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Negotiating the Sharing Economy:

Challenges and Opportunities for Democracy in the Era of Neoliberal Capitalism

By

Geoffrey C. Upton

A dissertation submitted in partial satisfaction of the

requirements for the degree of

Doctor of Philosophy

in

Political Science

in the

Graduate Division

of the

University of California, Berkeley

Committee in charge:

Professor Wendy L. Brown, Chair
Professor Sarah Song
Professor Robin L. Einhorn

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Abstract

Negotiating the Sharing Economy:
Challenges and Opportunities for Democracy in the Era of Neoliberal Capitalism

by

Geoffrey C. Upton

Doctor of Philosophy in Political Science

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Since its emergence in 2008, the "sharing economy," which includes such platform companies as Uber, Airbnb, and TaskRabbit among many others, has transformed entire industries and changed the lives of millions of workers, commuters, and tourists worldwide. It has also introduced new opportunities for and challenges to democracy. Foremost among the opportunities is the sharing economy's potential to increase personal encounters between strangers in the semi-private, semi-commercial spaces it creates. Such encounters offer the possibility of enhanced mutual trust and understanding among citizens, each of which is critical to successful self-government in a pluralistic society.

Yet the commercial sharing economy also threatens democracy, in three main ways: first, by requiring participants to rate and review, and thus engage in mutual surveillance of, each other; second, by creating new avenues for often hidden discrimination against others, circumventing existing anti-discrimination law, and third, by perpetuating a notion of the individual as a competitive, maximizing, economic being, even as the companies often couch their services in the language of sharing. This dissertation investigates these opportunities for and challenges to democracy, and considers the way in which the pressures and incentives of financial capitalism have caused the sharing economy to develop, over its first decade, in a manner that has exacerbated the challenges while diminishing the opportunities.

Negotiating the Sharing Economy:
Challenges and Opportunities for Democracy in the Era of Neoliberal Capitalism

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For my mother and grandmother

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Finally, though they are unlikely or unable to read this page, I would like to thank the people of California whose support over the last century and a half has built its public university system as a whole, and Berkeley in particular, into the outstanding institution it is today. May such backing for public education continue well into the future, within California and beyond.

Pinning Down and Opening Up the Sharing Economy: Definitions, Debates, and Dynamics

It was billed as the Airbnb for hospital patients—and it sounded like it could be a joke. Hamstrung by a lack of hospital beds due to delayed discharges, Great Britain's National Health Service (NHS) would offer money to people with spare bedrooms and bathrooms in their homes who were willing to take in patients. The program, to be operated by a private healthcare start-up company called CareRooms, was to begin on a trial basis in Essex, northeast of London, where about 30 patients would find themselves staying in the private homes of area residents for up to two weeks while awaiting discharge from the hospital (a hospital at which they would no longer physically be). People who wished to "host" patients through the Airbnb-like website would need no health care experience, and would be paid up to £50 a night for their trouble, up to a maximum of £1,000 per month.[1] All they would need to do is pass a security check, and be willing to microwave three meals a day for patients. The company would provide a helpline, training, and some protection for hosts' property, and would undertake any necessary renovations to ensure "secure care spaces for patients who are waiting to be discharged." Lest there be concern about the condition of the patients to be taken in, Dr. Harry Thirkettle, co-founder and chief medical officer for the website, reassured potential hosts that the patients would be those "medically fit for discharge, who don't have any cognitive impairments."[2]

The idea of a public hospital farming out recuperating patients to local homes quickly drew criticism from British politicians and health groups, who called the idea "ridiculous." As it turns out, the hubbub was a bit premature. Spokespersons for the health agency clarified that only preliminary conversations had been held with CareRooms and that the pilot was not close to being implemented, although whether that was their original position or one adopted in response to the public outcry is unclear.[3] But in a time when the "sharing economy" has swelled to a size and societal impact unforeseeable just a decade ago, and with public programs in the UK, the United States and elsewhere consistently being defunded and privatized, the idea was not completely laughable. CareRooms *is* an established start-up; its polished website presents the slogan "Your home, their recovery," boasts of a partnership with Microsoft, and announces it is in the business of "[b]uilding a community that cares for your grandmother" (or grandfather, mother, uncle, neighbor, and so on—the last word automatically rotates every few seconds).[4] Meanwhile, the underfunded NHS *does* encourage various kinds of partnerships with private,

[1] About $1,300 as of late 2017.
[2] Ella Pickover, "NHS Trialling Airbnb-Style Stays in People's Spare Rooms for Patients Recovering from Operations," *The Independent*, Oct. 25, 2017, http://www.independent.co.uk/news/uk/home-news/nhs-airbnb-spare-rooms-trial-patients-essex-recovery-operations-a8019746.html.
[3] "Southend Hospital Backs Off 'Airbnb Beds' Plan," *BBC News*, Oct. 26, 2017, http://www.bbc.com/news/uk-england-essex-41763730.
[4] https://carerooms.com/.

commercial entities through its "Clinical entrepreneur training programme."[5] The British government has also been accused by health care unions, among others, of deliberately underfunding the health service in order to expedite the privatization process.[6] Thus, while this particular scheme may not (yet) have gotten off the ground, its feasibility alone indicates how the sharing economy has quickly become a phenomenon with sizable implications economic, social, and political implications, demanding serious analysis and investigation. But what, exactly, *is* the sharing economy?

(1) The Sharing Economy's First Decade

The sharing economy is a distributional arrangement in which people permit access to their often underused assets by means of digitally-enabled (i.e. internet-based) platform services that act as intermediaries; such access generally involves opening up heretofore private spaces, and may or may not be granted in exchange for compensation.

That, at least, is one definition—the definition I will employ in this dissertation. The "sharing economy" is, however, an imprecise, overused, and controversial term, regarding which no standard definition has emerged despite innumerable attempts by academics, journalists, and others to pin down the concept. Some say the term "sharing economy" was first used by law professor Lawrence Lessig in 2008, while others contend it emerged several years earlier.[7] One writer claims it emerged out of the "open-source community, where coders contribute to programs released to the world free-of-charge," but that by the years after the 2008 financial crisis, "the focus had narrowed from a nebulous attempt to bring the open source ethos out of the coding world to a more specific look at how to use technology to enable more efficient use of scarce resources."[8] Regardless of its provenance, for years people have called for the "sharing economy" name to be jettisoned, saying it is inaccurate and misleading.[9] Numerous other terms have been suggested or employed as alternatives, including the gig economy, on-demand economy, collaborative consumption, peer-to-peer economy, access economy, rental economy, collaborative economy, freelance economy, Uber economy, "1099" economy (after the IRS tax

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[5] The program offers opportunities such as industry partnerships to "junior doctors and wider health professionals to develop their entrepreneurial aspirations during their clinical training period," and is part of "the NHS's contribution to the economic growth agenda." https://www.england.nhs.uk/ourwork/innovation/clinical-entrepreneur/.

[6] In June 2017 the British Medical Association, a doctors' union, passed a motion accusing Prime Minister Theresa May and Health Secretary Jeremy Hunt of "consciously" creating a crisis in NHS hospitals "to distract the public from an underfunded service under severe and intense strain," "in order to accelerate its transformation plans for private sector takeover of healthcare in England." Katie Forster, "Senior Doctors Accuse Government of Deliberately Underfunding NHS to Accelerate Privatisation Plans," *The Independent*, June 26, 2017, http://www.independent.co.uk/news/health/nhs-latest-senior-doctors-hospitals-underfunding-accelerate-privatisation-agenda-conservative-a7808591.html.

[7] The lack of a clear origin has left the term "without a guardian and vulnerable to loose definitions," and to "countless startups trying to jump on the sharing economy bandwagon." Alex Stephany, *The Business of Sharing: Making It in the New Sharing Economy* (London: Palgrave Macmillan, 2015), 13.

[8] Alex Hern, "Why the Term 'Sharing Economy' Needs to Die," *The Guardian*, Oct. 5, 2015, https://www.theguardian.com/technology/2015/oct/05/why-the-term-sharing-economy-needs-to-die.

[9] Fred Wilson, "What Just Happened?", *AVC* (blog), Dec. 31, 2014, http://avc.com/2014/12/what-just-happened/ ("Nobody is sharing anything. People are making money, plain and simple. Technology has made renting things (even in real time) as simple as it made buying things a decade ago"); Giana M. Eckhardt and Fleura Bardhi, "The Sharing Economy Isn't About Sharing at All," *Harvard Business Review*, Jan. 28, 2015, https://hbr.org/2015/01/the-sharing-economy-isnt-about-sharing-at-all.

form used by independent contractors), social economy, mesh economy, and "we-commerce." By 2015, "gig economy" and "on-demand economy" had emerged as fairly strong rivals to "sharing economy," like two horses trying to catch up with a frontrunner. By the end of 2017, however, "on-demand economy" has faded into the pack, while "gig economy" remains in hot pursuit. But it is the hardy "sharing economy" that remains far and away the most widely used. Having now withstood years of criticism and with the failure of so many proposed alternatives, it would seem that it is the term that will remain prevalent for the foreseeable future. (I will come back to the term "gig economy," which puts the emphasis on the service provider's perspective, a bit later in this chapter.)

Even if the labeling debate is somewhat settled, questions of definition remain wide open. Especially in the early years of discussion about the emerging sector, the emphasis was on sharing assets. Sharing economy booster Rachel Botsman wrote in 2013, for example, that "[n]ew technologies enable us to unlock the 'idling capacity' of resources—the untapped social, economic, and environmental value of underutilized assets. Idling capacity is everywhere, though it's not always easy to see"; she specified that "assets" included things such as "empty seats in cars," "unused holiday homes or spare bedrooms," "unoccupied office spaces" and "of course underused consumer goods."[10] Indeed, many of the resources cited in examples at the time were rarely used household goods such as the power drill, with the idea being that "if you own a drill, you likely don't use it 364 days of the year; why not let others use it in the meantime?"[11] For many, the further suggestion was, why not make money off of it? Other definitions have focused less on the sharing of assets and more on the efficiency the services provide; this conception is associated more with the "on-demand economy" label. Joel Stein says pithily that the essence of the sharing economy is actually "people wanting things as soon as they can get them by pressing a button on their phone."[12] Over time, as I will explain further, the term "sharing economy" has become predominantly identified with commercial, for-profit enterprises. But definitions have not necessarily followed suit. In 2013, the *Economist* magazine defined the sharing economy as "a range of online services that enable people to share cars, accommodation, bicycles, household appliances and other items, connecting owners of underused assets *with others willing to pay* to use them."[13] On the other hand, two years later, the Oxford English Dictionary defined the sharing economy as including free exchange: "An economic system in which assets or services are shared between private individuals, either for free or for a fee, typically by means of the Internet."[14]

Whether or not Lessig coined the term "sharing economy" in 2008, that is the year generally pointed to as the beginning of the sharing economy as a recognizable phenomenon.

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[10] Rachel Botsman, "The Sharing Economy Lacks A Shared Definition," *Fast Company*, Nov. 21, 2013, http://www.fastcoexist.com/3022028/the-sharing-economy-lacks-a-shared-definition.
[11] Hern, "Why the Term 'Sharing Economy' Needs to Die."
[12] Emma Bowman, "When The Sharing Economy Brings Unexpected Experiences," *NPR*, Apr. 27, 2015, http://www.npr.org/sections/alltechconsidered/2015/04/27/402563555/when-the-sharing-economy-brings-unexpected-experiences.
[13] "All Eyes on the Sharing Economy," *The Economist*, Mar. 9, 2013, http://www.economist.com/news/technology-quarterly/21572914-collaborative-consumption-technology-makes-it-easier-people-rent-items (emphasis added).
[14] "Sharing Economy," Oxford Living Dictionaries, https://en.oxforddictionaries.com/definition/us/sharing_economy (no date; originally accessed Dec. 2015).

The event that is cited as the particular launch point is the founding of Airbnb, whose first booking was in August 2008. Airbnb and other sharing economy platforms did not, of course, emerge *ex nihilo*. Some scholars have described them as constituting the second generation of platforms, after those which were predominantly online—think file-sharing services like Napster—but did not arrange interactions in the physical world; computer scientist Andrew Ng has dubbed this second wave "O2O," meaning "online to offline." Through Airbnb or Uber, users interact online (which can be, and usually is, via smartphone) to arrange offline services, such as home stays or car rides.

