those elaborated here, noting "the incorporation of humans into the itineraries and virtual projections of gigified mobility," altering the psychological and behavioral dispositions of gig workers, I argue that this process needs to be understood as one that has the unpredictable potentiality of labor-power as its object and its target (Khreiche 2019: 118). Framing the issue in such terms allows us to focus simultaneously on the economic and subjective while emphasizing relations of power and force that contend with each other in this context and, significantly, the coordinates of power's disjunctions that we can recuperate for liberatory ends.

The worker's constitution as a social subject emerges from and echoes dominant ideas of the individual, which find root in Enlightenment thinking, as Esposito shows referring to Locke, a type of thinking which "unites individuals to sovereignty by separating them" and joins the individual's life and their possession of property "in a singular effect of sense." (2004: 64). This subject is then made to be responsible for such property, requiring regularity and predictability. The historical specificity to the subject produced by neoliberal biopolitical management is that the property with which the individual is conjoined moves from material capital to an immaterial set of aptitudes, abilities, and skills that *precede any potential application* and must be managed whether the worker is productive or not. As noted above, drivers who work for ride-hailing apps and who have finished working for the day can be nudged when they are at home if there happens to be a rise in demand for drivers. Rejecting such nudges results in lost wages, but it does not result in a loss of valorizable data for the gig economy app. As Berti, Fleming, and Walker document, driver complaints about these systems are often met with the response from Uber that the system is "designed to make you more successful," a response which bears a clear resemblance to the subjectivizing and productivity-inducing rhetoric and discourse characteristic of neoliberal biopolitical governance as well as social subjection, which are productive of immaterial skills and behavioral dispositions that coincide with abstractions of the liberal individual. (2021: 30, 38).

It is here that we can connect Kordela's claim that biopolitics is concerned with the "materialization of immaterial bodies" through social subjection as well as the "dematerialization of material bodies," through machinic subjugation, as these bodies are precisely the *living bodies* in which Virno claims the living potential of labor power resides; the co-operation of materialization-dematerialization produces the subjective and "autonomous" manager of these processes, the "unity-in-motion" appearing as human capital (Marx 1973: 640). The algorithmic processes we saw above abstract the pre-individual

into evaluative data while subjectivizing the gig economy worker through the individualizing rhetoric Berti, Fleming, et al. document. We may understand this joint process as one that must intervene on the interiority (social subjection) as well as the evaluative exteriority—the grid of intelligibility Foucault discusses—in order to preempt unmanageable expressions of labor power's potential to be used for political, subversive, or non-commodifiable aims. Deleuze and Guattari hint at a similarly preemptive intervention in their discussion of schizophrenia as one of capitalism and psychoanalysis's inherent limits, writing that the close subjective surveillance the analyzed subjects are impelled to initiate shows that it is "as though they risked unleashing flows that would be dangerous for capitalist production and charged with revolutionary potential." (2009: 239). We can only speculate on the ways that this process was accelerated not only by the debt crisis Lazzarato analyzes but also by the rebellions at the level of whole societies, rather than workplaces, that resulted on nearly every continent in the years 2010-2012.

Indeed, as Deleuze recognizes, each development of power entails a field of conflictual forces within the population. Even as, for contemporary subjects, power "sets itself up in each of them, dividing each within himself," the potential for subversion never disappears. Each move power makes puts into play a field of conflictual forces amongst what Deleuze calls "dividuals" that opens the possibility for "bending force, making it impinge on itself rather than on other forms." He continues: "It is a question of doubling the play of forces, of a self-relation that allows us to resist, to elude power, to turn life or death against power." (Deleuze 1998: 98, 179). It should, therefore, be possible for those who work in the gig economy to turn the contradictory modes of subjection/subjugation against the very power of which they have been constituted as nodes or platforms. There is an apparent oscillation between social subjection and machinic subjugation, with one side actively working against the other, even as they complement each other's methods of control and intertwine to produce the enterprise of the self in a biopolitical matrix concerned with the profitability and productivity of individuals and populations. Here, it is not so much that one side of this tension is overcome or negated by the other, and certainly not that the two reach a point of reconciliation, but that from the oscillations and tensions between them, a line of flight appears, liberating a field of forces that escapes even as it has been produced by the situation of subjection. As specific and particularly contemporary examples of the broad processes of biopolitical governance, a rebellion or subversion emerging from social subjection and machinic subjugation would necessarily also entail a rebellion against and subversion of those broader techniques of power and, hopefully, an undermining of the construction of the (neo-)liberal individual.

