



Does Facebook Violate Its Users' Basic Human Rights?

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Abstract Society has reached a new rupture in the digital age. Traditional technologies of biopower designed around coercion no longer dominate. Psychopower has manifested, and its implementation has changed the way one understands biopolitics. This discussion note references Byung-Chul Han's interpretation of modern psychopolitics to investigate whether basic human rights violations are committed by Facebook, Inc.'s product against its users at a psychopolitical level. This analysis finds that Facebook use can lead to international human rights violations, specifically cultural rights, social rights, rights to self-determination, political rights, and the right to health.

Keywords Facebook · Human rights · Biopolitics · Psychopolitics

Introduction

Contemporary capitalism has brought significant surges in both wealth and inequality. One gleaming issue though that stands out to the cultural critic is that Michel Foucault's critique of neoliberalism embodied in biopolitics is incomplete. Foucault's untimely death did not allow him to complete his philosophical work. Although one can assume that he did not fear death, one cannot help but assume that Foucault died before he

could finish his critique of neoliberalism; he died a prophet—not a critic—of what neoliberal capitalism has wrought. Today's capitalism differs from that of his era partly because of technological advancement.

Foucault prophetically wrote in 1975 that “the soul is the prison of the body” [1, p. 30]. Just as biopolitics is the politics of bodies, *psychopolitics* is the politics of the psyche or “soul.” Although a timely topic, psychopolitics is not a new-fangled one. “Psychopolitics” was used by students of Soviet torture techniques in the 1955 book *Brain-Washing: A Synthesis of the Russian Textbook on Psychopolitics*. Unlike Foucault's biopolitical systems of coercion, psychopolitics represses and seduces the human psyche. No longer must society be asked to perform; it can now be subjected to the neoliberal nudge. This is the main concept in philosopher Byung-Chul Han's book *Psychopolitics: Neoliberalism and New Technologies of Power*. He writes that big data platforms like Facebook thrive on this new method of production through their technological power over consumers. Social media exercise this power over people by creating unhealthy, horizonless expectations in its subjects.

On Facebook, people are compelled to market an image—from a young age—under the fallacy that the self is a work of art. On Instagram, Tumblr, Twitter, and YouTube, any voyeur can observe the self-exploitation of people of all ages who succumb to the need to be “liked”. Each platform chronicles your success story measured in retweets, reposts, likes, and followers on your mission to falling into the abyss of sharing “you”.

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New media platforms also entice their users to maintain a frantic flow of participation in the quest for a token, aggregated approval when in actuality they are submitting new profile images and messages that are never self-fulfilling. Under neoliberalism, everyone must be an *entrepreneur* (i.e., a producer of something original) for the Market's needs.

In this discussion note, I survey the basic human rights that are violated by Facebook's platform. I begin by describing why Facebook's violations are prevalent yet overlooked. Then I discuss the various basic human rights that Facebook, Inc. violates. Finally, I conclude why Facebook's transgressions cannot be pardoned because of its prevalence and popularity. Facebook is one of many new platforms that have harnessed the new art of psychopolitics to take away the dignity and human rights of users—something that cannot be traded away.

The New Normal

The negative effects of post-modernity on the soul are already tremendous and rising. The opioid crisis, burn-out, and depression numbers have all skyrocketed amid the advent of big data and smart technology. Additionally, mere autonomy and also political rights were violated in the Cambridge Analytica scandal that influenced the 2016 US Presidential Election and the UK's Brexit Referendum. This has built a general mistrust of the very systems that constitute democracy and is rooted in psychopolitics. As much of the world suffers from the impact of US President Donald Trump's incessant media mis-presence and the European Union grapples with its own future—trepidation over the wellbeing of political institutions that should ensure freedoms have mounted into pessimism and a feeble moral panic. Menacing psychopolitics is part of the new normal and will not disappear unless one, as a first step, investigates its facets through a human rights lens.

