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# HOW APPLE'S PLANNED OBSOLESCENCE CRIME INCREASES INEQUALITY: A RESPONSE ON CAPITALISM, "JURIDIFICATION", AND SOCIAL CONTROL

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## Abstract

This essay examines the infamous contemporary crime known as "planned obsolescence". The ramification of the capitalist system has made prominent mega-tech companies shape technological standards and influence others to comply and acquire such conditions. It creates a regime of technological hegemony—in this case, I particularly place the utter focus on the Apple Company's alleged attempt to dominate the technology market by perpetrating certain time-window for science and technology inventions, inter alia—the manufacture, software system and design, to be out of date or deemed as obsolete when they have reached certain designated period of time, hence forcing the customers to make repeated purchase to keep up with the latest digital trend as the only way to survive technologically. Further, I will put into scrutiny the phenomenon of planned obsolescence regards to the framework of social crimes and its abominable excess of arbitrary social control that creates inequality in society, particularly viewed from an overwhelmingly Foucauldian post-structuralist approach, specifically to the loyal technology customers. To present a thorough result of this study, I use a systematic overview of literature reviews by qualitative analysis.

**Keywords:** *inequality, juridification, planned obsolescence, social control, technological hegemony*

## Introduction

### The Apple's Alleged Planned Obsolescence Crime: A Brief Genealogy

Throughout this essay, I will orientate my premise on one of the newest (if not any) means of contemporary crime, which has taken the form of "planned obsolescence". The term "obsolescence" was first introduced at the dawn of the 19<sup>th</sup> century. Its meaning remained ubiquitously ambiguous to date (Hartl: 2022). Nevertheless the unresolved terminology consensus, the term is often used to refer to a circumstance in which something becomes gradually outdated within a determined timeframe.

Particularly in this regard—combining the words "planned" and "obsolescence"—hence can be described as a deliberate act to set a certain time-window for science and technology inventions,

*inter alia*—the manufacture, software system and design, to be out of date and eventually deemed as obsolete when they have reached a certain designated period of time.

Planned obsolescence is evidently used in the sphere of the electronics market (Hartl: 2022). In principle, it deliberately produces a plethora of products and innovations in a relatively brief period of time, thus, artificially fabricating their artificial functionality, as if such technology can no longer keep up with the latest trend, thus, encouraging electronic users to replace their gadgets in premature fashion (Sherif: 2006).

The grievous agenda of planned obsolescence is usually perpetrated by mega-technology companies who already have a solid customer base. Basically, the obsolescence will commence through replacing the current gadgets with newer and ostensibly "superior" products or intentionally conditioning certain circumstances that gradually disfavour the older generation goods to be able to compete or properly function with the recent ones, and therefore, somehow creating a phenomena that moves the customers to proactively seek the newest generation gadgets, which are advertised in a manner "*a little newer, a little better, and a little sooner than necessary*" (Adamson: 2003).

To put this essay into a much clearer context, I will bring one specific instance to attention, which is, Apple—a US mega-tech company—famously known for its creation of the MacBook (Macintosh computer), iPad, iPhone and iPod that are widely used by societies across the world—has been accused of doing various planned obsolescence activities to its customers.

Hitherto in 2023, the allegations against Apple encompassed the following 2 (*two*) contemptible cases:

**Firstly**, the practice of "serialisation", whereas Apple associates spare parts—microchips and speakers—with specific iPhone models through a series of serial numbers. Therefore, when newer iPhone generations are published and go ahead of the older ones, the customers will find difficulty to find the preceding spare part, which leads to arbitrary purchases for the most recent of Apple's innovations. Another deterrent effect of such practice is that, since the spare parts are linked with particular iPhone generations, hence, it hinders the customers from seeking gadget reparation from any third-party but Apple-approved repairers (Janhoi: 2023).