Our framing thus far of gig economy work in the context of the post-2008 crisis period, and the rebellions that followed, may need a slight but important modification in light of Deleuze and Guattari's (2009: 235) theorizations of capitalism's simultaneous production and antiproduction "the presence of antiproduction within production itself." Similarly, capitalism's production of its own limit and the evasion of the limit are not to be understood as successive moments in a longer productive process but as one and the same process. Deleuze and Guattari (2009: 246) show that an analogous process happens in the deterritorializing and decoding of flows (for example, in financialized and globalized capital), which releases a new flux that could become unpredictable were it not for the simultaneous process that axiomatizes these same flows, which, for them, is often the role of the state. Seen this way, the crisis of 2008 that Lazzarato analyzes, and especially the poly-crisis that has ensued, are at once anti-productive and productive, a limit: destructive in clearing new spaces for the production of surplus value and profit, taking advantage of already existing networks of circulation that had been ravaged by unemployment and debt, and axiomatizing them through the production of new algorithmic codes, *valorizing the circulation of human capital*. Marx's (1973: 621) claim about circulation and production, in which he states that capital can be understood as "the unity of circulation and production [and] the division between them," can be modified slightly here, as these two processes do not necessarily take place in separate spatiotemporal dimensions, as the production of subjectivity and human capital are codependent processes with that of the circulation and delivery of material commodities, as well as the perpetual extraction from life and labor. The apparatuses of algorithmic valorization produce at the same time as they profit. As the French collective Tiqqun stated, foreseeing already in 2009 the possibility for networks to become ever-more important sites of extraction of profit, "circulation provides

the best vector for universal traceability *and the order of flows*." (2009: 155-156). In a more immediately material sense, the many crises of the past fifteen years also cleared new space for the extension of two codependent flows of debt-money and income money, as seen in the gig economy, insofar as the gig economy worker must take on costs as an individual contractor, costs which must then be covered with the wage-money earned through gig work. The gig economy worker, in fact, represents the subjective core of this process, as the dual processes of social subjection and machinic subjugation are particularly useful techniques for biopolitical governance to use in formatting a disjunctive but unified individualized worker, caught between and within two flows, decoded through machinic subjugation and axiomatized as an accumulating individual by social subjection. These dual processes can be described, as Deleuze and Guattari (2009: 244) noted before Lazzarato first developed these terms, as "the privatization brought to bear on property, goods and the means of production, but also on *the organs of 'private man' himself*." The effect is that the "person has become 'private' in reality insofar as he derives from abstract quantities and becomes concrete in the becoming-concrete of these same quantities." (Deleuze and Guattari 2009: 257). The private person, responsible for costs that previously employers would incur, possesses an identity, a conscience, a work ethic, and its attendant guilt, and is materialized on that basis through abstraction insofar as she is produced with the data of human capital through machinic subjugation. The limit to these dual techniques, however, is what Stiegler (2010: 49) has called the transindividual potential of the retentional apparatuses, that is, the potential for these apparatuses to store and circulate information in a way that traverses and transindividuates any given individual. Here, these are abstracted as flows of data, which emerge from and point towards a common in excess of any expression as human capital, as the classically understood individual derived from Enlightenment thinking, or as exchange value. But capital's evasion of this limit is precisely the reconstitution of an individual out of the transindividual common (the circulatory network) as someone whose experiences with machinic subjugation are simply quantitative signifiers meant to make workers "more successful" (not to mention more disciplined and more easily commanded in the context of the tendency towards real subsumption of society). This evasion thus could be understood as a metastable process that mirrors the simultaneity of production and antiproduction, whereby every time a culprit for the subject's struggles is identified, the focus changes, evoking market valorization via an alternation between the faceless, unidentifiable algorithms and a failed work on the self, processes of simultaneous deterritorialization and reterritorialization. The worker is still, as Deleuze claims and as Morini and Fumagalli (2020) affirm, divided against himself; yet, the processes traversing this division can either prevent the worker from identifying lines of flight that may immobilize the whole process or allow gig workers to take advantage of the inchoate transindividuating terrain towards which the algorithm's dividual—leaving behind the static, stable and definable subject—gestures.