The services actually offered by sharing economy platforms are often not revolutionary; "casual carpools" have long existed, as have ride-share boards at colleges and even online bulletin board services on which people offered to swap homes for a time or exchange other goods and services. Some may, therefore, question whether the sharing economy is a new development or merely an intensification of already-existing practices. I contend it is something new, an argument that hinges on the technology which is its backbone. Behind sharing economy services is a confluence of technological developments.[15] One such development is the emergence of "big data analytics," in which "data, math, and network effects" are utilized to create algorithms; such algorithms make these O2O platforms more efficient than anything that has come before in each of the areas (or "spaces") in which they operate.[16] The platforms "handle huge volumes of information—about members and their choices and activities, the availability and pricing of goods and services, payments and problems, and so on. All of this information approaches the ideals of free, perfect, and instant."[17] The platforms employ the algorithms to analyze copious amounts of stored data. To take an example, Airbnb's algorithms "help" its hosts determine how to price their listings so as to maximize revenue for both the host and, of course, for Airbnb itself, which takes a cut of each booking.[18]

In addition to the algorithms themselves, these massive, ultra-efficient O2O platforms have been made possible by two other technological developments. One was the emergence of GPS-equipped "powerful mobile computing devices," starting with the introduction of the iPhone in 2007, and the rapid uptake in use of such devices around the world; without such

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[15] "In the collaborative economy, it's not the idea of sharing that's new; people have been doing that for eons. What's different now is the introduction of technology into the concept—particularly easy-to-use digital technologies like location-based GPS that allow people to quickly make and respond to requests for goods and services. Data is one component in the technology stack that supports the collaborative economy. Participants freely share their data to let others know what they need, and big-data algorithms are applied to make recommendations based on where there's idle capacity available to meet needs." H.O. Maycotte, "Millennials Are Driving the Sharing Economy—and So Is Big Data," *Forbes*, May 5, 2015, http://www.forbes.com/sites/homaycotte/2015/05/05/millennials-are-driving-the-sharing-economy-and-so-is-big-data/#6fe92dd52991.

[16] Andrew McAfee and Erik Brynjolfsson, *Machine, Platform, Crowd: Harnessing Our Digital Future* (New York: W.W. Norton, 2017), 186.

[17] Ibid., 192.

[18] Ibid., 192-93.

widespread use there would not have been a critical mass of either users or providers.[19] The other development was the emergence of low-cost cloud computing. The "cloud" refers to a group of remote servers networked together via the internet, allowing data to be collectively stored, aggregated, processed, and shared among individual users. The cloud allowed nascent sharing economy platforms to store and process immense amounts of data, matching supply and demand highly efficiently in real time without investing major amounts of capital in advance.[20]

Let me return to my definition of the sharing economy, supplied at the start of this section, and discuss five aspects in particular. First, I call the sharing economy a "distributional arrangement" as opposed to, say, an economic sector in order not to imply that it is a strictly economic concept; as I will argue, it can and should be viewed otherwise, even if it often is not. Second, I specify that through these arrangements people allow access to their *often* underused assets; I include the modifier because, increasingly, people are choosing to employ their assets in the sharing economy rather than put them to their usual personal use, or acquiring assets solely for sharing economy use. For example, some people are not using Airbnb to rent out an extra room they do not use, but are renting out their *own* bedroom and staying elsewhere to make money, or even building out or acquiring additional space for the express purpose of renting it via Airbnb. In these cases it seems wrong to label these assets "underused" when they were previously fully used, or not even yet in the owner's possession. (Note, however, that from the neoliberal perspective discussed in Chapter Two, even the occupied bedroom could be classified as "underused" if those residing there could profit from renting it out via Airbnb and finding somewhere less expensive to sleep instead.)

Third, I include in my definition that sharing economy exchanges must occur "by means of digitally-enabled (i.e., internet-based) platform services." The requirement that these services be digitally-enabled sets them apart from so-called "analog" businesses that now offer online functions as well; sharing economy businesses are distinctive to the era of "big data" and technological developments, as already discussed. I refer specifically to "platform" services as this is how the intermediary function is customarily referred to, although some also call some

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[19] As of 2015, there were an estimated 2.6 billion smartphone subscriptions globally, expected to rise to 6.1 billion (about 70 percent of the global population) by 2020. Ingrid Lunden, "6.1B Smartphone Users Globally By 2020, Overtaking Basic Fixed Phone Subscriptions," *TechCrunch*, June 2, 2015, http://techcrunch.com/2015/06/02/6-1b-smartphone-users-globally-by-2020-overtaking-basic-fixed-phone-subscriptions/. See also Eric Newcomer, "Why 'Sharing Economy' Comes Wrapped in Faith and Fear: QuickTake," *Bloomberg*, June 1, 2015, https://www.bloomberg.com/quicktake/sharing-economy ("The notion that sharing constitutes a distinct economy has been emerging at least since publication of a 1978 academic paper called 'Community Structure and Collaborative Consumption,' about car sharing. So what's new? Smartphones. … With a smartphone, it's easier than ever for companies to manage a workforce using sophisticated mapping, logistics and communications software, and to monitor the performance of workers through rating systems.").

[20] McAfee and Erik Brynjolfsson, *Machine, Platform, Crowd*, 194-95. It has been argued that the rise of social media was also critical to the sharing economy's emergence; services such as Facebook are often used to verify users' identities, thus enhancing the trust and reliability of sharing economy services, without requiring the O2O platforms to build such infrastructure from the ground up. "The Sharing Economy: A New Way of Doing Business," Knowledge@Wharton, Dec. 11, 2015, http://knowledge.wharton.upenn.edu/article/the-sharing-economy-a-new-way-of-doing-business/.

platforms "marketplaces." Throughout the dissertation, I use the phrase "sharing platforms" as a slightly shorter form to refer to sharing economy companies.[21]

Fourth, my definition specifies that the sharing economy generally involves opening up and monetizing heretofore private spaces. Digital technology is one element that sets the sharing economy apart from its predecessors, but the mixing of these digitally-facilitated interactions with spaces that have customarily been seen as private and removed from commerce is another. While behaviors such as hitchhiking and welcoming stranded travelers may have always existed, they were previously (at least in recent decades) so uncommon that their economic, social and political impact was minimal; I address this issue at greater length in Chapters Four and Five in particular. Here let me return to the phrase "gig economy." This label, in my view, applies to a set of services different from, but overlapping in part with, the sharing economy. A paradigmatic gig economy company is Instacart, a same-day grocery delivery service in which workers select groceries someone has ordered via the company's app or website at a store such as Whole Foods, and then deliver them to that person's home. Instacart's shoppers are independent contractors and not employees, picking up shifts (i.e., gigs) when they want. They do not share any assets or space with anyone, at least not any more than supermarket shoppers have always shared baskets and aisles with strangers. By contrast, one service that on my definition *can* be considered part of the sharing economy as well as the gig economy is TaskRabbit, which enables users to briefly hire people to perform all manner of tasks, many of which take place in or around the home. As with Instacart, TaskRabbit's workers ("Taskers") are independent contractors who set their own rates and schedules. But TaskRabbit can be considered part of the sharing economy as I have defined it because the gigs often bring the workers into the home, putting them in position to share that intimate space with the resident or owner.[22]

Fifth and finally, I note that access to people's assets "may or may not be granted in exchange for compensation." Both commercial and non-commercial enterprises travel under the sharing economy umbrella. In common usage, people likely think first of commercial operations such as Uber and Airbnb; these companies have received enormous coverage in the media, and quickly integrated themselves into many people's lives and consciousness in many countries. But nonprofit sharing platforms also exist, and in many cases predate the commercial variations. In Chapter Four, for instance, I discuss Couch Surfing, a precursor to Airbnb. In fact, many people recoil at the use of "sharing economy" to refer to commercial businesses, believing that *anything* characterized as sharing cannot be an economic transaction. For many, the notion of sharing is associated with children being taught to share their toys or their birthday cake with other kids. While that kind of sharing is obviously not accompanied by an exchange of money or goods or

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[21] There does not appear to be a standard, accepted definition of "platform" in this context; one useful definition is: "An online marketplace that places one party in touch with another, such as buyers and sellers. … [It] may be entirely self-contained, or it may allow third-party apps to connect via the platform's programming interface." "Online Platform—Computer Definition," Your Dictionary, http://www.yourdictionary.com/online-platform#WPUjYbEAW3ZCahrL.99. The significance of the term "marketplace" will be discussed further in the final section of Chapter One.

[22] Eight of the 12 categories of "popular tasks" listed on the company's website would typically include work in or around the home, some more than others: General Handyman, General Cleaning, Assemble Furniture, Help Moving/ Hauling, Heavy Lifting, Personal Assistant, Yard Work & Removal, and Organize Closet. (The other four categories are Delivery Service, Wait in Line, Office Administration, and Research.) "Featured Tasks," TaskRabbit, https://www.taskrabbit.com/m/featured.

services, a closer look at the word suggests it is not necessarily inconsistent with economic exchange and benefit. Linguist Lionel Wee says the verb *to share* "refers to the distribution of resources, access to which initially only one party possesses, and after which both parties are able to enjoy and benefit from."[23] Despite its frequent connotation of freely helping others, then, the term may also be used in situations in which one party benefits at the partial expense of the other, so long as both parties are "able to enjoy and benefit from" the resource in common. For example, if a friend and I decide to share a slice of cake for dessert and to evenly split the cost, but I end up eating three-quarters of the slice, I have benefited from the "sharing" at my friend's expense; if I share a Netflix account with my family, but my father pays the bill each month, I have again benefited financially from the "sharing." Some may object that these arrangements are only secondarily economic since I am in an intimate relationship with the other participants. But it is unclear how such intimacy would negate the fact that the notion of sharing is widely understood to apply here.[24] Indeed, the principle also applies at a societal level. All citizens share the cost of public spaces (like parks) and public institutions (such libraries) to which all have access, but it is inevitable that some citizens will use such spaces and services far more than others, and thus, at least in this respect, come out ahead.[25] Nonetheless, we can say without confusion that both the financial burden and the spaces themselves are shared.

Still, many have criticized the sharing economy for false advertising. The platforms aren't about sharing, they say, but simple worker exploitation; on this view, the sharing economy represents not a departure from atomistic capitalism but an extreme form of it. Summarizing the critique from the political left, Avi Asher-Schapiro argues that sharing economy companies operate "under the guise of innovation and progress," but are in fact part of a "scheme to shift risk from companies to workers, discourage labor organizing, and ensure that capitalists can reap huge profits with low fixed costs." He adds that there is "nothing innovative or new about this business model. [It] is just capitalism, in its most naked form."[26] To be sure, the enormously disruptive effect of these behemoths ought not be and has not been ignored, drawing most of the public's attention.[27] Yet although these critiques hold true for some companies, a broader view suggests that such a critique is overly simplistic, failing to appreciate the nuances among platforms as well as the possibilities they present for non-exploitative relationships.

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[23] Lionel Wee, "Sharing as an Activity Type," *Text & Talk* 31, no. 3 (Jan. 2011): 360, https://www.degruyter.com/view/j/text.2011.31.issue-3/text.2011.016/text.2011.016.xml.

[24] I consider this point further in Chapter Four, with reference to the work of economic sociologist Viviana Zelizer.

[25] Such discrepancy in the use of shared resources is precisely the reason given by libertarian economist Milton Friedman for rejecting most such public institutions. Those on the losing end of the sharing of our resources and institutions are being wrongly and unnecessarily deprived of their freedom, he argues. The implication of Friedman's position is that monetary exchange cannot be separated from political resource-sharing. Milton Friedman, *Capitalism and Freedom* (Chicago: U of Chicago P, [1962] 2002), especially Chs. 1-2.

[26] Avi Asher-Schapiro, "Against Sharing," *Jacobin*, Sept. 19, 2014, https://www.jacobinmag.com/2014/09/against-sharing/.