Psychopolitical experience, aside from torture, lends itself through voluntary disclosure. People interact with Facebook, for example, with an enormous amount of information about themselves. The initial decision to enter and participate in such a platform is an economic one. Under the law, information sharing is only possible with freedom of expression—which includes creation, disclosure, and non-disclosure. Without a doubt, Facebook is popular. Over two billion people consent

to Facebook's fine print, rushing to the milieu of solitary solidarity.¹

A new status quo of disclosure began with social media. Social media is not just a means of communication or information sharing; it draws information from its users, creating new forms of information and identity through psychopolitics. Free, prior and informed consent (FPIC) and self-determination are universal human rights that mean little to Facebook consumers since the psychological cost is unknown and residual to the social network experience. Not until one is an active member does one succumb. Besides, as many users now admit: Can one even live without a Facebook profile these days? It has become increasingly difficult to get access to certain online information or make payments without a Facebook or other social media account. For many generations, it appears as if the alternative to Facebook is social demise.

Many readers may not share a coercive relationship with social media and therefore do not appreciate the hegemonic role it plays in so many lives. Those who are overcome by the complexity of a hyper-user-friendly platform like Facebook are least affected by Facebook's perniciousness because "trust reduces complexity" [2, p. 12]. Adults are less likely to trust than children, so Facebook operates like candy to the youngest generation: Facebook consensually offering a service in exchange for implanting the seed of seduction without which it cannot reap power. Facebook's friendliness is key to its appeal. Complexity is a barrier to love, as love is complete understanding. Facebook, Inc. knows that love is complete understanding—a kind of congruence between two things—that is why user-friendliness is so key to its appeal and good marketing. Because of Facebook's appeal, young people are most susceptible to giving their personal information, which will be part of their big data identity for life. It is no coincidence that fewer than 20% of Facebook users are over 45 years old [3, p. 2].

Facebook enables a virtually unlimited range of templates which are almost entirely contingent on participation. These options lead users to the presumption of freedom. Users develop what Byung-Chul Han calls the "feeling of freedom," where they scoff at the critique that Facebook is using them rather than the other way around [4, p. 39]. Under the feeling of freedom, users

¹ For recent user numbers, as reported by Facebook, see: <https://www.statista.com/statistics/264810/number-of-monthly-active-facebook-users-worldwide/>.

voluntarily lay bare their personal data. If the semblance of freedom is maintained, “power does not lead to less, but to more pleasure” [2, p. 28]. Facebook becomes a drug.

Under the spell of psychopolitics, entrepreneurs quickly fall under big data’s control. In the Facebook experience, lives are re-framed and suddenly communicating with one’s friends becomes drug-like. New seen-but-unseen exhibitionism floods the psyche and captures the life of the Facebook addict. In fact, one could say that modern modes of communication—once invoked by internet pioneers as avenues for self-empowerment—generate control. As Han writes, “All forms of power aim at the constitution of continuity and presuppose a self” [2, p. 17]. That is to say, power is the *ego* acting on the *alter* in order to extend its spatial influence or self. Eventually, psychopolitics enables the *alter* to turn “the *ego*’s will into its own will. The *alter* thereby also acquires a feeling of freedom” [2, p. 44]. The *ego* then takes pleasure in exerting power over the *alter*. In other words, after Facebook has become “part of one’s life,” it is actively seeking to become a stronger, bigger fixture in that life, while the user has already taken the elixir—distracted and forgetful of ever having shared data.

Cultural and Social Rights

Once one becomes susceptible to the residual ills of Facebook’s psychopolitics, international human rights violations begin. If Facebook does not violate economic rights through contractual agreement, cultural and social rights of users may become violated.