**Secondly**, the notorious "Batterygate" scandal, which has been ongoing since early 2018, wherein customers with older generation iPhones filed a complaint to Apple stating that their iPhone's battery was starting to degrade. As a response, instead of providing battery replacement, Apple advised the customers to download the latest iOS Software Updates. Turns out, the software updates have resulted in a significant decrease of the (older generations) iPhone's overall performance and aggravated the already-dreadful battery health. What seemed perturbing is that Apple later acknowledged that it had done so in order to conserve battery health, and not to manipulate customers to purchase new Apple gadgets whose programs are novel enough to be compatible with the newest iOS Software updates (Elizabeth: 2023).

Until the day this article is written, the aforementioned cases have not yet received their ruling from the court. Notwithstanding the fact there is still some stirred resentment amongst the disappointed Apple consumers who claimed similar suffering, Apple to date still firmly deny any

alleged wrongdoings, despite they actually admitted the innovation to their products commence in somehow rapid pace.

What makes planned obsolescence alarmingly dangerous is that, *prima facie*, it purportedly seems like a generic marketing strategy in this overwhelmingly capitalistic society. However, when it is carried out by prominent tech-company such as Apple, such actions have resorted in both potential and manifest adversity. I corroborate my stance based on 3 (*third*) fundamental premises:

***First, planned obsolescence will resort to an atmosphere of excruciating technology reliance.*** The recent digital era acquired nowadays societies to massive amount of technological necessities—comprising all the way from the realm of financial investment, healthcare, education, to other variables that keep human's needs remain sustained. As life gradually "digitalising", such a process entails complicated talent and requirements that can only be fulfilled by a few incredibly powerful unicorn companies. Building up to that circumstance, it somewhat gives these established companies/organisations to hold a handful power to determine the path of technological waves. For instance, if Apple decided to disappointingly commence a serial change for the charging ports, or remove audio jacks for the AirPods and require new software upgrades which cripple the functionality of the former device edition, hence the consumers, not to mention the society at large—who already heavily relied on the designated tech-atmosphere, is deprive of the liberty to keep using their current gadgets but to follow the changes (Chaty: 2016).

***Second, planned obsolescence causes an unsustainable and compulsive consumption behaviour incensed by the aggravating capitalism.*** We have to bear in mind that the main objective of commencing planned obsolescence agenda in the electronic market dynamic is to bolster customers' demand by fostering an incessant technological euphoria, hence, creating an unhealthy business practice as well as maintaining an eternal income stream for the manufacturer themselves (Lieselot: 2023). Ultimately, the companies as leading manufacturers will receive increasing revenue since the customers are stimulated into purchasing products regularly (Guiltinan: 2009). The worst form of such activity—if done in the long term—is an exacerbated capitalism. As a response, electronic consumers start to perceive the ingrained obsolescence, resulting in unsustainable and "ever-shortening" technology trend, encompassing a large spectrum of compulsive consumption behaviour that is practised globalised (Adamson: 2003).

***Third, planned obsolescence increases multifaceted inequality in the context of economic disparity.*** Since the main objective is to generate incessant income stream for the mega-tech companies, by setting inexhaustible innovation which makes older generation products unable to function, as the newest trend acquires more novel spare-part. For example, if a tech company launched its newest gadget with a type-C charging port and cable, hence ceasing the manufacture of all former charging cables that are (non) type-C. To some communities, changing gadgets throughout the popularity timeframe seems impeccably easy. Nonetheless, electronic usage rather encompasses heterogenic social classes. The worse impact of planned obsolescence is likely to be suffered by the lower socio-economic social group, considering their ability to accommodate with the price of the new electronic gadgets they have to buy regularly, while groups with higher socio-economic level possess less adversity to cope with such purchase. In the end, the inequality strikes

to the less-privileged community that are crippled with a harsh dilemma: distressed by the agonising economic expenses due to over-consumption of electronic gadgets, or accepting defeat by defying the trends by those mega-tech companies.

Based on the aforementioned background, one contentious question needed to be answered: *could planned obsolescence considered as a form of social problem?* I am intrigued to assess this phenomenon based on the fact that there is less attention directed toward planned obsolescence—as people barely realised that they are being controlled and used as the source of revenue for tech-companies, resulting in a cascade of subtle social crime. Moreover, since planned obsolescence is under-scrutinised, there has not yet been any solution to overcome it

## **Literature Reviews**

### **Technological Hegemony**

There are various (and ever-contrasting) definitions of what comprises "technological hegemony". Based on that scenario, to put a greater specific context of this particular essay, such term technological hegemony herein defined as the ability to attain a specific technology, by which it creates power to shape technological trends and influence others to also possess that technology in order to keep up (Suzuki: 2021).