5. The Case of Willy Solis: Towards a Horizon of Illegibility

Throughout Alvarez's interview with gig economy worker Willy Solis, we see the subjective core of the experiences with social subjection and machinic subjugation as post-crisis methods for managing the potentialities of labor power in such a way as to obscure its underlying common, which is in excess of its individual representations in either digital abstraction, exchange value, or the data of command. Solis worked throughout the period between the 2008 crisis and the start of the 2020 coronavirus pandemic for various gig economy apps, such as Instacart, GrubHub, and Shipt. Throughout the discussion with Alvarez (2021: 69), we see ample evidence of the biopolitical construction of human capital as the ideal figure for these gig economy apps; indeed, Solis says early in the discussion that according to his understanding as well, "the way it was sold to me, was that this is your own little independent business," indicating the subjectivizing force of gig economy rhetoric as well as its adoption by workers. This is a predictable outcome of a long history of precarious labor, especially since 2008, in which workers have been placed in a condition of "self-exploitation in response to the gift of autonomy, and dispensability in exchange for flexibility" (Ross 2008: 34). Through the analysis of this interview, we

will see first a concrete example of how human capital is constituted by Lazzarato's two modes of subjection/subjugation through a bifurcating operation that nonetheless remains a historically-specific mode of a broader, singular process of biopolitical governance. As Kordela says in a critique of Hardt and Negri's distinction between biopower and biopolitics, such a dualism departs significantly from Foucault's "interlacing of bios and political power" as a process that includes simultaneous management and production of life alongside the elimination and/or discarding of the parts of that life that cannot be mobilized for profit. (2013: 104).

Shipt is an app that allows customers to contact shoppers to go grocery shopping. Solis notes that after having several experiences that revealed to him the impossibility of being a successful shopper on Shipt, he began to investigate the contracts to which he was subject. He quickly realizes that there are contradictions between the way that gig economy workers are classified—as independent contractors rather than employees—and the policies that this app imposes on the gig shoppers. Solis reflects that the policy manual "has all these policies and rules specifying what you can and can't do, but it's all written very carefully in a language that *implies* very heavily that you *shouldn't* do X or Y, not that you legally *can't* do them." He continues: "What happens is these policies become like the norm, which is exactly what they want…Through policy, they control us. If we go to court, the contract is written in such a way that it would allow Shipt to say, 'No, these people are independent. We don't control them in any way.'" (Alvarez 2021: 76). Here, we see not only that there is a potential contradiction *between* social subjection and machinic subjugation but that there is also a contradiction *within* social subjection itself. Constituted as a worker and as a legal subject through the concretizing language of representation that we find in policy manuals as well as legal classifications such as independent contracting (Lazzarato 2015), we see that the old contradiction between the formally free laborer and the coerced and exploited worker that Marx (1977: 271) initially identified persists as a characteristic of social subjection. Nonetheless, these policies and rules function in order to abstract and channel the individual gig economy worker into measurable bits of data, such as the "acceptance rate" that measures the frequency and quantity of orders an individual worker accepts, which Solis states are "really important to us, because they dictate our earning potential." (Alvarez 2021: 81). Here, it should be noted that biopolitics' concern with the *potential* labor a worker can offer the productive population, and this potential's encoding in algorithmic predictions that manage the aleatory, appear to have been internalized and adopted as part of the gig worker's self-evaluation. Should a worker's acceptance rate decrease due to technical difficulties, such as the Shipt-provided credit card not functioning properly, which for Lazzarato (2015: 183) is an instance of machinic subjugation "[asking] only that he function correctly according to the received instructions," then this, in turn, lowers the number of customer orders offered to the individual gig shopper. As Griesbach et al. have also shown, grocery delivery apps similar to Shipt will also consistently offer orders only to those workers whose acceptance rates are sufficiently high. For Solis, the app may also tell him to drive a route to a customer's house that will make him late when he can rely on his own knowledge to arrive there more quickly; traffic can harm his customer rating, yet another data point into which the socially-subjected person is abstracted (Lazzarato 2015: 183). In either case, Solis states it directly: "The algorithm determines our pay." (Alvarez 2021: 81). As Lazzarato (2015:183) acknowledges, without, however, interrogating the specific relations of this figure to the new forms of what Jones (2021) calls subemployment, these two "processes and techniques are fully embodied in 'human capital,'" which produces behaviors and actions dictated by the combined operations of contracts, policies, manuals, and dividualizing abstractions into data and ratings. Hence, the person, the customer, is rated as the fully realized appearance of human capital, biopolitically managed and divided against himself through a joint operation of power that is nonetheless hidden by the measurable service performed by the worker in the circulation of goods. Measure encroaches upon terrains hitherto unknown to it, such as the efficiency of the subject's adherence to benchmarks produced through constant interaction between "subjects," individuals, and algorithmic code, but what the customer rates is the overall effect of these processes on the formation of human capital, a figure whose formation and standards increasingly affect us all.

