

## Friends in the Age of Facebook

**Ethan J. Leib**, author of the new book *Friend v. Friend*, contends that the institution of friendship is in trouble. A law professor at the University of California-Hastings, Leib suggests that longer work hours, online communication, and suburban sprawl have diminished the number of friendships an individual can maintain and argues that the law lags behind the cultural changes. We asked him to pose questions about the current state of friendship, friending, and social contracts.



**1.** Sociologists today ask whether the institution of friendship is in decline. Some people say that we now have few people with whom we can discuss important matters. Many of the rest of us wonder how our friendships have changed over the years with the birth of social networking platforms that purport to help us “friend.” Can a case be made that friending detracts from friendship? Or should we thank these platforms for helping us to peer into each other’s lives more frequently and more intimately? Is friending actually creating and supporting more true friendships? Or rather are we addicted to something that approximates real connection but is actually very mediated and done only alone?

**2.** Social media may be changing our circles of affection—but so is the reality that we are living longer, are freer not to marry, are freer to get out of marriages, and are freer to live openly, whatever our nature or orientation. In light of all this, should public policy take an interest in how friendships are functioning in our societies?

**3.** The specter of politicians and judges meddling in the most private and intimate spheres of our lives is deeply unappealing. Yet isn’t the public sphere of the law always structuring and regulating intimate choices, whether in marriage, family, sex, or private ordering in the economy? If

so, and if families are changing so they are more and more the products of choice, what makes voluntary friendships immune from the gaze of public policy?

**4.** Friendship has always been a respite from the state—some have thought it subversive and undermining of state authority—yet paradoxically friendship can only reinforce personal freedoms if someone takes care that it doesn’t fall into disuse. Does it make sense for the state to protect our freedom from the state? Isn’t this the structure of our liberal rights generally?

**5.** If public policy can facilitate and protect close friendships, can we design public institutions with those goals in mind? Should hospitals, for instance, be forced to ask friends about incapacitated patients’ health-care wishes? Should the state grant the same privilege to friends that married couples receive, freeing them from testifying against one another? Should judges be allowed to be Facebook friends with lawyers who appear before them?

**6.** Is there a risk that legalizing the duties of friendship would undermine and deter friendships rather than support them? Would the law’s intervention debase what is special about friendship?

**7.** What if the movie *The Social Network* told the story of Facebook accurately and the CEO of that company abused the trust of his best friend to shut him out of the business they started together? Should civil legal proceedings ignore the nature of the relationship in which that breach arose?

Should the law treat friendship as irrelevant to the underlying wrong?

**8.** Some deals we make with friends are trivial—you buy this round of drinks and I’ll buy the next—and some are not—I need to borrow \$25,000 from you, friend, to get myself out from under a debt collector. In the ones that are substantial, does it make sense to think about them as outside the ambit of public institutions? Should we conclude, as Aristotle did, that transactions among friends must be resolved only on the basis of trust or breakup, and that legal recourse is off-limits?

