CAN THE SUBALTERN BE LISTENED TO? AN ANTHROPOLOGY OF PLATFORM COMMONSENSE IN SPITE OF THE LAW

Juan M. DEL NIDO, *Taxis vs. Uber: Courts, Markets, and Technology in Buenos Aires* (Stadford University Press, 2021, 238 p.)

Excitement around the platform economy and all its benefits has been heavily promoted within management and business schools.[1] Some authors envision futurist portraits of utopian labor landscapes and participatory capitalism.[2] More nuanced and critical takes usually come from social science accounts, including political economic analysis such as Martin Kenney and John Zysman in their inaugural referential text on *The Rise of the Platform Economy* [2016] pointing to its possible ups and downs, or the neo-Marxist economic analysis developed by Nick Srineck in *Platform Capitalism* [2016] warning of multiple risks, notably the rise of monopolistic infrastructural giants. Much of this growing body of literature has focused on a sociological analysis of labor, with diagnoses ranging from "cybertariat" [Huws 2015] to ongoing critiques of flexibility, in this case digital flexibility, as "precarious work" pointed out by Arne Kalleberg and Steven Vallas [2018]. Critical accounts of the "gig economy" have been developed by Alexandrea Rabenelle [2019], Jamie Woodcock and Mark Graham [2020], and Juliet B. Schor [2021], among others. There have also been ethnographic engagements such as Alex Rosemblant's *Uberland: How Algorithms are Rewriting the Rules of Work*

[1] See early accounts such as Annabelle GAWER, ed., 2009. *Platforms, markets, and innovation* (Cheltenham, UK/Northampton, MA, Edward Elgar). Also later references such as Erik BRYNJOLFSSON and Andrew MCAFEE, 2016. *The Second Machine Age: Work, Progress, and Prosperity in a Time of Brilliant Technologies* (New York/London, W. W. Norton & Company). By the same authors, Andrew MCAFEE and Erik BRYNJOLFSSON, 2017. *Machine, Platform, Crowd: Harnessing Our Digital Future* (New York/London, W. W. Norton & Company). Also, Geoffrey PARKER, Marshall VAN ALSTYNE, and Sangeet Paul CHOUDARY, 2016. *Platform Revolution: How Networked Markets Are Transforming the Economy—and How to Make Them Work for You* (New York/London, W. W. Norton & Company).

[2] See Arun SUNDARARAJAN, 2016. *The sharing economy: the end of employment and the rise of crowd-based capitalism* (Cambridge, MA, The MIT Press).

550

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[2018] and media studies accounts such as Trebor Scholz´s *Uberworked and Underpaid: How Workers are Disrupting the Digital Economy* [2017]. In a series of comprehensive studies of specific sectors (e.g. food-delivery, ride-sharing, etc.), it is worth signaling how legal scholars raised early legal objections to platforms which were seen as emerging business models that defied certain regulations and eschewed many labor laws.[3]

Out of this plethora of disciplinary and analytical approaches, Juan del Nido's ethnographic monograph represents a unique contribution to further understanding the advent and social normalization of platforms. Trained in economics, or as the author puts it, "the axioms of eternal righteousness of classical economic thinking," he opted for cultural anthropology in his doctoral studies. It is this distinctive background that makes his analysis of Uber's entrance into Argentina both precise in terms of economic knowledge *as well as* rigorous in his use of anthropological canon, including a thorough ethnographic analysis and narrative. Indeed, this is an insightful anthropology of neo-classical economic thinking as it unfolds during a process of market disruption. In this way, the author makes analogies with the canonical classics of anthropology such as the "stranger becomes king," the established interpretation of the Java-Dutch colonial relationship (chapter 5), and adopts concepts such as Marx and Benjamin's uses of *phantasmagoria* to apply to the illusions and social fabrications generated by virtual platform applications (chapter 6). Operating this anthropologically informed gaze on the logics of late capitalism is very productive in analytical terms. In the spirit of the discipline, this book makes the familiar landscape of platforms appear strange. Indeed, the author "defamiliarizes" his own classical economics training, as well as our capitalist mindset, which is so widely spread as to be commonsensical. It is precisely this deep unsettling that makes this book relevant to understanding the current push for the spread of platform capitalism. As such, it situates itself beyond the more common appraisals of neoliberalism, which the author criticizes for their analytical imprecision—the result of relying on a vague general concept [2022: 10]—, and overuse of a moralizing tone drawn from the ideological trenches. In fact, those conventional critiques denounce what