The origin of such technological hegemony can be traced by how the exposure of the digitalisation movement has dramatically changed the constellation of traditional society. As a consequence, novel technology has rearranged the structure of conventional means of state and societal management, considering how people nowadays heavily relied on digital data. Nevertheless, as the digital trend is increasingly on the rise, the capability of the state to facilitate such a revolution is limited. Hence, the digital regime has to be powered by third parties, namely big technology firms which hold superior competence due to their extensive financial resources and personnel.

The demand in society for technology bestowed these mega-tech companies a powerful and pervasive impact to progressively monopolising the field of science and technology development by infiltrating the technology market, creating popular trends—such as providing society with public-friendly products, presenting a sleek design for electronic gadgets, and influencing the operation of modern government (Srivasta: 2021). Therefore, while the government is still holding the crown of the power vortex in administrating the society, peculiarly enough, mega-tech companies also have ability to assert dominance and exercising power in the society—thereby creating a decentralised power source (Pang: 2023).

As mega-tech firms hold power, those companies can emerge a hegemonic technology wave with vague boundaries that enable them to resort to means of receiving a sustainable income stream through the unsustainable practice of producing electronics with a short timeframe of usefulness which unconsciously and arbitrarily drives customers to repetitively purchase new products, as the former products have been deliberately planned as 'obsolete' (Bulow: 1986).

## **Types of Social Control: Marxist and Foucauldian**

In this section, I will specifically discuss the concept of social control as a bedrock in analysing this essay. The social control tenet derived way back to the dawn of *the Renaissance* era, whereby an English scholar named Thomas Hobbes argued that individuals—at their most rudimentary nature—are evil and are in a state of war of all against all (*bellum omnium contra omnes*). Thus, the emergence of the state as a great power is necessary to prevent conflict among self-interested humans.

Based on the previous premise, I now highlight 2 (*two*) approaches to social control. The first key figure to be introduced is the Marxist—also known as the structural approach. The fascinating aspect of the Marxist school is portrayed by how it sees social control as being either unconsciously or consciously orchestrated by the state. According to Marxist theory, the conception of social control puts the greatest focus on the economic power of a dominant class that may cause deliberate action, *inter alia*, controlling criminal law, or using law enforcers such as the police force as a working agent with the state and the (economic) elite (Spitzer: 1977). Marxist theory implies that state and the dominant class use economic power to protect their economic interests, hence the target of social control studies on “*whichever social control system is actually adopted becomes the one which best stabilises ruling class dominance*” (Gibbs: 1977).

Additionally, there is a post-structuralist approach, which introduces another prominent figure in the field of criminology named Michel Foucault. Whereas it is different from Marxist, however, Foucault's theory is somewhat influenced by Marx—who studies that power is inextricable with economic dynamics and it manifests through the legal system and personnel that have been trying to uphold the dominant class and state's interest. By contrast, the Foucauldian perspective believes that power is not necessarily reducible to the legal system, capital, and state apparatus, yet instead, it extends amongst people, groups, and institutions. Foucault argued that power is actively engaged like chains of network through language and how we perceive things. In summary, he allows a more open analysis of the interplay of power and social control (Agger: 1991).

## **Habermas's Concept of “Juridification”**

The term “juridification” itself possesses an ambiguous concept. Nonetheless, I provide for this essay an overarching understanding of what constituted juridification in accordance with Jürgen Habermas's perspective. In descriptive context, it refers to “the tendency towards an increase in formal (written or positive) law” (Habermas: 1987).

In other words, juridification is also acknowledged as an act of “the proliferation of law” in quantity. There are however conversing opinions about the phenomenon of juridification either in the normative or descriptive terms. Some people interpret juridification as an act of monopolisation by legal professionals in the legal field, whereas others regard the discourse of juridification as a hallmark of democracy chorus—followed by the emergence of assured human rights in the sphere of civil society (Habermas: 1987).