Solis's ongoing construction as human capital, a process achieved through the biopolitical

management of potential, is evidenced by his reflections on his mindset throughout this period in his life. As a result of his assertion that, at the time, he still saw himself as an "individual business" or, in Foucault's words, an entrepreneur of the self, he became fiercely protective of the above-mentioned ratings. He, therefore, *motivated himself* to work harder and more quickly, claiming that Shipt creates "self-policing environments," but his account on the app was nonetheless deactivated as a result of being late for deliveries for reasons that were out of his control. (Alvarez 2021: 75, 79). This has clear effects on how gig workers such as Solis are subjectivized, however; as the mechanisms ensuring guilt, responsibility, and self-discipline further reveal themselves to be external and largely arbitrary, the process of the construction of the ideal biopolitical subject, requiring an internalization of command, breaks down. As a result, he was forced to take a training course without being able to make any deliveries or earn any income while completing its requirements. His subjectivation as a self-governing biopolitical subject is so thorough, and his economic circumstances so precarious, that we can see here the extent to which this governance extends to both paid and unpaid work on the self during the time not of work strictly speaking but during the time of life itself. I am not blaming Solis for his own subjection/subjugation, as I do not subscribe to liberal notions of individual responsibility in the first place. My aim instead is to demonstrate the apparent effectiveness and thoroughgoing production of biopoliticized human capital whose circulation in the network, both within and beyond "work" time, is guaranteed no longer through economic coercion alone but through the self-management of each individual's living potentiality *by each individual*. Such coercion was a defining characteristic of the pre-gig economy precariat, but what Solis's experiences evidence is a generalization of conditions to which low-wage and immigrant workers have long been accustomed, and a combination of these conditions with those of digital management that precarious knowledge workers endured throughout the first decade of the 2000s (Ross 2008: 40). Still, Solis's discussion with Alvarez reveals that contradictions emerge that become apparent to the worker himself, contradictions that it will be worthwhile to explore in some detail.

Indeed, Solis clearly sees the contradictions both within the processes of social subjection and between social subjection and machinic subjugation: "With gig work…you are not independent in any way, shape or form. You *believe* that you are, at first, but as soon as something unexpected happens, you have to rely entirely on what the app tells you to do." (Alvarez 2021: 71). Important to note here is that Solis sees this lack of independence arising not from interaction with coworkers, managers, or bosses but from his close involvement and interaction with the functions of a depersonalized app controlled by algorithmic code, which, as Woodcock (2021) emphasizes, the mass of gig workers themselves produced. Here, the independence to which he refers above, and to which he initially aspired, could only become real to him on the condition that the proper behavior is instilled in him, realizing a fully-formed "abilities machine" through the correct training instituted by biopolitical algorithmic control (Foucault 2004: 226-229). Submitting Solis to the "received instructions" to resolve any unexpected issues, machinic subjugation operates not only by constituting subjects as platforms but also by asking them to submit to pre-established sets of choices, the responses to which enhance mechanisms of command, as we saw above in the case of Solis's acceptance rate. Weiskopf's algorithmic profiling continues to be relevant here as a term that captures machinic subjugation's recent technical mutations into a process that reduces all decisions to abstractions regardless of their ethical implications (Weiskopf 2020: 5). To reiterate, it is the human subject's ongoing interaction not with other workers but with sociotechnical code that signals to Solis his total lack of independence and his lack of freedom arising from the requirement to submit to the app's mandates. We know that the concept of the independent, autonomous individual finds historical roots in the Enlightenment identification of the individual with their property and acquisitive labor, along with guilt, responsibility, and self-discipline as defining affects of this figure and that the individual undergoes an acceleration and refinement with biopolitical neoliberalism, which immaterializes labor and its properties and internalizes much of these efforts, as discussed above. Yet, algorithmic management of gig economy workers here undermines, through machinic subjugation, one of its most central discursive constructions by revealing this total lack of independence and freedom, opening a line of flight onto a subjectivizing moment rooted in an undeniable ontological truth: the