[27] Controversy has greeted Airbnb and Uber in market after market, leading to protests around the world, and outright bans in some places. One of the main concerns, to be considered further in Chapter Two, is that low-wage workers are exploited by companies classifying them as independent contractors rather than employees; as a result they do not receive traditional labor protections; the companies have also skirted and/or openly flouted public health, safety, and taxation rules and regulations.

(2) On a Sharing Spectrum

In 2012, German sociologist Volker Grassmuck wrote of a shift in the way people were generally seen in western societies, which he dubbed the "sharing turn."[28] This was a turn away from the atomized "*Homo economicus*, the self-interested rational economic actor" that had been the dominant way of viewing the person over the preceding decades. Instead of assuming individuals preferred to keep things to themselves, people who do "not cooperate but compete[] with others," he saw "the pendulum swing[ing] back from private to public. Solidarity, cooperation, generosity, hospitality, in short: sharing is re-emerging."[29] After the sharing turn, he predicted, people would continue to privately own assets, but they would be shared with the public. This model is the essence of, and essentially a simplified definition of, the sharing economy conceived at its broadest. To help understand the variety and dynamics of the sharing economy, I propose that the possibilities that might follow Grassmuck's sharing turn be placed along a spectrum according to the extent to which they are driven by profit. At the right-hand end of the platform spectrum are purely capitalist enterprises, driven completely by the profit motive. These platforms tend to be bankrolled by venture capital; they are transactional marketplaces that make the most of the efficiencies enabled by internet technology. The companies that operate these marketplaces skim a portion of the value of the shared goods and services—indeed, as large a portion as they can. The company may try to rhetorically and otherwise conceal the size of its role to create the appearance of freely entered, mutually beneficial peer-to-peer interactions, but this, too, is done to increase its bottom line. The act of "sharing" of goods or spaces is incidental to their business plan and would be discarded if doing so seemed likely to further increase profits.[30] The paradigmatic examples at the right end of the spectrum are Uber, currently valued at $68 billion, and Airbnb, worth an estimated $30 billion.[31] Other successful, well-known sharing economy companies oriented to the maximization of profit include, in the United States, Lyft, TaskRabbit, and WeWork; in Europe, BlaBlaCar; and in Asia, India's Ola and the Chinese companies Didi Chuxing and Ofo.[32]

The left end of the sharing spectrum can be labeled sharing "for sharing's sake." By this I mean goods and services are offered to others with no ulterior motive, be it monetary profit or even the hoped-for benefits of exchange. Rather, sharing is an act of pure generosity and selflessness, considered to be an inherently meaningful activity and perhaps even central to the essence of the virtuous person. To the extent there is an intermediary, its role is coordination in the interest of all; it does not keep any of the benefits of sharing for itself. At this end would be

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[28] Volker Grassmuck, "The Sharing Turn," in Wolfgang Sützl, Felix Stalder, Ronald Maier, Theo Hug, eds., *Cultures and Ethics of Sharing* (Innsbruck, Austria: Innsbruck UP, 2012).

[29] Ibid., 17-18.

[30] As journalist and platform economy scholar Nathan Schneider puts it, "the corporate Internet behemoths that claim to be involved in 'sharing' and 'democratizing' are doing little of either." Nathan Schneider, "The Rise of a Cooperatively Owned Internet," *The Nation*, Oct. 13, 2016, https://www.thenation.com/article/the-rise-of-a-cooperatively-owned-internet/.

[31] Matt Rosoff, "Airbnb Is Now Worth $30 Billion," *Business Insider*, Aug. 6, 2016, http://www.businessinsider.com/airbnb-raises-850-million-at-30-billion-valuation-2016-8.

[32] See, e.g., John Koetsier, "the Sharing Economy Has Created 17 Billion-Dollar Companies (and 10 Unicorns)," *VentureBeat*, June 4, 2015, https://venturebeat.com/2015/06/04/the-sharing-economy-has-created-17-billion-dollar-companies-and-10-unicorns/. Most of these companies operate in multiple countries, at least to an extent; Uber and Airbnb have a presence around the world.

community sharing projects and, perhaps a bit further to the right, communally-owned "platform cooperatives" that enable people to benefit from sharing with another but lack a for-profit intermediary. Such platforms, as explained by Trebor Scholz, might be "owned and operated by inventive unions, cities, and various other forms of cooperatives, everything from multi-stakeholder and worker-owned co-ops to produser-owned platform cooperatives."[33] These platforms would constitute peer-to-peer (or peer-to-public) non-market alternatives.

My argument for a sharing spectrum is somewhat similar to a description of the development of the sharing economy thus far by Swedish researchers Christofer Laurell and Christian Sandström. Laurell and Sandström note the field is still "in its infancy" and that confusion over what activities it encompasses arises in part because the term had one meaning early on (before 2008 in their interpretation) that differs significantly from that it has today given its association with Uber, Airbnb, and other such commercial platforms.[34] In terms of the spectrum, that is, the term "sharing economy" itself has migrated right in its meaning, as those commercial enterprises have become so successful. That is, at its beginning, the sharing economy was properly understood as a "social movement," Laurell and Sandström argue, in which "exchanges [were] not primarily coordinated via the price mechanism and where actors [were] largely motivated by factors other than profit, e.g., altruistic values related to sharing, helping others, and contributing to a more sustainable way of life."[35] But as for-profit firms identified (both by themselves and by outsiders) with the sharing economy have received enormous sums of venture capital funding to compete with powerful established firms and industries, the notion of a connection to a social movement has come to seem wholly inapplicable, and even laughable. I wish to continue to include those non-commercial alternatives on the left within the ambit of the "sharing economy" partly because (as I hope will become clear by the end of this dissertation) keeping those options within the field of view is necessary if sharing economy users are to perceive them as within the realm of possibility.

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[33] Platform cooperatives could "clone[] the technological heart" of leading sharing economy businesses, embracing the technology behind their success but "put[ting] it to work with a different ownership model, adhering to democratic values." Trebor Scholz, "Platform Cooperativism: Challenging the Corporate Sharing Economy," Rosa Luxemburg Stiftung, Jan. 2016: 14, http://www.rosalux-nyc.org/wp-content/files_mf/scholz_platformcoop_5.9.2016.pdf.

[34] "[T]he notion of a sharing economy and the related term collaborative consumption emerged as descriptions of online activities such as content sharing, collaborative encyclopedias like Wikipedia, file sharing and open-source software, where people are driven by a combination of financial and non-financial motives. On the other hand, the term sharing economy has become increasingly associated with a form of platform capitalism where profit-driven entrant firms create two-sided markets and monetize the interaction between buyers and sellers." Christofer Laurell and Christian Sandström, "The Sharing Economy in Social Media: Analyzing Tensions Between Market and Non-Market Logics," *Technological Forecasting & Social Change* 125 (Dec. 2017): 58, https://www.sciencedirect.com/science/article/pii/S0040162517307527.

[35] Ibid. Given the wide range of practices encompassed, Laurell and Sandström argue that the sharing economy might to be defined as: "ICT [Information and Communications Technology]-enabled platforms for exchanges of goods and services drawing on non-market logics such as sharing, lending, gifting and swapping as well as market logics such as renting and selling." This definition is attractive in that it suggests the necessary inclusion of both commercial and non-commercial elements; I attempt to get at a similar point in my definition without implicating the "logics" involved, but instead by stating that sharing economy platforms generally make use of technology to allocate goods and services in ways that transcend commonly accepted notions of public and private space.

At the left end of the sharing spectrum, then, the act of sharing may be considered part of a broader social, economic, and political system that is communally-oriented and either not capitalist at all, or that practices a very different form of capitalism than that seen in most nations today. Urban theorists Duncan McLaren and Julian Agyeman conceive of such a society as characterized by a broader "sharing paradigm" that includes non-commercial or "post-capitalist" sharing. As they see it, such a society would not even properly be considered part of the "sharing economy"—or even on the spectrum in my terms, but off its left end entirely—since sharing would be considered "something more fundamental to both human and societal development than is encompassed within the more bounded term 'sharing economy.'"[36] In other words, they argue that the term "sharing economy" wrongly implies that sharing is inherently an economic activity when on their view it is also, or more so, a social, cultural, and political activity. They worry that privileging the economic dimension "perpetuates the myth that human society is *founded on*, and *bounded by* the economy, rather than vice versa," reflecting and feeding the tendency "to seek solutions to our 'problems' in markets … rather than by asking searching questions about … the whole range of ways in which we can enhance human well-being in just and sustainable ways." That is, an economic interpretation of sharing narrows our view of how social problems might be addressed, pointing us in exclusively neoliberal directions.[37] While the technologies underlying the sharing economy have clearly enabled new forms of commercial "sharing," McLaren and Agyeman note, they have also allowed for new forms of communal sharing, which might include sharing power, not just resources.[38]

Since 2008, when the sharing economy is widely said to have emerged with the launch of Airbnb, sharing economy platforms have generally moved rightward on this spectrum, further away from the kind of sharing envisioned by McLaren and Agyeman as the basis of a radically communal society. A few sharing platforms, such as Couch Surfing, have actually crossed the spectrum's midpoint, as it were, by transitioning from nonprofit to for-profit organizations; others, like Airbnb, have increasingly abandoned their interest in and emphasis on community in favor of profit. Readers familiar with the operation and widely accepted legal definition of corporations might interject here that the corporate form is *inherently* profit-driven—the maximization of shareholder value is generally considered the duty of the board of directors and managers of a public company—and that, therefore, all companies are roughly equal in the extent to which they are driven by profit maximization. However, almost all of the companies identified as part of the sharing economy have not yet "gone public," meaning they do not yet have that responsibility to maximize profit. It remains the prerogative of company executives to determine their direction and purpose, albeit often under the direction and pressure of the venture capitalists and other investors to whom they owe much of their success.

Moreover, it is not necessarily the case that public companies *must* pursue the maximization of shareholder value. In a recent working paper, two prominent economists argue that the idea that companies should maximize profit or market value comes mainly from an influential 1970 article by Milton Friedman. In fact, they argue, even when "shareholder welfare

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[36] Duncan McLaren and Julian Agyeman, *Sharing Cities: A Case for Truly Smart and Sustainable Cities* (Cambridge, MA: MIT Press, 2015), 8.
[37] Ibid., 9 (emphasis in original). Neoliberalism will be discussed further in the next section of this Introduction.
[38] Ibid., 5.

is an appropriate objective … it is too narrow to identify shareholder welfare with market value."[39] Considering that shareholders, like all people, also have ethical and social concerns, they might wish for other factors to be taken into account besides profit; thus, the authors call on public companies to permit shareholders to vote on the "broad outlines of corporate policy," not merely who is elected to the board. Increasingly, companies also have the choice of alternative corporate forms—such as benefit corporations and Certified B corporations[40]—that explicitly allow them to pursue aims other than profit. While it might seem unlikely, it is possible for sharing economy companies to go public as one of these forms; to later convert from a standard corporation to an alternative one, or to allow their shareholders to vote as to how much sharing "for sharing's sake" to include in corporate policy.

(3) The Economic, Social and Political Context: Neoliberalism and Financialization

The proposed CareRooms scheme in Essex, England, with which I began this introduction epitomizes what might be called the *neoliberal ethos* behind the sharing economy. As will become clear, I am not arguing that neoliberalism and financialization alone birthed the sharing economy, but that its development has been heavily inflected by these broader developments. As the sharing economy has developed over the past decade it has moved more and more in this direction: toward the idea that everything, including practices that for generations had been either publicly-provided or informal and often free of charge, ought to be commodified and marketized. Neoliberalism is an important concept in this dissertation, particularly in the first two chapters, so it is necessary to first define what I mean when invoking it and several related concepts. Neoliberalism has been the dominant economic ideology in the US, UK, and elsewhere in the Euro-Atlantic world from the late 1970s to the present. But its influence has spread far beyond the economic realm, advocating the use of market logics and arrangements wherever possible. Indeed, in extending "beyond" the economic realm, neoliberalism can be said to have eroded any meaningful distinctions between economic, social and political realms, or at least to have sought to do so.