Regardless of the contested perception of what juridification is being perceived within society, I unfold several main ideas that overwhelmingly underpin its conceptual framework as follows:

**Firstly**, in principle—as we understand it, juridification is a process of codifying scattered norms across societies and crystallising them in a written manner, hence creating a standardised legal order which encompasses uniform definitions as well as procedures emanating in a series of written laws that are agreed upon both at national and international discourse.

**Secondly**, juridification is an effective means to generate a set of extrapolated values. It offers comprehensive normative evaluation as a distinct guideline to address foreseeable danger and adversity, which share a common endeavour to resolve. Any laws that have been successfully transformed through the language of juridification may exemplify and show their usefulness in facilitating conceptualisation in understanding different terms where the scenario involves a multifaceted standard.

**Thirdly**, juridification promotes the emergence of the rule of law. Notwithstanding the arbitrary exercise of power that is actualised through existing bills and legislations, the laws are not permanent in nature. Yet they are consistently perceptive of future improvement from a subsequent series of amendments, scholar critics, evaluation, supervision and public scrutiny.

**Fourthly**, the major intention of juridification is to manifest boundaries (acting as measurements) for a particular issue so that it will not be overlooked in the overwhelmingly complex society. Society has come to the aggrieved realisation that advocacy alone—without enough power to push the legislatures—will likely result in rather an insignificant breakthrough. It is only when such matters have solidified in the form of regulations that society will start to acknowledge and pay respect to whatever they once deemed unproblematic. Additionally, the proliferation of the law stemmed from a stern attempt at juridification will support immemorial social problems to be handled properly.

**Fifthly**, distinguished boundaries lead to a greater expansion of judicial power that extends to robust protection of human rights, fair legal treatment, and assured expectation of lawful conduct both in the public and private sphere (Blichner: 2005).

**Sixthly**, it prohibits excessive abuse of authority by the law-enforcing actors. In the administrative sphere, the written laws restrain unlimited administrative discretion. Moreover, it also curbs the judicative competencies in elucidating prevailing regulations.

**Finally**, encourages stringent collaboration amongst actors that contribute to maintaining the landscape of the rule of law. *Albeit* numerous in form, generally speaking, the parties that support the process of juridification may include the judiciary, legislatures, law enforcers, administrative actors, non-state actors and the people themselves.

There are 5 (*five*) distinctive characteristics of juridification which are: **first**, adding value to the legal system through the establishment or modification of norms constitutive for political order; **second**, the written law becomes an increasing source to administer numerous activities; **third**, the written law acts as a reference to solve any existing societal conflict; **fourth**, empowerment to the legal actors, let it be the system or the profession as opposed with formal authority, and; **fifth**, putting individual and people in groups as legitimate legal subjects before the law (Blichner: 2005).

Nevertheless, several drawbacks are also considered. Any attempt to crystalise existing regulation will cause the law to be in its most undesirable shape—which is fixed and rigid. While I have stated in the aforementioned that juridification boosts the maintenance of legal certainty and justice—paradoxically—it inhibits other interpretations in handling certain issues by maintaining an exhaustive option of legal definition, term and mechanism while simultaneously restricting any other liberalised perception of the said matter. Whereas, the law is supposed to be kept flexible enough to cater to various circumstances since society will always face everchanging dynamics. Therefore, an apprehension which a country majorly relies on the supremacy of written laws will hurdle to keeping pace with one's current events. Moreover, there is also a concern that juridification exacerbated ineffective bureaucracy chains. While a law is open to modification, it is however required to undergo a long bureaucracy process. For instance, amending a law requires formal legal review and approval of a third party, which means to involve a varying number of inter-hierarchical connections. Thus, complications might arise in the events in which a state has to deal with swift political or legal changes.