[3] See Brishen ROGERS, 2015. "Employment Rights in the Platform Economy: Getting Back to Basics", *Policy Review*, 10: 479-520. Also, Veena B. DUBAL, 2017. "Wage Slave or Entrepreneur? Contesting the Dualism of Legal Worker Identities", *California Law Review*, 105: 65-124. Gerald F. DAVIS. 2016. "What Might Replace the Modern Corporation? Uberization and the Web Page Enterprise", *Seattle University Law Review*, 39: 501-515. See also Frank PASQUALE, 2016. "Two Narratives of Platform Capitalism", *Yale Law & Policy Review*, 35 (1): 309-319. Also, Antonio ALOISI and Valerio STEFANO, 2020. "Regulation and the Future of Work: They Employment Relationship as an Innovation Facilitator," *International Labour Review*, 159 (1): 47–69.

seem to be eternal wrongs which, in turn, somehow help to perpetuate capitalism as never-ending and unquestionable—a bad system, but still *the* system— foreclosing the possibility of alternative or multiple systems, some of which are de facto already existing and others of which are planned, as pointed out by Arturo Escobar in *Pluriversal Politics* [2020], among others.

In addition to his two central axes of criticism of the platform economy—increasing labor insecurity and serious legal violations— Juan M. del Nido offers a detailed account of the social response to Uber's market disruption. In doing so, the author shows how a given regulatory regime was displaced, in the blink of an eye, by unregulated forms of employment and the provision of services without guarantees, such as taxi rides in vehicles without valid car insurance and drivers without regular medical check-ups. Nonetheless, while controversial upon arrival, Uber and other platform companies were rapidly normalized in Argentina. As such, the book's goal is to investigate what makes certain logics, terms, and practices around platforms acceptable or "sensible" in Rancière's terms. Following this social theorist, the book traces the social production of a given way of reasoning, which was consolidated after Uber's illegal entry and contentious evolution in Buenos Aires.

Concretely, this study focuses on the "logical, rhetorical and affective strategies" behind Uber's success in Argentina. Speaking beyond the national case itself, *Taxis vs. Uber* constitutes a grounded contribution to understanding how and why the phenomenon of platforms spreading around the world eventually *makes sense*. Despite initial controversies, usually emerging upon the arrival of platforms in a given context, a series of logical premises, rhetorical tropes, and felt intuitions are mobilized in argumentative trials to eventually coalesce into an emerging commonsense. Based on axioms about technological innovation, market efficiency, and consumer choice, this commonsense is non-negotiable and beyond-disagreement, undermining any input that is not part of this reasonable and morally driven consensus. This is the basis of the author's main conceptual contribution, the notion of "postpolitical reasoning". Well-versed in the philosophical fields of logic and epistemology, Juan M. del Nido explains the term as follows:

> Reasoning here does not mean a logico-mathematical sequence, or a positivistic or Cartesian ordering. Rather, it means the process and method of developing knowledge and of organizing and making sense of that knowledge—of excluding, prioritizing, and associating specific aspects of what emerges as known and knowable. With the term *postpolitical reasoning* I seek to capture how, through particular ways of knowing, certain possibilities of disagreeing come to be disavowed [Del Nido 2021: 8].