To put neoliberalism in its historical context, geographer Richard Peet's account is instructive. Historical periodization is, of course, subjective, but Peet divides the postwar era in the capitalist world into two "main political-economic policy regimes." The first such regime,

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[39] Oliver Hart and Luigi Zingales, "Companies Should Maximize Shareholder Welfare Not Market Value," European Corporate Governance Institute (ECGI) Finance Working Paper no. 521 (2017), 2, https://scholar.harvard.edu/files/hart/files/should_.july16_2.03.16_pm_2.04.33_pm.pdf. Similarly, in the UK, Conservative Party politician Jesse Norman argues that the law actually does not require the maximization of shareholder profits. Under UK law, directors are required to "promote the success of the company, but with regard to six factors: the likely long-term consequences of a decision; the interests of employees; relationships with suppliers and customers; the firm's impact on the community and the environment; its reputation for high standards of business conduct; and the need to act fairly between shareholders. The effect is precisely to prevent managements from automatically pleading a duty simply to maximise shareholder value." Jesse Norman, "Profit Has Never Been a Company's Only Duty," *The Telegraph*, July 16, 2013, http://www.telegraph.co.uk/finance/financetopics/10183004/Profit-has-never-been-a-companys-only-duty.html.

[40] Benefit corporation is a legal designation in 31 states, and there are currently about 4,000 of them. Certified B Corporation status is a 50-state certification monitored and enforced by the nonprofit B Lab; there are about 2,000 such companies, including well-known firms such as Ben & Jerry's, Etsy, and Warby Parker. Ben Schiller, "Should Your Company Be a Benefit Corporation, a B Corp, or What?", *Fast Company*, Mar. 27, 2017, https://www.fastcompany.com/3069192/should-my-company-be-a-benefit-corporation-a-b-corp-or-what.

between 1945 and 1973, was Keynesian democracy, which Peet calls the "last stage of corporate industrial capitalism"; during this period "an interventionist, regulatory state" actively employed macroeconomic policy, including compromises with labor, with the aim of full employment and higher incomes somewhat equally distributed. Keynesianism was followed by a transitional period of economic crisis in the mid-1970s, which ultimately yielded the neoliberal regime that began around 1980 and continues to this day. Neoliberalism, in Peet's words, "revived late-nineteenth-century, free-trade liberalism by withdrawing the nation state from macroeconomic management in the interest of the working class, but re-intensified state intervention on the side of finance capital."[41] In other words, it did not curtail the role or size of the state (despite rhetoric often claiming to do just that) but rather fundamentally changed the rationale behind government action and the ends (and groups of people) for which the government worked. Relatedly, the leading Marxist critic of neoliberalism, David Harvey, has defined it as a theory of political economy proposing that "human well-being can best be advanced by liberating individual entrepreneurial freedoms and skills within an institutional framework characterized by strong private property rights, free markets, and free trade."[42]

In my view, there are four defining features of neoliberalism: the role of the state in actively securing free markets within a nation's borders and free trade across borders, and the attendant emphasis on unlimited property rights; the corresponding push to privatize everything and everything; the dismantling of the welfare state, and the recasting of the self as entrepreneurial and entirely responsible for his or her success (or lack thereof). As to the first feature, on a neoliberal understanding, the state reflects and serves the interests of "property owners, businesses, multinational corporations, and financial capital"; accordingly its role is no more and no less than facilitating "conditions for profitable capital accumulation on the part of both domestic and foreign capital."[43] This entails not merely minimizing regulations that impinge on these groups' interests—though it certainly entails that—but also actually creating markets where they do not already exist, and ensuring markets' stability and continued functioning in general. It is important to note that neoliberalism is not the same thing as the laissez-faire economic philosophy often attributed to libertarians. Neoliberal thinkers and actors do not want the state to simply leave the economy alone; they support an active and interventionist role for the state, with one end in mind—the creation and securing of markets. On their view, markets are justified and preferable to the alternatives in just about every conceivable sector and situation.

Beyond creating and, if necessary, propping up market mechanisms, the state's role is limited. This view has two primary consequences: the drive toward privatization, and the undoing of the welfare state that was largely created in the decades preceding the 1970s. Privatizing government services—even to the point of privatizing goods as widely appreciated and treasured as the national parks, a step advocated by the proto-neoliberal economist Milton Friedman—is seen as necessary for three reasons: first, because such services entail a denial of the freedom of individuals who do not use them; second, because it is generally assumed that the

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[41] Richard Peet, "Contradictions of Finance Capitalism," *Monthly Review* 63, no. 7 (Dec. 2011): 18-32, 20, https://monthlyreview.org/2011/12/01/contradictions-of-finance-capitalism/.
[42] David Harvey, *A Brief History of Neoliberalism* (Oxford, UK: Oxford UP, 2005), 2.
[43] Ibid., 7.

private sector is more efficient at doing any job than a public agency, and third, above all, because privatization means a greater role for markets and more profit for corporate interests. The other consequence of the limited role of the state is that it ought not extend much of a helping hand through welfare programs to those who cannot make it on their own in the markets. On the neoliberal view, those people must find ways to help themselves out of their predicament. Programs that aim to redistribute wealth in any shape or form inevitably violate freedom. Nor should the state in any way facilitate unionization; neoliberals aim to reduce workers' bargaining power as far as possible.[44]

The final core feature of neoliberalism, understanding the self as entrepreneurial and entirely responsible for his or her success, will be explained further in Chapter Two. In brief, people are seen as calculating actors who should be constantly performing cost-benefit analyses and seeking to increase their human capital, as well as their present value. As the size of the welfare state is diminished, people are expected to take care of themselves, and the failure to do so is cast not as a problem for society but as a moral failing on their part.[45] Finally, it is also important to note that neoliberalism is not a static state that is achieved when a certain number of goalposts have been reached; rather it is more accurately seen as a process or program constantly striving to further reduce the size of government and to further prop up markets. Geographer Jamie Peck employs the useful concept of neoliberalization to emphasize this striving rather than static quality. As Peck explains, "for all its doctrinal certainty, the neoliberal project is paradoxically defined by the very *unattainability* of its fundamental goal—frictionless market rule."[46]

While neoliberalism has been the dominant socioeconomic ideology in most capitalist democracies since the late 1970s, a concurrent development—the rising influence of the financial-capitalist class, and of finance itself—must be considered in order to fully understand the economic and political context in which the sharing economy arises. Financial capitalism, explains Wolfgang Merkel, "is the epitome of the kind of business that is not done through the production and exchange of goods but rather with money, conducted by brokers, banks, stock markets, investors and capital markets."[47] In the era of financialization, those working in this sector (or "Wall Street" colloquially) constitute a "new entrepreneurial-financial class" that increasingly controls most of the economy and exerts great political influence as well, persistently demanding deregulation of the financial sector. The relative influence of this new

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[44] A prime example of the neoliberal crackdown on the welfare state is the welfare "reform" enacted under Bill Clinton in 1996. See, e.g., Lisa Duggan, *The Twilight of Equality?: Neoliberalism, Cultural Politics, and the Attack on Democracy* (Boston: Beacon Press, 2012), 14-20.

[45] As Thomas Lemke explains, "The key feature of the neo-liberal rationality is the congruence it endeavours to achieve between a responsible and moral individual and an economic-rational actor. It aspires to construct prudent subjects whose moral quality is based on the fact that they rationally assess the costs and benefits of a certain act as opposed to other alternative acts. As the choice of options for action is, or so the neo-liberal notion of rationality would have it, the expression of free will on the basis of a self-determined decision, the consequences of the action are borne by the subject alone, who is also solely responsible for them." Thomas Lemke, "'The Birth of Bio-Politics': Michel Foucault's Lecture at the Collège de France on Neo-Liberal Governmentality," *Economy and Society* 30, no. 2 (May 2001): 201, http://www.tandfonline.com/doi/abs/10.1080/03085140120042271.

[46] Jamie Peck, *Constructions of Neoliberal Reason* (Oxford, UK: Oxford, UP 2010), 15-16 (emphasis in original).

[47] Wolfgang Merkel, "Is Capitalism Compatible with Democracy?", *Zeitschrift für Vergleichende Politikwissenschaft* 8, no. 2 (2014): 109-28, 116, http://www.pte.pl/pliki/2/1/ZfVP2014Iscapital.pdf.

financial class began to grow significantly around 1980, and "systematic tendencies in policy making and class struggles" over the next two decades often pitted industrial and financial capitalist fractions against each other. The financial fractions increasingly prevailed, and by 1999 finance had achieved economic dominance over industry, earning more profit than manufacturing every year since then, except during the height of the financial crisis in 2008.[48]

At a more theoretical level, financialization represents the abstraction of capital from the level of production to that of finance; the dominant capitalist class derives most of its wealth not from producing goods but from buying and selling financial instruments. At the same time, capital moves faster and expands to cover more of the globe and more aspects of life than ever before. Peet calls the "overaccumulation of money capital in the bank accounts of the wealthy few" the "main ingredient of finance capitalism."[49] This concentration of wealth in those people with the expertise and resources to affect the financial condition of millions allows their interests —mainly increasing profits, of course—to dominate "not just the industrial fraction, but everyone else as well." The financial class obtains increasing control "over policy making, over economies, over employment and income, over advertising and image-production…over everything."[50] In Chapter One I examine how neoliberalism and financialization have affected the development of the sharing economy; in Chapter Two I consider how the neoliberal idea of the self is reflected in the sharing economy's rhetoric and practices.

(4) Aims and Method

The sharing economy has been proclaimed both the savior of democracy (not to mention the planet) and a harbinger that the rule of the people is on its last legs. I aim to chart more of a middle course. In the pages that follow I look for more limited but still promising prospects for democracy *within* the neoliberal order, and within the fully commercial, profit-seeking sharing economy companies it has produced, like Uber, Airbnb, and TaskRabbit.[51] As noted, in my view the sharing economy can be said to span a spectrum from sharing "for sharing's sake" to "purely profit-driven" sharing; I focus here on the profit-driven platforms at the right end of the spectrum. However, at times, particularly when looking to the past and future, I do consider non-

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[48] Peet, "Contradictions of Finance Capitalism," 24. According to Merkel, finance's share of total GDP in the United States was 10 percent versus 40 percent for the industrial sector in 1950, but rose to more than 50 percent (compared with just 10 percent for the industrial sector) in 2000. "The assets of banks and the profits of bankers rose exponentially. Investment banks, investment funds and newly formed equity companies were created in large numbers. Global capital flows increased massively. A large portion of this did not serve as investment in production but funded speculation instead. Large profits were created that were not matched by any added value." Merkel, 8.

[49] Peet, "Contradictions of Finance Capitalism," 23. Neoliberal policy has also encouraged globalization, Peet adds, largely channeling its benefits to a "newly reemergent, super-wealthy, financial-capitalist class, mainly living in the leading Western countries, especially the United States, but operating transnationally in terms of investment activity." Ibid., 20. Thomas Piketty argues that the wealth of the financial class grows ever faster because of the fact that the "rate of return on capital exceeds the rate of growth of output and income," as it did well before the Keynesian era and as it has done again in the neoliberal era. Thus, accumulated wealth grows out of proportion to wealth produced through labor, and capitalism inevitably produces "arbitrary and unsustainable inequalities that radically undermine the meritocratic values on which democratic societies are based." Thomas Piketty, *Capital in the Twenty-First Century* (Cambridge, MA: Harvard UP, 2014), 1.

[50] Peet, "Contradictions of Finance Capitalism," 25.