UNESCO defines culture as the “set of distinctive spiritual, material, intellectual, and emotional features of society or a social group, and that it encompasses, in addition to art and literature, lifestyles, ways of living together, value systems, traditions and beliefs” [5]. Relationships within social groups have changed the greater the neoliberal smart technology economy has grown. As interconnected as users may become electronically, they can become slaves to their devices in their consumptive and ever-accentuated role as entrepreneur-of-self. Wendy Brown has called these objects of re-enslavement “wounded attachments” [6]. Neoliberal subjects now convene less often; they remain physically isolated behind their devices. When they have rendezvous, users often have nothing to talk about but their wounded attachments. Sometimes they even will use

cellphones or laptops to communicate to the person next to them, rendering the human connection limited.

Spiritual and emotional features of a culture are devastated by neoliberal capitalism. As sedentary and closed people, modern neoliberal subjects go against their natural communal self. The natural self is inherently social, not crouched behind a screen—let alone designated by an emoji or a meme. Instead, humans are inherently empathetic creatures that must confide in one another their personal sufferings. Emotional capitalism takes advantage of the human psyche—particularly the brain’s limbic system—to command specific emotions from consumers to maximize productivity. Facebook’s increasing sophistication is actually beginning a greater conversation: What is social about using Facebook? If Facebook use leads to extreme individualism in the name of maintaining friendships—and the alternative is no Facebook, no sharing, and no friendships—then truly, what is to gain other than token conformity? Facebook has ruptured human communication in this way. The residual effects of making an economic deal with Facebook can become both culturally and socially damaging. In so far, Facebook commits spiritual and emotional damage to its users: a human rights abuse.

Autonomy and Freedom

The hegemony of neoliberal psychopolitics compromises autonomy and freedom itself. People under psychopolitics’ reign are less free because emotional capitalism thrives by generating specific emotions. It is precisely the absence of emotionality that makes humans—albeit boundedly—rational. In consumerism’s schema, there is a “dictatorship of emotion” where emotion is solicited to generate greater desires and needs [4, p. 46]. As Han notes, “neoliberal psychopolitics seizes on emotion in order to influence actions on this pre-reflexive level” [4, p. 48]. Control and influence over the consciences, instincts, and pre-reflexive levels frame individuals as things entirely unnatural and restricted. Just think of leisure or games.

Heidegger’s Geist

Philosopher and thinker Martin Heidegger argued that Art is a form of power in society [7]. Neoliberal

capitalism seeks to destroy this kind of human communication. Playing and making art are essential in human life. Leisure is our default state—not labor or consumption. Some influential people in the human rights movement have understood this, particularly the drafters of the Universal Declaration of Human Rights (UDHR), the International Labor movement, and the American New Dealers—culminating in Article 24 of the UDHR.² They understood that individual power increases with freedom. That is, when a person is “itself,” it is most free. Knowledge and information are communicated through Art, which leads to greater imminence and less enframed individuals. Henri Bergson’s utopian “open society” rests on the presumption of freedom, but we no longer live in a free and imminent world [8]; we now live in a closed neoliberal dystopia where the purity of play and creation are yoked in a strategic life, flooded with psychopolitics’ debilitating emotional capitalism. The only things that are “free” or “open” are world capital markets.

Universal human rights law protects against the residual cultural and social effects of neoliberalism’s psychopolitics but cannot protect people against initiating their malaise. Once one is on Facebook, big data has a record of “you” that is indelible. Inevitably, the cost of big data brings to mind Heidegger’s famous criticism of technology.

Heidegger wrote in 1954 that “Enframing means that way of revealing that holds sway in the essence of modern technology and that it is itself not technological.” [7, p. 325]. Furthermore, “the rule of enframing threatens man with the possibility that it could be denied to him to enter into a more original revealing and hence to experience the call of a more primal truth” [7, p. 333]. That is to say, truth escapes humankind unless it tames or turns away from the apparatus it has made. It is Art—the very subject that technology suppresses—which acts as a beacon in dark times such as contemporary capitalism. Truth can be difficult or even impossible to grasp when communication is stifled because understanding is subsequently rendered foggy and dumbed-down.