## Methodology

In order to convey a comprehensive understanding of the ramifications brought by the contemporary planned obsolescence crime, therefore I use the traditional qualitative research methodology. On fundamental grounds, qualitative research seeks to explore and deliver deep insight through interpreting the content of textual (written) data (Korstjens: 2017). Hence, the source of my analyses for this essay is extracted through the conduct of literature reviews from relevant discourses and studies. In parallel, I am focused on the following questions: 1) *how does the planned obsolescence linked with social control, inequality issues, and pervasive technological hegemony?*; 2) *how might the concept of "juridification" be able to combat such excruciating crime?*

## Result and Analysis

### Apple's Planned Obsolescence Crime and Its Relevance to Social Control

Since ancient times, both social control and deviance have always manifested as an inextricable reciprocal dynamic. This was mainly caused by the progressive development of human civilisation—, such progress was also linked with the advancement of fundamental transformation of social order (Innes: 2003). That being said, the more established a society is—paradoxically enough—it will also produce a vast array of even more novel crimes and deviances. Therefore, it is justifiable to say that the concept of "social control" exists as a response to counter such overwhelming deviant acts amongst society. The interesting point that I would also like to highlight is, how these modes of social control have also undergone dramatic changes, as it can be perceived from various ideas of social control, in which each tenet possessed its unique ground as an undertaking.

In the context of planned obsolescence, it is indeed—undeniably—an evolution of social deviance that is mainly sprung from the incontrollable and inflamed capitalist system. Which people nowadays are heavily intertwined with the use of technologies in everyday life, whereas

Apple—as one of the most prominent technology manufacturers—is dominating the tech-market alongside its savvy innovations and aesthetic designs. To be blatant, Apple can even conditioned and fabricate inexhaustible needs to its loyal customers, just to maintain a powerful, never-ending income. Similar to this situation—as I quote from Hirschi—the greater the attachment, commitment, and demand in society, the more controls that people are subject to (Innes: 2003). When people are unconscious that they have been controlled, specifically through the systematic crime of planned obsolescence, it marks Apple's legitimate reign of soft-social control upon the society by means of technological hegemony,

I am fully aware that—*prima facie*—my aforementioned statement seemed to fit in more unto to the Marxist point of view of social control since it has been strongly linked with the intrinsic power of political economy in which capitalism inherently being the cause-root of conflict (Innes: 2003).

However, differing from Marx, my personal view has deemed that the state is not the main and only monopolising perpetrator in the context of commencing the planned obsolescence crime, yet instead, the crime is done by Apple—using the hegemonical power in controlling the technology waves and trends. Therefore, this phenomenon falls more compatibly into the spectrum of the post-structuralist approach—which sees that social control can come from diverse and multiple power centres that are distributed and dispersed throughout society, rather than the radical Marxist where it only sees an overarching power is attained solely by the state (Innes: 2003).

The post-structural approach to social control greatly fits with Foucault's theory of power, which recognises that the power of social control emanates from pluralistic and dispersed domains, taking on different forms according to its respective contexts (Innes: 2003). Furthermore, Foucault adds that such power dynamics can simultaneously coerce and persuade people into reforming their thoughts to conform with 'conditioned' models of the 'idealised outcome' (Innes: 2003), and that is—in this context—is to force gadget consumers to keep striving to purchase newest devices from prominent tech-companies.

Based on the ability to impose society to purchase any technological trend orchestrated by the overpowered mega-tech companies for inexhaustible crave for revenue, I, therefore, classified planned obsolescence as a form of social crime.

### **Is Habermas' concept of “Juridification” indeed an effective solution to combat inequality derived from Planned Obsolescence?**

Now that I have addressed the social issue from the aforementioned paragraphs, it is logical to seek any effective solution, my most fundamental premise stemmed from a genuine apprehension in thinking that the planned obsolescence crime possesses a detrimental effect in 2 (*two*) distinguished sectors. *Firstly*, in an economical sense, such an agenda is revealed in the form of unfair competition, excessive consumption, overbearing tech-companies dominance. *Secondly*, another ramification can be seen from in environmental perspective, as creating a fast-cycle of certain gadget generation contributes to harming the environment with an alarming amount of hazardous electronic waste.