freely independent subject is a fiction, as Gulli (2021) has shown, invented by capitalism to produce situations of subjection and subjugation. In fact, the *completion* of the figure of human capital must be distinguished from the *construction* of this figure as a metastable and ongoing project that one is continuously compelled to undertake precisely to the degree that its achievement is always and forever deferred. Nonetheless, Lazzarato's (2012: 135) claim that capital is reimbursed for its investments in human capital through behaviors, dispositions, and ethical conducts conceived as free is affirmed here, as these are developed at no cost to the gig economy apps but at significant cost to the worker, even as these measures contribute simultaneously to the ongoing reinforcement of the social subject and the production of a new skepticism about this figure. Solis's retraining exercises may also be conceived as a form of "care" of the self—as all unremunerated reproductive labor involves care—and the emotional labor it evidently involves is a foundation that is monetized and abstracted into the realm of infinite value through machinic subjugation, with intervals of remuneration punctuating the long lines of these processes that synchronize subjects' lives with the rhythms of capital accumulation. Whether conceived explicitly as care or in terms of the Marxist category of reproductive labor, the work involved in Solis's enrolment in unpaid retraining programs increasingly obscures not only its character as labor, thereby producing a self-policing subject whose freedom is captured in this putative self, but it tends towards a naturalization of the above-mentioned "social" interaction and collaboration with algorithmic code as a result of such internalizations. Against such a naturalization, however, Solis's realization that for "independent" contractors, companies like Shipt start "dictating just about everything you do and how you respond to every situation, [so that] you lose any semblance of independence" allows him to see emerging contradictions between Lazzarato's two modes of subjection/subjugation (Alvarez 2021: 74). Furthermore, it allows him to shift blame, and with it the guilt that accompanies any fully disciplined subject, away from himself and onto errors or blips in the machinic production and management of his subjectivity; he states directly that "the things I got deactivated for were not my fault," indicating the emergence of a consciousness that begins to move beyond the self-blame, self-discipline, and self-bossing encouraged by the figure of human capital (Alvarez 2021: 74). As two poles on either side of the oscillation that produces human capital as a lifelong manager of one's own potentiality, social subjection and machinic subjugation depend on one another for the construction of the biopolitical subject. What becomes apparent to Solis as he begins to escape the process of the production of human capital, as one whose antagonist is always internal, is that the internal divisions of the conflict against himself hit a limit such that the subjectivizing and individualizing principles begin to break down and the culprit for his troubles is no longer internal. As a result, social subjection, as the construction of a self with personal responsibility and its attendant guilt for all shortcomings, begins to fail.

This is the first step towards exiting the economy ofaffect, which the gig economy relies upon. For if it is no longer Solis's fault, and if the basis of his entrepreneurship of the self relies on personal responsibility, which in turn ratifies his participation in a competitive milieu populated by other gig workers (Griesbach et al. 2019: 3), then his overcoming of personal responsibility is the beginning of his deprogramming as a social subject. When the abstract and infinite machinic mechanisms fail to reinforce this concrete subject, or when this subject no longer becomes concrete through a self-governing adherence to deterritorializing abstractions, it is as if an ideological support beam has been cut out from under the entire micro-assemblage of the gig economy worker as a whole biopolitical subject. As a result of this, Solis does not return to the individualized subject as a source of any kind of power but begins to see the territory to which machinic subjugation's trans-individuating processes gesture, a territory in which the Nietzschean production of guilt fails at its task. I believe that this trans-individuating potential, first emerging from the digital and algorithmic methods capital devised to extract value from labor-power's potentiality, gives us all a common horizon to strive towards in which we can embrace dividuality as a tool of resistance, creating liberatory formations that are illegible to capitalist accumulation as they reject the social subject that provides the raw material for abstraction into exchange value.