[51] There may be a similarity here with Michel Feher's attempt to "explore the possibility of defying neoliberalism from within—that is, by embracing the very condition that its discourses and practices delineate." Michel Feher, "Self-Appreciation; or, The Aspirations of Human Capital," *Public Culture* 21 no. 1, 21 (2009).

commercial alternatives to the sharing platforms that have become so prominent. To be sure, the possibilities for increasing sociality and strengthening democracy are narrower and more contingent at the right end of the spectrum, compared to the utopian possibilities of sharing for sharing's sake at a societal level; after all, these encounters arise in the context of neoliberal capitalism, largely beyond the power of the people or their governments to enact or regulate. But despite this narrowness and contingency, these possibilities merit attention. For one thing, they are less obvious, requiring and rewarding more theoretical exploration. At the same time, they are also more practical given the continued hegemony of neoliberalism and financialization over public policy and over culture and the popular mindset in the United States and other capitalist democracies.[52]

While most of the examples I employ in this dissertation refer to U.S. companies and laws—particularly in Chapter Five on anti-discrimination law—the fundamental arguments about the potential sharing economy platforms bear for democracy are not limited to the United States. At times in the chapters that follow I do discuss other countries and contexts where relevant or for comparative illustration. This project does not thoroughly address the potential the sharing economy might have to bridge differences between citizens of different countries—and thus to promote enhanced worldwide understanding, or even something along the lines of global democracy—although this notion does appear in a limited way in Chapter Four. I also do not here explore how the democratic potential of the sharing economy might fare in the non- or less democratic societies in which they also operate—or, for that matter, in the non-capitalist societies in which they have also made inroads. These are important questions worthy of future consideration, but ones that lie outside my current scope.

In looking to the sharing economy to advance democratic possibilities I address a concern well-expressed by Robert Reich, the professor, political commentator, and former U.S. secretary of labor. Reich argues that although democracy ought to be a "system for accomplishing what can only be achieved by citizens joining together to further the common good," the overweening neoliberal emphasis on free markets has resulted in its undermining, and in a withering of people's conception of themselves *as* citizens.[53] To remedy this contemporary condition, Reich advocates that citizens take responsibility for the predicament in which they find themselves by uniting to delineate and enforce a clear boundary between capitalism and democracy—distinguishing between economic powers on the one hand and citizen power on the other, so that the latter can better offset the former. Without denying the importance of the path Reich suggests, I suggest a different (but not incompatible) way that citizen power might be revitalized and that neoliberal capitalism's excesses (and its "side effects") might be tempered.

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[52] As I discuss in Chapter One, neoliberalism continues to guide public policy in these nations despite the recent emergence of what we might call cracks in this gilded ceiling on democracy, such as the worldwide Occupy Movement of 2011, the unexpectedly strong U.S. presidential campaign of Bernie Sanders in 2012, and the emergence of new leftist political parties in Europe such as Spain's Podemos and Syriza in Greece.

[53] Reich explains that he is not against the "free markets" that have brought "unprecedented prosperity to many," but that markets have worsened, and failed to address, problems that now require political intervention. Such problems include "widening inequalities of income and wealth, heightened job insecurity, and environmental hazards such as global warming." Only if a prevalent "sense of political powerlessness" among the people is overcome can the "negative side effects" of capitalism be properly addressed. Robert B. Reich, "How Capitalism Is Killing Democracy," *Foreign Policy*, Oct. 12, 2009, http://foreignpolicy.com/2009/10/12/how-capitalism-is-killing-democracy/.

By treating sharing economy transactions as neoliberal sites through which strangers come together, learn to communicate with and understand one another better, and thereby once again come to see themselves as part of that broader body of self-ruling citizens, neoliberalism might be slowly reformed, even if not beat back, from within—and the stock of trust and connection between the people that is fundamental to popular sovereignty might begin to be replenished.

My goal, then, is to consider the sharing economy's current instantiations and the broader trends they represent in terms of certain strands of political theory, in order to more deeply and more clearly understand the phenomenon's potential for democracy. In this aim I find inspiration in the work of British social theorist Nikolas Rose, who in an essay on neoliberalism writes that his goal is not to "expose or to denounce our current ethical vocabulary, but to open a space for critical reflection upon the complex practices of knowledge, power, and authority that sustain the forms of life that we have come to value."[54] In recent years, the sharing economy has transformed entire industries and changed the daily lives of millions of workers, commuters, and tourists across the globe. It merits sustained "critical reflection," an endeavor to which this project is intended to contribute.

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[54] Nikolas Rose, *Inventing Our Selves: Psychology, Power, and Personhood* (Cambridge, UK: Cambridge UP, 1996), 167. My approach has also been influenced by Theresa Enright's study of the ways recent city planning in the greater Paris region reflects the neoliberal emphasis on economic competitiveness rather than equality or the public good. Enright, however, analyzes government policy, whereas this dissertation pertains mainly to similar trends and issues in the private sector. Theresa Enright, *The Making of Grand Paris: Metropolitan Urbanism in the Twenty-First Century* (Cambridge, MA: MIT Press, 2016), 6 ("This book is an analysis of policy, but it is not strictly concerned with positivistic evaluation … or with prescribing remedies and alternatives. Rather, the work offers an immanent critical analysis of the discourses, the 'web or relations and practices' that define this planning moment—how Grand Paris is framed, according to what assumptions, and to what ends").

Chapter I

Sharing in the Wake of Financial Crisis: New Channels for Capital, New Avenues for Austerity

At the turn of the millennium, almost a decade before the 2008 financial crisis, economist Jeremy Rifkin argued that the era of what he called "hypercapitalism" was coming to a close. The general population's "market orientation," a central organizing principle of society and "a pervasive force" in people's lives, was being supplanted, as a "new constellation of economic realities" caused society to question long-held assumptions about how people related to one another.[55] It had long been assumed that human nature included a "primordial urge to exchange goods with one another and become propertied members of society," Rifkin wrote, but suddenly markets were being replaced by "networks," and access was replacing ownership as a widely-shared value. Buying and selling property would no longer be the central economic transaction, Rifkin predicted; in its place, people would lease or rent their property to others.[56] Rifkin was writing before the emergence of what is now called the sharing economy. But his view would be echoed a decade later, when—at least according to some observers—Rifkin's predictions began coming true. It took the financial crisis, many claimed, to truly turn people against capitalism and toward something more collective in nature.[57] In 2011, for example, legal scholar Yochai Benkler made this claim, arguing that the 2008 financial crisis "triggered a fundamental shift" in predominant sensibilities in the United States and the United Kingdom. Following a period of laissez-faire economic policy under rightist and center-left governments, Benkler saw a widespread rethinking of the "dominant assumption in Western society about human motivation: that human beings are basically selfish creatures, driven by their own interests."[58] This assumption, which he traced to Hobbes's *Leviathan* and Smith's "invisible hand," was being replaced by a different view of humanity as "fundamentally capable of empathy, of possessing sentiments that compel us to act morally, cooperatively, or generously, not only in our own self-interest."[59]

In this chapter, I argue that while the crisis did, in fact, spur the growth of the sharing economy, it did not do so primarily attitudinally, but structurally. Economic and political motivations and incentives help explain how the sharing economy emerged and the particular direction in which it has grown. Although sharing economy companies frequently boast of the economic activity they bring to cities and towns around the world, less recognized is the way investors have benefited from this "economic activity," and how their incentives have shaped the

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[55] Jeremy Rifkin, *The Age of Access* (New York: Jeremy P. Tarcher/Putnam, 2000), 3-4.
[56] Ibid., 4. Rifkin also foresaw the increase of similar arrangements in which people would "charge an admission fee, subscription, or membership dues for [the] short-term use" of their property.
[57] For the sake of simplicity, I follow the common practice of referring to the "2008 financial crisis," even though some argue the crisis began in 2007 or earlier and continued into at least 2009.
[58] Yochai Benkler, *The Penguin and the Leviathan: How Cooperation Triumphs over Self-Interest* (New York: Crown/Random House, 2011), 2.
[59] Ibid., 5. This latter view, Benkler writes, was rooted in the works of Jean-Jacques Rousseau, David Hume and anarchist philosophers Pierre-Joseph Proudhon and Peter Kropotkin.

very structure and nature of the sharing economy.[60] In the first half of the chapter I explain how the sharing economy served the interests of capital in the wake of the 2008 financial crisis by strategically directing those in need of work to insecure jobs that further lined the pockets of the capitalist class, while diverting some attention from the alternative course of increasing public financial support for the struggling masses—in harmony with the strategy of austerity embraced by the neoliberal financial order overall. In the second half of the chapter, I take up this influence on sharing platforms, arguing that investors' interests and financial capitalism more generally explain why particular forms of "sharing" took hold and developed as they did—inexorably toward the maximization of profit—while other forms of sharing economies gained little traction. Therefore, if the sharing economy did initially reflect skepticism of neoliberal capitalism intensified by the crisis, in their first decade major sharing platforms have ended up ignoring and even dampening, rather than embracing or building upon, such skepticism. To illustrate this phenomenon I look at two case studies: first, the changes in the culture and services of Airbnb (and, far more briefly, Lyft), and second, the peer-to-peer lending sector, which represents, in its structural and rhetorical transformation into "marketplace lending," an unusually clear acknowledgment of the movement of the sharing economy in the direction of financial capitalism.

Before going further, I must define a few terms I will use in connection with how people interact on sharing platforms. When I speak of platform "users," I mean to include people on both sides of the transactions facilitated by the platform—for example, both Airbnb host and guest; both Uber driver and passenger. When I mean to refer to parties on only one side of the transaction, I generally use "provider" to refer to those in the former position (e.g., host or driver), and "customer" to refer to those on the other side. Moreover, I refer to the providers as platform "workers" rather than "employees," given the companies' (still contested) claim that those workers are independent contractors; when I do use the term "employees," I refer to those people actually employed by the platform to assist in its centralized operations—in other words, for example, the business executives, programmers, public relations staff, and in-house lawyers at Uber's headquarters in San Francisco are company employees, while (as I am using the terms) those who drive "for Uber" are its "workers."

(1) After the Financial Crisis: Austerity and the Sharing Economy

The sharing economy is widely considered to have emerged in 2008, with the founding of Airbnb, at the height of the financial crisis; Airbnb's first booking was in August 2008, while Lehman Brothers filed for bankruptcy—perhaps the crisis's defining event—the next month, on September 15. As the crisis unfolded, and as governments attempted to manage the fallout, popular discontent with neoliberal capitalism seemed dramatically on the rise. In the U.S. the outcry contributed to the 2010 passage of the Dodd-Frank Act, which aimed to make the financial system somewhat more transparent and accountable. More viscerally, the Occupy Wall Street protest movement captured international attention by taking over a small park in New

[60] According to Airbnb, in one year in New York City, it "generated $632 million in economic activity," including $105 million in "neighborhoods that don't typically benefit from tourism dollars." "Airbnb Economic Impact," *Airbnb Blog*, accessed Nov. 27, 2017, https://blog.atairbnb.com/economic-impact-airbnb/.

York's Financial District for two months in the fall of 2011; the movement quickly snowballed, with Occupy protests taking place in nearly a thousand cities around the world.[61]

It is often said in the growing literature on the sharing economy that a change in consumer attitudes and even values took place following the 2008 financial crisis; some have argued that the crisis caused people's trust in established institutions and corporations to decline. In 2010, for example, Lisa Gansky, the founder of sharing economy precursor Zipcar, claimed the economic crisis "created a deep distrust of older brands and models," following a typical pattern in which such crises "favor the emergence of new companies and the remaking of old ones." In the aftermath of the 2008 crisis, Gansky argued, consumers were "rethinking what they consider valuable in their lives."[62] From the sharing economy platforms' perspective, some have claimed the financial crisis similarly had an effect on attitudes, spurring a "new movement of entrepreneurs with the aid of online resources" who saw the crisis as "an opportunity for social change."[63] Compared to the impact of the crisis on values and attitudes, less attention has been paid to the impact of the needs and movement of capital on the early development of the sharing economy. In fact, whether or not by design, the emergent sharing economy served capital's interests in two ways: first, by strategically, if superficially, addressing some of the economic problems deepened by the crisis, including stagnant wages and unemployment; and second, by providing a timely new outlet for economic investment. In regard to the former, I will argue specifically that the sharing economy reflected neoliberal capitalism's embrace of austerity as a strategy for responding to the crisis.

In short, the story is more complicated than one of the market simply catering to changing consumer attitudes.[64] I am not suggesting that a cabal of neoliberal titans were holding the sharing economy "card" to play just at the right moment. In point of fact, it was largely technological developments, as noted in the introduction, that allowed contemporary sharing economy enterprises to emerge when they did. But I *am* arguing that part of the reason the

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[61] Karla Adam, "Occupy Wall Street Protests Go Global," *Washington Post*, Oct. 15, 2011, https://www.washingtonpost.com/world/europe/occupy-wall-street-protests-go-global/2011/10/15/gIQAp7kimL_story.html.