There is, nonetheless, a fascinating concept from Habermas that is called "*juridification*", by which he believes that the law—manifested in institutionalised legal instruments is one way to harness social order in the modern social system (Innes: 2003). To be fair, hitherto, there are not currently any laws—internationally nor nationally, to prohibit planned obsolescence. The closest thing to such protection is to create a Consumers' Protection Act, just like what the French have been planning, that is to ensure gadget customers in France receive an extended guarantee period of their electronic items. Furthermore, the Italian government has passed a law that require products to acquire shelf life alongside with a fixed two years period of free service for new electronic items. As for Indonesia, there is a national Consumer Protection Law (Laws: 1999), however—ironically enough—there is not any provision that protects Indonesian gadgets user from the practice of planned obsolescence.

### **Author's proposed solution: the "People Power" advocacy**

Regarding this situation, as much as I adore Habermas' proposition, nevertheless, I am unconvinced that juridification alone can be an effective solution since planned obsolescence itself is a type of crime that lays in a perplexing grey area, that is in a tricky portion of monopoly yet somehow people can get persuaded that what the mega-tech companies have been doing is simply nothing but normal activity of publishing innovation, as that is the inevitable nature of technology—it always develops. However, on the other hand, unnerving complaints and lawsuits varied across countries simply exemplify that planned obsolescence has so very much grimmer agenda—yet subtly, to make gadget customers be as helpless subject to the mega-tech companies social control.

On that account, I would like to propose an alternative solution, that is divided into 2 (*two*) primary aspects:

**First**, by positioning the phenomenon of planned obsolescence as a form of social crime (in the criminological sense). Therefore, it gives a strong opener to channel the juridification process that is to formulate and frame the legal process involving multifaceted actors such as the law enforcers, government, corporations, and the role of consumers to advance the legal process in handling planned obsolescence.

**Second**, that is to incorporate "People Power" movement to invoke the society to fight for justice against certain corporation or powerful political forces. As according to what Foucault proposed that social control might come from varied and dispersed source from the society, in which it will have the power to also affect the existing social order. This notion is somehow supported by Deleuze's statement that we are now living in a post-disciplinary order, where the boundaries of control and control system have been intermingled and overlapped each other (Innes: 2003). Therefore, it creates big room for a movement that is conducted through populist advocacy.

For instance is the establishment of Economic and Social Committee that demands manufacturers to offer replacement parts for products and to offer clear information about the shelf life of the products. Further, it also formed "Consumer Watchdogs" that can release a report to put companies into scrutiny to prevent them to conduct planned obsolescence crime. Moreover, the society can create Consumer Product Safety Commission has the power to issue reasonable durability standards for commercial products for companies to abide. These people "non-state"

movement, in my personal view, will significantly boosts social order and to prevent further deviance that is related to planned obsolescence.

### Conclusions and Recommendations

This study chronicles the following points:

**Firstly**, Apple’s alleged planned obsolescence crime is an apt exemplification of how non-state entity is able to partake in the interplay of social control. To understand this phenomenon, reader must take a comprehensive analyses from Foucault’s tenet on theory of power—that is very much falls into the scope of post-structuralist approach.

**Secondly**, the ramifications derived from planned obsolescence activities encompass 3 (three) impacts, which are: *an atmosphere of excruciating technology reliance; an unsustainable, compulsive consumption behaviour incensed by the aggravating capitalism, and; increased multifaceted inequality in the context of economic disparity.*

**Thirdly**, the worse impact of planned obsolescence is likely to be suffered by the lower socio-economic social group, considering their ability to accommodate with the price of the new electronic gadgets they have to buy regularly, while groups with higher socio-economic level possess less adversity to cope with such purchase. In the end, inequality strikes to the less-privileged community that are crippled with a harsh dilemma: distressed by the agonising economic expenses due to over-consumption of electronic gadgets, or accepting defeat by defying the trends by those mega-tech companies.

**Fourthly**, as for the solution, in order to prevent an aggravated technological hegemony conducted by mega corporations (if not only Apple), hence, both the state and the society are expected to create ardent cooperation to simultaneously conduct Habermas’ concept of “juridification” of passing strict laws that is in favour of fair competition and reasonable customer protection from being economically and politically exploited due to their natural needs of utilising electronic items, as well as creating “watchdogs communities” that is responsible to voice advocacy based on the best interest of the populi.

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