² See [9], Art. 24: “Everyone has the right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay.”

Political Rights

The Cambridge Analytica scandal exposed to the world what privacy breaches can do to political rights. Modern platforms like Facebook create the façade and perpetuate a myth of total transparency. This shroud is only lifted once—revealing the transparency myth—after a data breach has been proven and acknowledged by Facebook, Inc. as such. Democracy can be sacrificed by a neoliberal agenda, too. All that is needed is for privacy—a human right demanded in the form of FPIC—to be violated [9]. Neoliberalism degrades democracy in general—as Wendy Brown highlights in *Undoing the Demos: Neoliberalism’s Stealth Revolution* [10]. She writes in a Marxist and Weberian vein that democracy requires a rich environment of political thinking and action—and late capitalism dilutes this vital quality from society.

Futures in Freedom

Freedom, humankind’s most fundamental right, is protected by Article 1 of the UDHR.³ Han argues that digital psychopolitics can intervene in human psychic processes. One of his worries about psychopolitics’ microphysics of power is that it will be even faster than human free will—meaning that, when left unchecked, psychopolitics may very well beckon the end of human freedom. Humans would no longer be able to subdue big data’s microphysics because of the microphysical dimension it operates in. As highly touted as digital technology may be, a deeper look into its capabilities and residual effects show when left unaccounted for, it offers no future or reason yet remains commander of humanity’s future.

Health

Given its harmfulness and its rampant growth, one must approach modern smart technology—including Facebook—as part of a public health crisis. Neoliberalism brings forth a mental health crisis. However, considering that psychopower operates on the level of

³ See [9], Art. 1: “All human beings are born free and equal in dignity and rights. They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.”

microphysics, one cannot ignore Member States' obligations to respect, protect, and fulfill individual rights. That is, we ought to think about prevention instead of only treatment. History shows that to eliminate epidemics or pandemics, one has to engage in treatment *and* prevention. Article 12 of the International Covenant on Economic, Social, and Cultural Rights (ICESCR) says that the right to "health-related education and information" is a human right [11]. Degrading treatment or punishment existing in the form of torturous mental suffering "inflicted on a person for such purposes as obtaining from him or a third person information or a confession" is an egregious human rights abuse [12, p. 85]. Psychopolitics can do this and Facebook, Inc. has used it more effectively than most. This article and *jus cogens* ask humankind to take seriously all implications the digital age has on human dignity—including degrading hegemonic psychopolitics faced by the technology users.

The right to prevention, treatment, and control of diseases is protected by Article 12 of ICESCR. It explicitly states in section 2(c) that State Parties have a role in the full realization of the right to "the enjoyment of the highest attainable standard of physical and mental health" by including "the prevention, treatment and control of epidemic, endemic, occupational, and other diseases" [13]. Of course, this applies to everyone, including children; Article 24(e) of the Convention on the Rights of the Child (CRC) states that parents and children are to be "informed, have access to education and are supported in the use of basic knowledge of child health and nutrition"—and this should include the health effects of digital technology [14, p. 3].

According to the World Health Organization (WHO), violence is "the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, which either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation" (quoted in [15, p. 5]). Modern technology's use of psychopolitics is inherently violent. Ways of living change because of Facebook's violence.

There is an intense curiosity around social networks. Most people are on more than one network. One network does not fulfill, while none are necessary. This indicates that neoliberal psychopolitics relies on entrepreneurs' vulnerability and willingness to share data on another platform. Humans can have unlimited desires, but modern platforms are designed to persuade users

into sharing and engaging in digital fetishism—the same fetishism that can be found for capital. Enrique Dussel defines fetishization as the "process by which a totality is made absolute, closed, divinized" [16, p. 95]. Facebook commands such loftiness from its users, as Facebook is made absolute (i.e., real and essential), closed (i.e., an entity masquerading as a single entity, yet is actually highly interconnected with other platforms), and divinized (i.e., creating a cultish following, simultaneously claiming to be a mere benefactor to its members as they become part of a new community under Facebook's rules). Digital profiles are stocks of personal capital, as one is attached to his or her Facebook profile as if it were an extension of himself or herself. Facebook demands the same attention, care, and attitude one would expect for one's lifetime project. People are not just using Facebook to communicate. For many users, Facebook is the worthless hoard of emotional capital they sit upon.