Clearly, it would be inaccurate to claim that the unleashing of the potential inherent in gig economy labor power will be the catalyst for society-wide rebellions. The claim is instead that the processes of

subjectivation to which gig economy workers are subject can point to broader methods of biopolitical governance to which we are all now subject, as well as indicate processes of desubjectification from which resistance movements and the rebellions to come can learn a great deal. For Solis, the contradictions between machinic subjugation and social subjection, as well as a recognition of this condition as essentially common and therefore potential, begin to open onto lines of flight found in that very terrain that machinic subjugation entailed all along: the transindividual, or trans-dividual, as a metastable form never settling in either concrete manifestations or ethereal and ungraspable processes. As Gulli (2020: 33) argues, the trans-individuation that Stiegler as well as Simondon discuss should be renamed trans-dividuation to signify "relations without a subject," as it is the fully formed and completed subject, signified by the prefix in- (i.e., individual, individuation, etc.), which is the basis for all subjection and subjugation, and that obscures the processual becoming of the dividual. The processual interweaving of the trans-dividual with the general intellect, what we are all learning through our interactions with algorithmic and biopolitical management, can become antagonistic to the sociotechnical code to which Solis is subjected, an antagonism that could constitute the most radical break with the figure of human capital by subverting its production. This break would also subvert its epistemological presuppositions by making the subject unidentifiable according to the biopolitical heuristics of capture, which rely on the social subject's self and self-management for smooth operation. Lazzarato's two modes of subjection/subjugation do not end with a stable, well-managed biopolitical whole constituting a mass of compliant bodies but with a multitude marked by periodic ruptures in the polycrisis period, ruptures that expose potentiality and give us all glimpses of the type of relations that it will be necessary to harness to make the coming rebellions less and less legible to capital and the state. Indeed, the illegibility of the abstractions discussed throughout could be recuperated to infuse whatever unmanageable expressions labor-power's potentiality may take in the next waves of uprising and rebellion. Perhaps gig economy workers could find ways to increase this illegibility emerging from metastable processes of trans-dividuation, but more important is for all of us to recognize that through the two modes of subjection analyzed throughout, a new form of resistance becomes clear whose potential has yet to be fully explored either by workers or by movements more broadly. Since we are all increasingly subject to these forms of algorithmic management, we must be willing to learn from the ways they are applied to gig work and find within these applications moments when the possibility for liberation becomes most apparent. At a moment when, as Tronti already foresaw in the 1960s, the entire "social nexus, the social fabric" becomes the object of capitalist dominance, this opens a moment for a refusal of capitalist forms of socialization, such that subjects "refuse to become mediators of capitalist development." (2020: 89, 178). Refusal today must include a refusal to become a legible subject classically understood (Goldberg 2018: 153).

References

Alvarez, Maximillian. 2021. *The Work of Living: Working People Talk about their Lives and the Year the World Broke*. London: OR Books.

Deleuze, Gilles. 1995. *Negotiations*. New York: Columbia University Press.

Deleuze, Gilles, and Felix Guattari. 2009. *Anti-Oedipus: Capitalism and Schizophrenia*. Translated by Robert Hurley, Mark Seem, and Helen R. Lane. New York: Penguin Books.

Esposito, Roberto. 2008. *Bios: Biopolitics and Philosophy*. Minneapolis: University of Minnesota Press.

Foucault, Michel. 2004. *The Birth of Biopolitics: Lectures at the College de France 1978-1979*. New York: Picador.

Foucault, Michel. 2020. *Society Must Be Defended*. London: Penguin Random House.

Freytas-Tamura, Kimiko. "Food Delivery Apps are Booming. Their Workers are Often Struggling." Nytimes.com.