[62] Lisa Gansky, *The Mesh: Why the Future of Business Is Sharing* (New York: Portfolio Penguin, 2010), pp.

[63] Esther Martos Carrión, "The Sharing Economy and the Financial Crisis," July 7, 2016, *Pulse* (blog), https://www.linkedin.com/pulse/sharing-economy-financial-crisis-esther-martos-carri%C3%B3n/. To some extent, this is likely the case, at least from the perspective of the entrepreneurs who saw increased demand for Airbnb, Uber and other start-ups launched during this period that promised to reduce costs by pooling assets. As sharing economy entrepreneur Alex Stephany recounts, "One of the catalysts for the sharing economy was the global recession. … Economic distress led the underemployed and cash-strapped to flock to freelancer marketplaces, and consumers to try cheaper models of consumption through recommerce platforms. It also helped bring the sharing economy to mass consciousness." Stephany, *The Business of Sharing*, 188. See also Anne Kaun, "After the Crisis: The Sharing Economy Our Saviour?", *Eurocrisis in the Press* (blog), Oct. 9, 2014, http://blogs.lse.ac.uk/eurocrisispress/2014/10/09/after-the-crisis-the-sharing-economy-our-saviour/ (arguing that the financial crisis "provided the necessary disruption that catalysed these practices" of the sharing economy).

[64] In general, many thinkers in political economy have been skeptical of the classical economic claim that the private sector simply reacts to, rather than shapes, what consumers "demand." John Kenneth Galbraith, for instance, theorized the "dependence effect," through which consumers' wants were in part manufactured by the companies seeking to sell products to them. John Kenneth Galbraith, *The Affluent Society* (Boston: Houghton Mifflin, 1958). Put differently, it is accepted by many that companies play a critical role in shoring up capitalism's inherent weaknesses by continually creating and promoting new ways for consumers to spend, as other market players ensure, via the creation of consumer debt, that people have the funds they need.

companies became so large and so powerful so quickly is that their success was also the success of a capitalist social, economic, and political order thrown into disarray by crisis and feeling at least a little bit on the ropes.

The first way the emergent sharing economy served capital's interests was by strategically, if superficially, addressing some of the economic problems deepened by the crisis. In a time of falling or stagnating wages and persistent unemployment, sharing platforms gave people seemingly new options that represented ways to keep their heads above water—without requiring new or increased public benefits that would require raising taxes or taking on additional governmental debt. Of course, some of the opportunities the sharing economy offered were not completely new; "turning to the Internet to unload unwanted stuff in the midst of a personal economic crisis is a pretty old idea," and by 2008, both eBay and Craigslist were ubiquitous economic and social phenomena, as the "auction of unwanted junk" had become a "staple of modern life."[65] But none of the then-existing platforms were widely viewed as reliable ways to accrue substantial extra income; moreover, many of the new sharing platforms enabled not just more efficient selling of one's "junk" but new ways to earn income in one's spare time (of which the unemployed and underemployed have plenty)—ways like driving for Uber, or immediately dabbling in the bed-and-breakfast business via Airbnb.

To this end, Airbnb founder Nathan Blecharczyk argues that in the wake of the financial crisis "there were people in desperate need of alternative solutions," one of which became Airbnb.[66] Blecharczyk cites one Airbnb host's letter of thanks to the company as emblematic of the way the company became a "godsend for some" in trying times. In a climate of austerity politics and people struggling to hold on to their homes and other assets, the letter, from a host in New York City, brims with appreciation, as if written to a family member in gratitude for a generous gift rather than to a company backed by millions in venture capital:

> Hi Airbnb, I'm not exaggerating when I say you literally saved us. My husband and I just married this past May, after having lost both of our jobs and our investments in the stock market crash last year. We slowly watched our savings dwindle to the point where we didn't have enough to pay our own rent. You gave us the ability to keep our home, travel together and have the peace of mind knowing that we were going to be able to make it through this challenging time.[67]

"Literally saved" by listing their home for temporary rental on Airbnb, the couple then "headed out of town on the cheap." The writer's attitude is representative of a mindset that looks to private economic actors to relieve problems created or worsened by other companies, rather than directing their concerns (and not merely their rage) to elected representatives and government agencies, or to social and political movements seeking change at a broader level. Airbnb, Uber and other sharing platforms may well have seemed like a godsend to some users, but I am

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[65] Steve Henn, "What's Mine Is Yours (for a Price) in the Sharing Economy," *NPR*, Nov. 13, 2013, http://www.npr.org/sections/alltechconsidered/2013/11/13/244860511/whats-mine-is-yours-for-a-price-in-the-sharing-economy.

[66] Ibid.

[67] Ibid.

suggesting they were made to appear as such by capitalists (for whom, more than anyone, the sharing economy indeed *was* a godsend). Adding a touch of irony to the situation, Chesky, the Airbnb CEO, told an audience of CEOs of the top 500 corporations worldwide that he started the company because he was having trouble paying his *own* rent;[68] of course, the company would go on to make him, his co-founders, and their venture capital funders enormously wealthy, in good part on the backs of others in the position Chesky himself was once in.

The methods by which the sharing economy addressed some of the economic problems deepened by the financial crisis also reflected neoliberal capitalism's general embrace of austerity as a strategy for responding to the crisis.[69] Austerity refers to practices by governments, particularly in this period in Europe and under pressure from institutions including the International Monetary Fund, to "exact large cuts on public sector programs and systems—including education and health—that provide social services and oversee social welfare. These reductions in spending crosscut all segments of society but unquestionably render the most detrimental consequences for the poor."[70] Although governments often claim to be imposing austerity measures on their own operations as well, in practice, the cuts tend to fall most heavily on those most reliant on the public safety net, especially in the wake of economic crisis.[71] Economist Richard Wolff argues that governments adopted austerity policies after the crisis mainly due to pressure from financial capitalists, who had become worried about waning public acceptance of government indebtedness following enormous public bailouts of the banking and insurance industries. The goal of austerity was to keep government debts from growing any further by ensuring that countries (particularly those in enormous debt, such as Greece) that owed money could cover their debt obligations—but to do so by conditioning further lending on the retrenchment of government programs, rather than by permitting governments to raise taxes on the wealthy. In Wolff's telling, capitalists chose to make "entire populations pay for the crisis and bailouts by directing politicians to impose austerity."[72]

The rise of the sharing economy parallels and reflects the imposition of austerity on the populations of indebted nations. Amid growing support among the "99 percent" for steps to combat extreme economic inequality, financial capitalists embraced new "sharing" platforms as a

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[68] Chesky raised the point in the context of arguing that Airbnb had helped 1,500 people in the prior year "pay their rent and mortgage, save their home in the city of SF [San Francisco]… this is a way to allow people to make ends meet—[and get] people into the middle class." Nitasha Tiku, "Airbnb CEO: 'I'm Totally Sympathetic' to Unaffordable Rent," *BuzzFeed*, Nov. 4, 2015, https://www.buzzfeed.com/nitashatiku/airbnb-ceo-when-people-are-protesting-they-are-t?utm_term=.pb0X68PjY#.mabJmjV73.

[69] Austerity was such a dominant response to the crisis worldwide that the word itself was named Merriam-Webster dictionary's 2010 Word of the Year. Russell Contreras, "Audacity of 'Austerity,' 2010 Word of the Year," *The Press Democrat* (Santa Rosa, CA), Dec. 20, 2010, http://www.pressdemocrat.com/news/2254631-181/audacity-of-austerity-2010-word.

[70] Sanjay Basu, Megan A. Carney and Nora J. Kenworthy, "Ten Years After the Financial Crisis: the Long Reach of Austerity and its Global Impacts on Health," *Social Science & Medicine* 187 (2017): 203. The authors emphasize the important public health ramifications of austerity programs, noting that "[h]ealth decline has been a ubiquitous outcome of austerity measures in recent years." Ibid.

[71] Ibid.

[72] Thus, capitalism showed that it "not only fails to 'deliver the goods,' it dumps ever more outrageous bads." Richard D. Wolff, "After Five Years: Report Card on Crisis Capitalism" (July 9, 2012), in Richard D. Wolff, *Capitalism's Crisis Deepens: Essays on the Global Economic Meltdown 2010-2014* (Chicago: Haymarket Books, 2016), 167.

way to put the economic burden on the shoulders of the struggling masses, rather than accept tax increases on corporations and wealthy individuals. Sharing economy jobs were (and still are) willingly accepted—even gratefully accepted, as seen above in the letter to Airbnb—especially by members of the precariat, the swath of society living on the cusp of or alongside the formal economy, consisting of "a multitude of insecure people, living bits-and-pieces lives, in and out of short-term jobs, without a narrative of occupational development, including millions of frustrated educated youth who do not like what they see before them."[73] But most sharing platforms make those who perform the labor "independent contractors" lacking all benefits; even if the income earned helps the workers in a limited way in the short run, it fails to contribute in any clear way to a long-term solution to the societal problem of structural unemployment.[74]

Sharing platforms thus reenact the principles of austerity in their failure to provide workers benefits, while giving precarious populations more ways to make money for capitalist investors; platform workers do, of course, keep some of their earnings for themselves, but many of them must put some or all of their sharing economy earnings toward the interest on long-running personal credit card debts, their monthly mortgage payments, or endless student loan obligations. According to Airbnb, a majority of its hosts in San Francisco (56 percent) report using their Airbnb earnings to help cover their mortgage or rent.[75] In touting that it helps people stay economically afloat, Airbnb preys on a widespread fear among people in the neoliberal era of dropping down an economic rung, a fear law professor Jeannie Suk calls "central to the middle-class psyche."[76] Suk analyzes the controversial 2005 U.S. Supreme Court decision in *Kelo v. City of New London*, in which the Court approved takings for the purpose of economic development under the "public use" requirement of the Constitution's Takings Clause.[77] While the Court's decision in *Kelo* was not surprising to legal academics, Suk argues, it occasioned outrage in some quarters of the public because it tapped into a "profound and widespread middle-class anxiety" about "losing the home, the center and repository of family life … and with that the loss of middle-class status."[78] (In fact, Suk notes, the main reason Americans lose their homes is not eminent domain but foreclosure by creditors, anxiety about which Airbnb preys on.) Property ownership is also a kind of equalizer between the middle class and those above them, Suk adds, as implied by the expression that a man's house is his castle—a space in which he has unchallenged authority. That is, there is a "bond between bourgeois status and private property" (in the words of Justice Sandra Day O'Connor's *Kelo* dissent); this bond is so

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[73] Guy Standing, *The Precariat: The New Dangerous Class* (London: Bloomsbury Academic, 2011), 1. This "class" will be discussed further in the next chapter.

[74] Some sharing platforms have moved to make their providers employees, primarily citing not fairness or a concern for their workers' well-being but the economic benefits to the company of doing so. For example, one small home health care company that had offered a sharing economy platform model using independent contractors decided to adopt a "traditional workforce model," providing benefits to employees, in order to combat "worker churn." Elizabeth Weise, "No More Independent Contractors for This Gig Economy Startup," *USA Today*, Jan. 20, 2016, https://www.usatoday.com/story/tech/news/2016/01/20/gig-economy-company-moves-employee-benefits-model-honor-sharing-economy/79043986/. Most of the largest platforms including Uber and Lyft, however, remain staunchly opposed to doing the same.

[75] "Airbnb Economic Impact."

[76] Jeannie Suk, "Taking the Home," *Law & Literature* 20, no. 3 (2008): 295, http://www.tandfonline.com/doi/abs/10.1525/lal.2008.20.3.291.

[77] 545 U.S. 469 (2005).