Conclusions

Psychopolitics go way beyond the scope of this article. This article is primarily limited to the scope of psychopolitics' interface with existing international human rights law. Free, prior and informed consent without truly being informed opens a Pandora's box. The digital age has tapped into a herd mentality to "upgrade" to the latest form of re-enslavement. With every product launch, we are promised to be brought closer together and made freer, but the results indicate that this is a two-way street, as freedom does not mean being alone. The economic transaction of purchasing digital technology is legitimate. Data theft warnings exist, but there are negative residual effects of using smart technology.

The social effects of using smart technology increase evermore the deeper we dive into a virtual existence. People become detached from reality, choosing alternatives to open, creative living. Neoliberal pathologies include isolation that leads to a cold, depressing, apathetic existence. In many cases, victims of neoliberalism become addicts of some form or another; they may become addicted to their virtual existence on platforms like Facebook, Instagram, Tumblr, or Twitter. Dr. Jerald J. Block has made note of how "Internet addiction appears to be a common disorder that merits inclusion in DSM-V," which it was not, despite the addiction's prevalence and psychologically damaging nature [17].

Some authors, like those of “Facebook Addiction Disorder (FAD) among German students—A longitudinal approach,” have given a name to the problem that today seems obvious; they found that Facebook users with notable narcissism, depression, anxiety, or stress are more prone to developing FAD [18]. In “The brave blue world: Facebook flow and Facebook Addiction Disorder (FAD),” researchers note that the “flow” (i.e., intensity) of Facebook tends to precede FAD [19]. Although FAD is not generally accepted as a disease, the awareness of the problem is on the rise.

The effects of neoliberalism’s psychopolitics are nothing short of epidemic, as its individualistic message is nothing but a vehicle towards hyper-individualization to the point of vulnerability to illness. Victims of what Bruce Rogers-Vaughn calls “third-order suffering” is felt by victims of post-modernity [20, p. 171]. Rogers-Vaughn writes, “Without strong, vibrant collectives to support them, individuals are more-or-less left to their own devices to deal with distress. We might describe them as in a state of spiritual homelessness. These unfortunate souls are abandoned, left to interpret their sufferings as signs of personal failure” [20, p. 126]. Users of social networks like Facebook suffer alone, not in a friendly network.

As a residual effect of making the digital deal, various human rights are often violated. The right to self-determination can be violated, as de facto sovereignty is compromised under neoliberal psychopolitics. Of course, social, economic, and cultural rights are intertwined with one another, meaning that one violation can simultaneously violate another right because rights are intercomplementary and interdependent. So, there are predictably cultural rights violations, too.

Hyper-individualized victims of neoliberalism’s psychopolitics de-prioritize all of the elements of culture as victims delve deeper into the world that is not. Society is made marginally isolated, cold, and depressive. The arts suffer, too, because they are greatest when introspective. Even the family is compromised as hyper-individualized entrepreneurs go broke on real relationships. It is not that independence is morally wrong, as much as hyper-individualization is unhealthy.

The right to privacy is closely linked to the right to freedom of expression. Both allow a person to not disclose information. If modern technology is harnessed to take information from an individual without FPIC, such data collecting is a violation of the rights to privacy and expression.