552

As such, this book is not about a certain group of people or a non-human object of study, but about a way of reasoning. The ethnographic narrative explores how a non-expert form of knowledge unfolds and structures itself, gaining adepts regardless of evidence or accuracy, and organizing what others can/cannot know or say. The author explores three main components of this way of reasoning: 1) the logics underpinning classical economics, tracing premises, axioms, equations, fallacies, and other argumentation tools supporting the rationales of capitalist efficiency; 2) the rhetoric of platform capitalism, analyzing the highly persuasive clichés gaining traction and displacing contention; and 3) the affects that surround such logics and rhetoric, registering highly intuitive, emotional, and moralizing stances, "irrespective of their truth value"[2022: 173].

Entangled in everyday practices and discourses, these different registers of reasoning unfold in five main "gladiatorial truths," which manifest in a series of tropes that are insightfully analyzed by the author throughout the chapters of this book: a) choice as a moral good; b) the axiomatic virtue of competition; c) strong technological determinism; d) the unquestionable legitimacy of popular opinion; and e) the belief in certain "natural forces" of the economy. While the author is well-equipped to dismantle these apparent truths, and fully aware of the critical literature on neoliberalism, del Nido prefers to focus on how those tropes eventually end up being fully endorsed and embraced by certain sectors of the population, making theoretically ungrounded fallacies into lived truisms:

> How did consumer choice evoke such a raw, ultimate legitimacy? […] Market logics are exceptionally sticky and capable of resolving the political, the ethical and even the real into their own logics [Del Nido 2021: 99].

In this way, one of this book's unique contributions consists of reading Uber's success as an epistemological battle, fought with logical tools, rhetorical devices, and affective weapons. In this conflict, those in disagreement with neoliberal thinking are stripped of their rationales, ethical claims, and affective bearings. I would say that these sectors are "able to speak" *à la* Spivak. Yet, regardless of their ability to reason and express themselves, their utterances are silenced and/or disavowed, not only in institutional discourses, but also in popular parlance. As in the referential essay *"Can the Subaltern Speak"*? on the historical and ideological factors sustaining the colonial and post-colonial politics of silencing, certain sectors in contemporary Argentina—the "subaltern" as they do not believe in or benefit from platform capitalism—*do* speak, but their statements and ways of reasoning are not understood, valued, or

appreciated. The book explores how this epistemic unevenness unfolds during the immediate pre- and post-Uber periods, identifying how the claims by different participants in the taxi industry, including doctors responsible for regular drivers' check-ups, jurisdictional authorities, and other actors are eventually ignored and disregarded. Based on Rancière's work on "the general distribution of the sensible," Juan M. del Nido is committed to dissecting how certain rationales, claims and propositions eventually make sense, becoming acceptable truths and forming a common ground, able to foreclose discrepancy. As such, *post-political* refers to this state of affairs in which a certain mindset is normalized without the possibility of it being questioned. In this case, platform capitalism, based on this way of reasoning, obtains the character of inevitability proper to a natural law, the maximum expression of truth. Therefore, *Taxis vs. Uber* offers an excellent analysis of the social imaginaries of late capitalism. While it is based on a deep engagement with a particular case, it is also able to resonate with similar processes worldwide.

The study is based on ethnographic fieldwork conducted in Buenos Aires between 2015 and 2016, and archival research up to 2017, as part of del Nido's doctoral dissertation in the Anthropology Department of Manchester University. Interestingly enough, his initial research goal was to focus on the historical taxi industry itself. However, the unexpected, yet imminent, entrance of Uber in Argentina during the first months of his fieldwork led him to expand his initial research focus. This was a unique opportunity to closely record and develop a detailed appraisal of the controversies that emerged at Uber's arrival, through the collection of media coverage, the collection of Uber's newsletters and campaign ads via Twitter, and the undertaking of initial training as an Uber driver himself. In addition to this data gathering, the core of the ethnographic research involved extensive participant observation at several key sites, including two important bars for taxi drivers in the city, the premises of taxi businesses and the main taxi union in Buenos Aires, different courts, and Uber offices in the city. In developing this multi-sited urban ethnography, he conducted interviews with actors across the spectrum and took more than 700 taxi rides himself. Such rounded gathering of information makes for a lively narrative, rich in ethnographic texture and storytelling.