[78] Suk, "Taking the Home," 295.

tight, Suk concludes, that it "would not be too much to say that it is difficult to imagine the middle-class person's rights and status without the concept of the home."[79]

Airbnb has sold itself to voters considering referenda restricting its operations by implicitly threatening that the company may be the only thing standing between them (or their friends, family, or neighbors) and the investors who would drive them out, or the banks that would foreclose on them. It also puts persons who may already be in that position between a rock and a hard place: They must either sacrifice some of the absolute authority over the home that *makes* it their castle by renting out a room or more via Airbnb, or they must run the risk of losing their home entirely, depending on the actions of their landlord or creditors. Either way, one's private realm is put at risk by a threatened outsider, making the house, in Suk's evocative language, "haunted—haunted by anxiety of its own destruction."[80] It seems almost perverse that Airbnb celebrates the fact that it allows people to afford to stay in their own homes when they otherwise would be forced out by high rents or unaffordable mortgages; seen in one light, the company is admitting to taking advantage of the desperate straits of the very people using its platform and making it successful. Nevertheless, the company has given this issue a central role in its appeals to resist attempted regulation because it situates the platform on the side of the people, successfully doing what the government has failed to do through changes in law or economic policy—enabling people to stay in their homes. (American presidents and other political figures have often promoted the virtue of home ownership, perhaps most memorably George W. Bush in his notion of an "ownership society," in which Americans "would rely less on the government for health care, retirement and shelter"; but Bill Clinton before him also advocated for increased home ownership.[81]) In the case of local referenda on whether and how to permit Airbnb to operate in a given jurisdiction, even voters who do not currently rent space on Airbnb may want to preserve the option in case the need arises.[82]

By pressuring people to rent out space in order to stave off the risk of losing their home, the sharing economy enables financial capitalists to further profit off the precarious state of millions of homeowners and renters in a less disruptive, less obvious way than it did in the foreclosure crisis of 2008. Sharing economy providers' lack of benefits also makes them easy marks for corporate actors seeking to fill the gap left by the platforms that (sort of) employ them —and encourages platform companies to try to "offload" their precarious workers back on to the government. In one example of this phenomenon, health consultancies have partnered with platforms such as Uber to facilitate drivers' enrollment in "Obamacare"; insurance companies benefit from this, as does Uber both in terms of its public image and its bottom line, since Uber

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[79] Ibid., 300.

[80] Ibid.

[81] Jo Becker, Sheryl Gay Stolberg, and Stephen Labaton, "Bush Drive for Home Ownership Fueled Housing Bubble," *New York Times*, Dec. 21, 2008, http://www.nytimes.com/2008/12/21/business/worldbusiness/21iht-admin.4.18853088.html.

[82] For example, in 2015 Airbnb spent more than $8 million on a campaign to successfully defeat a San Francisco ballot proposition that would have capped rentals at 75 days a year, created steep civil fines against platforms and hosts for violations, and required hosts to report quarterly on how many days they live at the property. Airbnb and its surrogates argued that voters should reject the proposition in part because "temporary rentals actually help with housing by letting residents generate extra income to afford spiraling costs." Carolyn Said, "Prop. F Splits Neighbors on Whether Airbnb Hurts or Helps Housing," *San Francisco Chronicle*, Oct. 17, 2015, http://www.sfchronicle.com/business/article/Prop-F-splits-neighbors-on-whether-Airbnb-hurts-6575919.php.

and similar companies "don't have to shell out for employees' health benefits without being tagged as heartless corporations."[83] The losers are the citizens who pay taxes to cover these programs, and the recipients themselves, as benefits are cut by governments reluctant or unwilling to raise taxes, which might well cost them the support of donors insistent on austerity.

To recap, diverting attention to the somewhat original employment options offered by the sharing economy is a means by which financial capitalism channeled (and continues to channel) dissatisfaction with growing inequality and with governments' responses to the financial crisis *away* from possible public solutions (primarily higher taxes, to pay for expanded benefits such as extended unemployment and health care) and back into the private sector—hence individualizing responses to the crisis. Wolff observes that financial capitalists have been in a historically strong position in recent years, benefiting from both "greater financial resources" than in other eras and from "decades of experience in blocking and undoing limits on their wealth and freedom," experience accrued over the neoliberal era.[84] To a point, the sharing economy can be seen as one tool among many employed by this class to block the potential imposition of new limits on their own "wealth and freedom," while misleadingly claiming they are increasing the wealth and freedom of those put to work in ever more precarious ways.

(2) A Spare Room for Financial Capital

The second way the sharing economy served capital's interests following the financial crisis was by providing investors a new place to put their money that promised substantial returns. Immediately after the crisis, less money was available for investment, whether through venture capital (VC) firms or otherwise; institutions that had supplied investment funds before the crisis either went bankrupt, merged with other firms, or were "forced to decrease the share of their investments in risky assets such as VC funds."[85] Some investors with a greater appetite for risk looked for the "next big thing" that other investors, tempered by greater caution than usual given the crisis, might have been shy to pursue.[86] Still, even among the risk-takers, enthusiasm for the sharing economy was initially limited by the fact that it was a new, untested sector. In the case of Airbnb, for example, the platform's three inexperienced founders encountered great skepticism about their business plan and thus difficulty in convincing VC firms to back them. In

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[83] Sy Mukherjee, "The Real Significance Behind Uber's Big Obamacare Signup Push," *Fortune*, Nov. 9, 2017, http://fortune.com/2017/11/09/uber-health-insurance-obamacare/.

[84] Wolff, 167.

[85] Jorn H. Block, Geertjan de Vries and Philipp G. Sandner, "Venture Capital and the Financial Crisis: An Empirical Study Across Industries and Countries," in *The Oxford Handbook of Venture Capital*, D. Cumming (ed.), (Oxford, UK: Oxford UP, 2012), 37-61, 40-41. There is no universally agreed-upon definition of a venture capitalist, but one industry scholar defines the role as "a professional investor who deploys third-party funds into relatively early-stage companies." John Greathouse, "Pssst…Here's How to Become a Venture Capitalist," *Forbes*, Sept. 18, 2012, https://www.forbes.com/sites/johngreathouse/2012/09/18/pssst-heres-how-to-become-a-venture-capitalist/#7eaebd391de1.

[86] The fact that some less risk-averse investors were ultimately heavily rewarded for their bets on sharing platforms further casts the sharing economy as a neoliberal story; as discussed in the next chapter, neoliberalism paints risk-taking as an essential aspect of good character. One 2009 white paper encouraged such risk-taking among investors, arguing that "[w]aning investor interest and the weeding out of underperforming managers is reducing competition and setting the stage for a powerful rebound in venture returns over the next decade." Roland Reynolds and Ken Wallace, "The Venture Capital Rebound," Industry Ventures white paper, Sept. 2009, http://www.industryventures.com/the-venture-capital-rebound/.

2008, when the three peddled their idea around the "VC community" in Silicon Valley, most investors they encountered "believed the market was too small" and were concerned that two of the founders had backgrounds in design (rather than business or engineering, presumably).[87] Their fortunes slowly changed when they were admitted to a competitive Silicon Valley "incubator" that helps new start-ups get off the ground. Gradually venture capitalists began to take notice, as Airbnb's popularity rose; in 2009 the company raised $600,000, and two years later three VC firms invested a combined $112 million.[88]

Investors' initial hesitancy to back Airbnb and other sharing economy ventures reflects their concern about the potential profitability of this new sector. Yet once a path to profit began to emerge, the spigot opened and huge sums began to pour into the platforms. By 2011, some of the largest and most respected VC firms were major investors in sharing economy companies—although investors preferred to refer to them as ventures in the business of "underused asset utilization" since, as one VC partner put it, "It's more obvious how you make money" that way.[89] Overall, sharing economy ventures have received an estimated $23 billion in venture capital funding since 2010.[90] The funds have allowed the platforms to hemorrhage money—Uber lost an estimated $2.8 billion in 2016[91]—while undercutting potential competitors through artificially reducing prices, on their way to potentially becoming monopoly powers.

Looking at the economic development of the sharing economy from a more holistic perspective, it is significant that the platforms that have received the greatest financial backing, Uber and Airbnb, have enabled additional consumer spending without undermining corporate profits in a broad sense. Put the other way around, the profits gleaned from Uber and Airbnb have not come primarily at the expense of other corporations. In the case of Uber, those most affected by its success have been individual taxi drivers and owners of taxi medallions—an instance of venture capitalists and other investors essentially finding a way to seize profit that previously had accrued almost exclusively to non-corporate, small-scale actors. Similarly, while

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[87] Scott Austin, "Airbnb: From Y Combinator to $112M Funding in Three Years," *Wall Street Journal* (blog), July 25, 2011, https://blogs.wsj.com/venturecapital/2011/07/25/airbnb-from-y-combinator-to-112m-funding-in-three-years/.

[88] Ibid. Incubators, also known as accelerators, "provide new entrepreneurs with mentorship, advice and practical training on technical, business and fundraising topics to help them get from idea to product to launch and beyond. They typically take a small piece of equity in exchange for a small amount of cash and entry into the program." Tomio Geron, "Top Startup Incubators and Accelerators: Y Combinator Tops with $7.8 Billion in Value," *Forbes*, Apr. 30, 2012, https://www.forbes.com/sites/tomiogeron/2012/04/30/top-tech-incubators-as-ranked-by-forbes-y-combinator-tops-with-7-billion-in-value/#feff1451f372.

[89] Danielle Sacks, "The Sharing Economy," *Fast Company*, Apr. 18, 2011, https://www.fastcompany.com/1747551/sharing-economy. Economic sociologist Viviana Zelizer, whose work is discussed further in Chapter Three, argues that commercial activity is vulnerable to being "contained or suppressed" by capitalists if the activity "threaten[s] their own power to control markets and the disposition of capital." Viviana A. Zelizer, *Economic Lives* (Princeton, NJ: Princeton UP, 2011), 336. In other words, capitalists literally cannot afford to allow competing activity that they do not control (and whose benefits do not accrue to them) to become too successful; this idea may explain why financial capitalists have shown such interest in the sharing economy—not merely because it promises them profits, but because to allow it to develop without their investment would threaten their economic power.

[90] Judith Wallenstein and Urvesh Shelat, "Hopping Aboard the Sharing Economy," *Boston Consulting Group Publications*, Aug. 22, 2017, https://www.bcg.com/publications/2017/strategy-accelerating-growth-consumer-products-hopping-aboard-sharing-economy.aspx.

[91] Biz Carson, "Uber Booked $20 Billion in Rides in 2016, but It's Still Losing Billions," *Business Insider*, Apr. 14, 2017, http://www.businessinsider.com/uber-2016-financial-numbers-revenue-losses-2017-4.

Airbnb has had an impact on hotel revenues, one study found that these losses are borne disproportionately by independent hotels—often small business owners—rather than chain hotels "for reasons ranging from larger marketing budgets and stronger brands, to providing predictably consistent service."[92] Airbnb might be unable to obtain as much investment if it were taking market share from corporations in which major investors might have a financial stake.

Ultimately, though, the greatest profit to Airbnb's investors may come not from travelers choosing Airbnb over hotels, but from two other groups of users. First, some travelers book Airbnb properties instead of staying for free with friends and family, thus monetizing a formerly unpaid transaction and putting money in investors' pockets. Second, some people would not have traveled at all, or not for as many days, if the lodging options were hotels and motels deemed too expensive or undesirable for other reasons.[93] By increasing the number of people traveling, both investors and other economic enterprises benefit financially.[94] In sum, the most heavily funded sharing platforms appear to be those that find profits in channels that previously had not been lucrative for financial capitalists. In thereby discovering new markets, the sharing economy exemplifies one of the main capitalist projects identified by Marx and Engels in the *Communist Manifesto*.[95]

Another recent development surfaces the connection between Uber and financial capitalism in an unmistakable way: the launch of the Uber credit card. Partnering with a banking institution (Barclays) to launch the card, Uber reveals its ultimate aim is not to be a logistics platform, nor even a technology company, but a player in financial capitalism at large, in the mold of Amazon. Offering the card "gives Uber yet another point of access to incredibly valuable customer information," such as the amounts and locations of card users' expenditures, "and marks another front in its campaign to assume a larger role in online and offline

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[92] Overall the study found that in Texas, each additional 10 percent increase in the size of the Airbnb market caused hotel room revenue to decrease by 0.39 percent; in Austin, TX, in particular, which has a high relative concentration of Airbnb offerings, the effect on some hotels' revenue was estimated to be as high as 10 percent. Georgios Zervas, Davide Proserpio, and John W. Byers, "The Rise of the Sharing Economy: Estimating the Impact of Airbnb on the Hotel Industry," *Journal of Marketing Research* 54 no. 5 (Oct. 2017), http://journals.ama.org/doi/pdf/10.1509/jmr.15.0204. The losses are also borne by another group who may be of little concern to venture capitalists: low-income residents of areas in which Airbnb properties are located. Tenant advocates in numerous cities claim Airbnb is making it more difficult for low-income residents to hold on to affordable housing, driving up prices in places where the cost of living is already unbearable for low- and middle-income families. In San Francisco's Chinatown, for example, single-room-occupancy hotel units have been spotted on websites as short-term rentals, "displacing vulnerable families, many of whom don't speak English, [and] who have traditionally relied on these less expensive accommodations." Jessica Kwong, "Community Advocates Concerned Short-Term Rentals Are Edging Low-Income Tenants Out of SROs," *San Francisco Examiner*, Aug. 5, 2014, https://archives.sfexaminer.com/sanfrancisco/community-advocates-concerned-short-term-rentals-are-edging-low-income-tenants-out-of-sros/Content?oid=2866887.