In conclusion, there are significant issues raised by Facebook’s soft-power grooming of its users because it results in objectified and dehumanized subjects. Psychopolitics, in the form of non-consensual data collection and the residual effects thereof, mark a new mutation of biopolitics that obliges human rights advocates to take notice. The Preamble of the UDHR and Article 2.1 of ICESCR affirms that State Parties must progressively achieve “the full realization of the rights recognized in the present Covenant by all appropriate means, including particularly the adoption of legislative measures” [13]. Parties have an obligation to protect—even business entities like Facebook, Inc.⁴—when the right to health is at stake [21]. It is up to rights advocates to bring the bad news of new technology to the ear of State Parties, who must ensure that the dignity of users is guaranteed because without that, users can sign away their universal, inalienable, indivisible, interdependent, and interrelated human rights by joining Facebook.

References

1. Foucault M (2012) *Discipline & punish: the birth of the prison*. Vintage Books, New York
2. Han B-C (2019) *What is power?* Polity Press, Cambridge
3. Howard SJ, Surtees W (2016) A case series review of suicides associated with social media use in South Tyneside, England. *J Royal Soc Med* 7: 2054270415619322
4. Han B-C (2017) *Psychopolitics: neoliberalism and new technologies of power*. Verso Books, New York
5. United Nations, Educational, Scientific and Cultural Organization (UNESCO) (2001) *Universal declaration on cultural diversity*
6. Brown W (1993) Wounded attachments. *Political Theory* 21:390–410
7. Heidegger M (2008) The question concerning technology. In: Krell DF (ed) *Martin Heidegger: basic writings*. Harper Perennial Modern Classics, New York, pp 139–212
8. Bergson H (1935) *The two sources of morality and religion*. University of Notre Dame
9. United Nations (1948) *Universal declaration of human rights*
10. Brown W (2015) *Undoing the demos: neoliberalism’s stealth revolution*. Zone Books, Brooklyn
11. United Nations, Committee on Economic, Social and Cultural Rights (CESCR) (2000) General comment no. 14: the right to the highest attainable standard of health (Art. 12 of the Covenant), 11 August 2000, E/C.12/2000/4. <https://www.refworld.org/pdfid/4538838d0.pdf>. Accessed July 2019

⁴ See, for example, the preamble of the Universal Declaration of Human Rights [9] and paragraph 42 of [11].

12. United Nations (1984) Convention against torture and other cruel, inhuman or degrading treatment or punishment, 1465 UNTS. 85
13. United Nations (1966) International covenant on economic, social, and cultural rights. Treaty Series 999: 3
14. United Nations (1989) Convention on the rights of the child. Treaty Series 1577
15. World Health Organization (WHO) (2002) The world report on violence and health (edited by EG Krug, LL Dahlberg, J.A. Mercy, AB Zwi, and R Lozano). WHO, Geneva
16. Dussel ED (2003) Philosophy of liberation. Wipf & Stock Pub, Eugene
17. Block JJ (2008) Issues for DSM-V: internet addiction. *Am J Psychiatry* 165:306–307
18. Brailovskaia J, Margraf J (2017) Facebook addiction disorder (FAD) among German students—a longitudinal approach. *PLoS One* 12:e0189719
19. Brailovskaia J, Rohmann E, Bierhoff H-W, Margraf J (2018) The brave blue world: Facebook flow and Facebook addiction disorder (FAD). *PLoS One* 13:e0201484
20. Rogers-Vaughn B (2016) *Caring for souls in a neoliberal age*. Palgrave Macmillan, New York
21. United Nations, Economic and Social Council, Commission on Human Rights (2003) Economic, social and cultural rights. The right of everyone to the enjoyment of the highest attainable standard of physical and mental health (Report of the Special Rapporteur, Paul Hunt, submitted in accordance with Commission resolution 2002/31; fifty-ninth session of the Commission on Human Rights, Item 10 of the provisional agenda; E/CN.4/2003/58. <https://www.un.org/womenwatch/ods/E-CN.4-2003-58-E.pdf>. Accessed July 2019

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