Fumagalli, Andrea, and Cristina Morini. 2020. "Anthropomorphic Capital and Commonwealth Value." Frontiers in Sociology 5. DOI: 10.3389/fsoc.2020.00024.

Goldberg, Greg. 2018. *Anxious Labor in the Digital Economy*. New York: New York University Press.

Griesbach, Kathleen, Luke Elliot-Negri, Ruth Milkman, and Adam Reich. 2019. "Algorithmic Control in Platform Food Delivery Work." *Socius: Sociological Research for a Dynamic World* 5: 1-15. https://doi.org/10.1177/2378023119870041

Gulli, Bruno. 2020. *Singularities at the Threshold: The Ontology of Unrest*. New York: Lexington Books.

Gulli, Bruno. 2005. *Labor of Fire: The Ontology of Labor between Economy and Culture*. Philadelphia: Temple University Press.

Jones, Phil. 2021. *Work Without the Worker: Labor in the Age of Platform Capitalism*. New York: Verso Books.

Kordela, Kiarina. 2013. *Being, Time, Bios: Capitalism and Ontology*. Albany: SUNY Press.

Khreiche, Mario. 2019. "The Twilight of Automation." *Fast Capitalism* 16:2. doi:10.32855/fcapital.201902.011

Lazzarato, Maurizio. 2012. *The Making of Indebted Man*. South Pasadena, CA: Semiotext(e).

Lazzarato, Maurizio. 2015. *Governing by Debt*. South Pasadena, CA: Semiotext(e).

Marx, Karl. 1977. *Capital, Vol. 1*. New York: Vintage Books.

Marx, Karl. 1973. *Grundrisse*. London: Penguin Books.

McCue, TJ. "57 Million U.S. Workers Are Part Of The Gig Economy." Forbes.com.

Murrapy, Patrick. 2016. *The Mismeasure of Wealth: Essays on Marx and Social Form*. Leiden: Brill Academic Publishers.

Negri, Antonio. 2013. *Time for Revolution*. Translated by Matteo Mandarini. London: Bloomsbury.

Perrig, Luca. 2021. "Manufacturing Consent in the Gig Economy" pp. 75-86 in *Artificial Intelligence, Automation, and Work*, Jamie Woodcock and Phoebe Moore, eds. London: Pluto Press.

Polleri, Matteo. 2019. Editor's note to "Co-research and Worker's Inquiry" by Romano Alquati. *South Atlantic Quarterly* 118(2): 470-477. DOI 10.1215/00382876-7381382.

Ross, Andrew. 2008. "The New Geography of Work: Power to the Precarious?" *Theory, Culture and Society* 25 (7/8), 31-49. DOI: 10.1177/0263276408097795.

Smith, Jason. 2020. *Smart Machines and Service Work: Automation in an Age of Stagnation*. London: Reaktion Books.

Stiegler, Bernard. 2010. *Technics and Time: Cinematic Time and the Question of Malaise*. Stanford: Stanford University Press.

Tiqqun. 2011. *This is Not a Program*. South Pasadena, CA: Semiotext(e).

Tooze, Adam. 2022. "Welcome to the world of the polycrisis." *Financial Times*, October 8.

Tronti, Mario. 2020. *The Weapon of Organization*. Brooklyn, NY: Common Notions.

Virno, Paolo. 2004. *The Grammar of the Multitude: For an Analysis of Contemporary Forms of Life*. South Pasadena, CA: Semiotext(e).

Walker, Michael, Peter Fleming, and Marco Berti. 2021. "You Can't Pick Up a Phone and Talk to Someone': How Algorithms Function as Biopower in the Gig Economy." *Organization* 28(1): 30. DOI: 10.1177/1350508420978831.

Weiskopf, Richard. "Algorithmic Decision-Making, Spectrogenic Profiling, and Hyper-Facticity in the Age of Post-Truth." *Le foucaldien 6, no. 1* (2020): 3, 1–37. DOI: https://doi.org/10.16995/ lefou.62

Woodcock, Jamie. 2021. *The Fight Against Platform Capitalism: An Inquiry into the Global Struggles of the Gig Economy*. London: University of Westminster Press.