Given the intensity and unexpected train of events surrounding Uber's legal case in Buenos Aires, as well as the storytelling abilities of the author, certain sections of the book read like an action novel filled with trials, adventures, obstacles, alliances, and traitors. From early on, the book reads like an intense journal with key diary entries, capturing the

554

first tweets sent by Uber to the population of Buenos Aires regarding its imminent arrival, the first training session of Uber driver candidates at a hotel downtown, the first Uber ride in the city covered by the press, as well as the initial rejections of Uber such as the blocking of main intersections by angry taxi drivers honking non-stop, the first ban pronounced by a city judge, which imposed fines on Uber drivers and the towed removal of Uber vehicles, as well as Uber's response with a resolute social media campaign reaching out to the Argentinian urban middle classes called *#RightToChoose*. The court's subsequent judgement ordered the freezing of credit cards during Uber transactions, as well as the closure of Uber's headquarters in Argentina, after conducting an in situ investigation of the premises. Uber defended itself as an "immaterial company" that occupied no space and had no employees or means of production: it merely acted as a mediator between interested parties in specific economic transactions. All of this was perfectly legal, the company claimed in tweets, demanding an urgent update of the regulations pertaining to modern urban ride-sharing, if Argentina were to catch up with leading digital economies. Uber's "argument and description of itself as a virtual mediator, an innovation, and a technological frontier, strategically deploy[ed] a language that resisted circumscription to law and casuistry" [2021: 167].

The climax, and somewhat ironic unfolding of the legal case against Uber, took place when the city judge issued further orders, including the "*clausura*" of the Uber website and Uber app within the jurisdictional district of the Argentine capital. However, in the case of Uber, *clausura* or the official termination of a given institution situated in a concrete place, was not possible in material terms. This was a key moment where the case of Uber Argentina speaks to other contexts, graphically capturing a general trend in the platform economy of raising key legal concerns that are difficult to address. As recently as July 10, 2022, while writing this book review, an investigative journalistic initiative known as the *Uber Files* traced numerous illegal practices committed by the company around the world, specifically during the period of this ethnography: "Uber Technologies Inc. attempted to lobby politicians and flouted laws as part of efforts to expand globally from 2013 to 2017, according to newspaper reports based on leaked documents". [4]

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[4] Accessible at https://www.aljazeera.com/economy/2022/7/11/uber-lobbied-politicians-broke-laws-in-global-push-report.

555

Now that these legal violations are being leaked and aired in the international press—*The Guardian, Le Monde, The Washington Post, BBC, Al Jazeera*— this book gains timely pertinence:

> Uber used deceitful and allegedly illegal tactics during its aggressive global expansion, according to a massive leak of internal files by former Uber lobbyist Mark MacGann, who […] reportedly assisted in *persuading* governments to change taxi regulations so Uber could expand in markets where the ride-hailing company would be in violation of taxi licensing laws.[5]

Thus, this ethnographic monograph, which analyzes the unfolding of a certain kind of reasoning and its methods of persuasion, rightly dedicates large sections to the legality of platforms. Del Nido traces lawyers' claims, juridical orders, laws, courts, and much of the legal deployment in response to Uber's illegal tactics in Buenos Aires. It does so because the production of the sensible—that which makes sense—is not only an exercise in abstract thinking, but also has major material consequences. The main example here being the fraudulent change in legal regulations that were historically put in place to ensure safety and avoid abuses, through a series of labor laws, taxi licensing laws, insurance laws, and so on. Have the logics, rhetorics and affects mobilized by Uber and similar platform companies been successful enough at convincing politicians, drivers and consumers around the world, to abandon those regulations and embrace the tropes of late capitalism as we know it?

Finally, this book constitutes a key reference for all of those facing and studying the unexpected entanglements of the platform economy, providing a crucial example not based on generalizing via the use of broad supportive or detractive statements. Rather, it provides a roadmap to track the arrival and explore the development of concrete platform companies in place-based historical conjunctures, being attentive to the lines of reasoning unfolding in each process. The postpolitical reasoning of the Buenos Aires middle classes speaks to a kind of neoliberal commonsense or more specifically, platform commonsense. While growing worldwide, Del Nido contextualizes it in the turbulent history of Argentine political economy. The author shows how a widespread feeling of frustration and exasperation with regard to the country's recurrent political and economic failures has driven the middle classes to defy the taxi drivers' union and support Uber. It would be pertinent to explore whether this societal effect is to be found in other countries. This

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[5] Accessible at https://www.cnet.com/news/uber-files-whistleblower-behind-massive-leak-comes-forward/.

556

question of geographic specificity is linked to the legal question. Digital platforms in many countries are indeed gaming the laws. But that is not always the case, or at least, it does not capture the entire story. In many developing countries, platforms emerged side by side with, and sometimes even preceded, certain labor laws. Therefore, although theorizing the taxi drivers/food deliverers/legal authorities, etc. as subalterns, makes sense in some countries; the interaction between the platform economy and the national legal system (and the state behind it), could be more complicated due to the spatiotemporal specificity of each case. In fact, exciting work explores how different encounters with colonialism and different development paths, make the platform economy take different forms in different countries.[6]

In this case, Juan M. del Nido engages with the legal challenges brought about by this platform company's very institutional architecture and actions when aggressively pushing its market strategies. This approach teaches us how scholarly and politically grounded research on the platform economy needs to engage with the (i)legality of these companies, investigating laws, courts, juridical orders and leaked documents. Politically speaking, one way to undermine the commonsensical stage gained by platform capitalism will be by pinning down the exact legal violations committed by platform market penetration, and denouncing its "law-disruption," as I refer to it in my current research project, in part unveiling illegalities prompted by food-delivery companies in Spain.[7] This interference in the social order produces upheavals beyond markets, shaking the very pillars of current regulatory systems, especially those that ensure guarantees for large sectors of society. Many of them were historically fought for and won, and codified into legal corpuses for the protection and well-being of the many. This book by Juan M. del Nido indicates precisely how to question those harsh and seemingly irrevocable disruptions of previous and emergent legal orders. These disruptions constitute genuine illegal trespassing for the sake of generating extraordinary profits for a few in these giant companies. By learning to identify and surpass "post-

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[6] For further analysis of the distinct contradictions generated by platform companies in local contexts, see work such as Lin ZHANG, 2020. "When platform capitalism meets petty capitalism in China: Alibaba and an integrated approach to platformization," *International Journal of Communication*, 14: 114-134.

[7] This national research project, funded by the Ministry of Science and Innovation, is entitled "Emerging cultures of mobile precarity in the digital gig economy: a case study on the food delivery sector in Spain." PID2020-115170RB-I00. The author is the PI of this interdisciplinary and international research project developing an intersectional analysis of riders' everyday lives and platform management practices [http://riders.unizar.es/].

557

political reasoning," we might be able to reason otherwise and push our logic and imagination towards other possibilities enabled by these digital infrastructures: platform commons, utopias of non-work, or algorithmic communism, anyone?[8]

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[8] See Astra TAYLOR, 2014. *The People's Platform: Taking Back Power and Culture in the Digital Age* (London, Fourth Estate). See also, Nick SRNICEK and Alex WILLIAMS, 2016. *Inventing the Future: Postcapitalism and a World without Work* (London/New York, Verso). Connected to that *accelerationist* argument, see Helen HESTER and Nick SRNICEK, 2018. *After Work: The Fight for Free Time* (London, Verso). Finally, Juliet B. SCHOR *et al.*, 2020. *After the Gig: How the Sharing Economy Got Hijacked and How to Win It Back* (Oakland, CA, University of California Press).

558