[93] For example, Airbnb claims its data from Sydney show that 31 percent of its users in that city "said they would not have been able to make the trip had it not been for Airbnb." Airbnb also claims that on average its visitors stay longer than in hotels, such as 6.4 nights in New York City compared to 3.9 for hotel guests, thereby also spending more during their stay than the average visitor ($880 compared to $690). "Airbnb Economic Impact."

[94] One additional potential benefit for capital considered generally is that Airbnb may give less well-off consumers money to feed back into the system, since it brings economic activity to less commonly visited neighborhoods. This possibility is somewhat undermined, however, by data cited in Chapter Five showing that properties offered in economically struggling areas are often owned by wealthier gentrifiers rather than longtime local residents.

[95] Karl Marx and Friedrich Engels, *The Communist Manifesto,* in *The Marx-Engels Reader*, ed. Robert C. Tucker (New York: W.W. Norton, 1978), 469-500.

commerce."[96] Uber users can apply for the card right in the app, making the process as seamless as possible; the app "populate[s] all of the information they have on file for their customers… After a few minutes, an applicant can get a verdict on their creditworthiness and then… Presto! The card is automatically available for use for Uber rides."[97] As noted above, Uber drivers are likely to be leading precarious financial lives; by making it as simple as possible for Uber *riders* to apply for a credit card with no upper limit on their credit line, the platform is doing all it can to encourage them to become debtors as well. If successful in this mission, it would mean the Uber passenger could use the Uber credit card to pay for a ride in a car driven by an indebted Uber driver—possibly sending the passenger further into debt, while benefiting Uber, Barclays, and their investors and shareholders. The credit card thus looks like an attempt by capital to further ensnare users in an already exploitative system.

(3) Standardization Under the Sway of Venture Capital

Investors have clearly had a great deal at stake in the major sharing platforms, which means their concerns—the extremely narrow priorities of financial capitalists—have had a major impact on the direction of the sharing economy as a whole, and on the particular firms that have been investors' biggest beneficiaries. One vivid example of this impact is the firing of controversial Uber founder and CEO Travis Kalanick. The interests of Uber's investors likely explain at least part of why Kalanick lasted so long in his job, and why he eventually lost it. Uber's board of directors turned a blind eye for years to the scandals and turmoil under Kalanick—including allegations of sexual harassment, overcharging passengers, wage theft from drivers, and custom-made software to track government regulators—until finally forcing him out in June 2017. Why then? In addition to the breaking of further scandals, some say the directors were fed up with Kalanick because of his slowness in taking the company public. Directors of non-public sharing economy companies have no duty to "ordinary investors," since there are none; their only goal is to ensure the company is in as strong a position as possible at the time of its Initial Public Offering (IPO), so as to generate the maximum return on their investments.[98] Technology industry analyst Nick Bilton explains that "for many investors, an IPO remains the goal from the very beginning. Entrepreneurs want 'an exit'—a chance to cash in at the highest possible value—and they want a big one, where the dream is a '1,000x return' on their original investment."[99] Kalanick's ouster, then, was "mostly motivated by the board's goal of bringing Uber public at the highest possible valuation"; Kalanick had sought to delay the IPO as long as possible, which he believed to be in Uber's long-term interest, but the investors, with about $16 billion of their money at stake, were reluctant to wait too long to cash out.[100] The directors were evidently willing to tolerate Kalanick's ethically and legally questionable behavior until the scandals either

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[96] Jonathan Shieber, "Uber Introduces a Credit Card," *TechCrunch*, Oct. 25, 2017, https://techcrunch.com/2017/10/25/uber-launches-a-credit-card/. Annual percentage rates range from 15.99 to 24.74 percent based on an applicant's creditworthiness, and there is no upper limit on credit lines.
[97] Ibid.
[98] Jean-Louis Gassée, "Travis Kalanick's Bosses Share Just as Much Blame for the Uber Calamity," *Quartz*, June 28, 2017, https://qz.com/1015378/dont-just-blame-travis-kalanick-blame-ubers-complicit-board/.
[99] Nick Bilton, "The Chilling Reason Behind Travis Kalanick's Abrupt Resignation from Uber," *Vanity Fair*, June 21, 2017, https://www.vanityfair.com/news/2017/06/travis-kalanick-resignation-from-uber.
[100] Ibid.

reached a crescendo that could not be ignored, or provided a convenient excuse for removing a CEO with whom they had lost patience. It is no surprise, then, that the executive appointed to replace Kalanick quickly announced a short timetable for taking Uber public.[101]

More consequentially, due to market incentives and pressure from investors, sharing platforms have moved in the direction of profit maximization at the expense of some aspects of their original identities and intentions. In this section, I consider the significant ways in which Airbnb and, to a lesser extent, Uber rival Lyft have changed over time due to this influence. In the case of Airbnb, these changes have had the effect of making users' experiences more predictable and the type of hospitality offered by hosts generally less personal. Airbnb started in 2007 in San Francisco when two friends had the idea "of renting out three airbeds on their living-room floor and cooking their guests breakfast" on a weekend when most area hotels were booked. They created a website, first called airbedandbreakfast.com, to promote their idea and less than a week later had "a 30-year-old Indian man, a 35-year-old woman from Boston and a 45-year-old father of four from Utah sleeping on their floor."[102] The founders expanded to other American cities and then around the world, backed by millions of dollars in venture capital. Over the next five years the platform grew rapidly; by 2012 it had booked 10 million nights in more than 19,000 cities in 192 countries and was valued at $1.3 billion,[103] and by 2017, its worth had grown to $31 billion.[104] The idea at the platform's founding, then, was that people would host guests on a living room floor or in a spare room. But today, the majority of spaces available on Airbnb are for the entire property; in Paris, 85.7 percent of listings on Airbnb fall in this category. In addition, more and more "hosts" offer more than one property on the platform, only using properties as rentals from which to gain extra income.

Sharing economy critic Steven Hill notes that Airbnb has certainly been aware of these trends, having at its disposal extensive data about who is using its platform and how. Yet it has chosen to permit or even encourage these uses of its platform—which could be called "off-label uses," to borrow a term from the pharmaceutical industry—for the simple reason that these so-called "professional" hosts are beneficial to the "fast-growing company and its politically

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[101] Greg Bensinger, "New Uber CEO Says Company Could Go Public in 18 Months," *Wall Street Journal*, Aug. 30, 2017, https://www.wsj.com/articles/new-uber-ceo-says-company-could-go-public-in-18-months-1504119090.
[102] Jessica Salter, "Airbnb: The Story Behind the $1.3bn Room-Letting Website," *The Telegraph*, Sept. 7, 2012, http://www.telegraph.co.uk/technology/news/9525267/Airbnb-The-story-behind-the-1.3bn-room-letting-website.html.
[103] Ibid. By 2015 Paris alone had more than 40,000 Airbnb listings, while the next most popular city, New York, had 34,000. Will Coldwell, "Paris Becomes Airbnb's Top Home-Sharing City Destination," *The Guardian*, Feb. 27, 2015, https://www.theguardian.com/travel/2015/feb/27/paris-becomes-airbnbs-top-home-sharing-city-destination.
[104] Lauren Thomas, "Airbnb Just Closed a $1 Billion Round and Became Profitable in 2016," *CNBC*, Mar. 9, 2017, https://www.cnbc.com/2017/03/09/airbnb-closes-1-billion-round-31-billion-valuation-profitable.html. Airbnb has some smaller competitors including FlipKey, HouseTrip, 9flats, and Roomorama. One rival platform, HomeAway, has more than 1 million listings, but unlike Airbnb, all its listings are for the entire property, and HomeAway does not handle payment. "Airbnb vs. HomeAway: Which Is Right for You?," *Cheapism*, Mar. 29, 2016, http://www.cheapism.com/blog/4226/homeaway-vs-airbnb-vacation-rentals#ixzz47NJE4dzi.

connected investors [who] have shown no interest in killing their golden goose."[105] Airbnb collects fees from both hosts (generally 3 percent of the amount charged) and guests (between 5 and 15 percent of that paid) and thus has a clear interest in increasing bookings.[106] To expand it must reach those travelers interested in a more formal experience, "who prefer the predictability of hotels to the quirky array of spare rooms, empty homes and even the occasional yurt that Airbnb has long touted as its backbone."[107] Since "hosts" are increasingly landlords and property managers, it is less likely that guests meet the person from whom they're renting, let alone get to know them, especially given the widespread use of keyless entry systems. Moreover, even if the host is a "regular person," he or she may not be a local, but managing the property from some distance—for example, renting out a valuable property in a trendy neighborhood, while living an hour away in a suburb.

To an extent reflecting this new reality, in its marketing Airbnb reduced the emphasis on the personal connection between host and guest as the main factor distinguishing it from hotels, shifting the focus to comparative affordability.[108] Yet the company did not give up entirely on the element of connecting with "locals"; its aim became making sure its offerings were predictable and standardized enough to "overcome the nagging perception that staying in someone's spare bedroom is unpredictable, awkward, and a far cry from what mainstream travelers know they'll receive at traditional hotels"[109]—but not *so* predictable as to make the experience uninteresting. In other words, rather than provide a wholesale alternative to mainstream hotels, the company opted to replicate many aspects of what hotels offer, ensuring that guests would face minimal surprises or disturbances while distinguishing itself on the margins. In a sense, Airbnb has tried to offer travelers the best of both worlds: the "personality" offered by staying in a "real person's" home, often outside main tourist areas, along with as much reliability and standardization as possible without completely undermining the former promise. Chesky, the company CEO, has alluded to the intention to standardize, saying his goal was to emulate Apple in the way it has "a

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[105] Hill argues that those "regular people" who are hosts "are being poorly served by Airbnb. The company knows that its service has been invaded by professional operatives [and] could have designed its platform to serve [regular people's] needs, instead of the professionals. It could have self-regulated by kicking all the professionals off the platform. … Instead, it is cynically using … the 'regular people,' as human shields to hide behind, and to deflect criticism, so that the public and the media won't recognize what it has become." Steven Hill, "An Open Letter to Airbnb 'Regular People' Hosts: Airbnb Is Selling You Out," *Huffington Post*, Nov. 3, 2015, https://www.huffingtonpost.com/steven-hill/an-open-letter-to-airbnb_b_8463656.html. Some of the profits accruing both to the professional hosts and to Airbnb and its investors, Hill adds, can also be considered ill-gotten gains in that they are enabled by skirting the laws regulating the uses of property. Over time, however, Airbnb has increased its efforts to comply with local laws, while governments at various levels have changed their laws to more specifically address short-term rentals like those enabled by Airbnb. See, e.g., Carolyn Said, "Airbnb Bans Hosts With Multiple Listings in SF," *SFGate*, Oct. 19, 2016, http://www.sfgate.com/business/article/Airbnb-bans-hosts-with-multiple-listings-in-SF-9982303.php (noting the company's effort to "play nice with San Francisco" by enforcing a local law aimed in part at preventing landlords from using the platform to run illegal hotels).

[106] "What Are Airbnb Service Fees?", Airbnb, https://www.airbnb.com/help/article/1857/what-are-airbnb-service-fees, accessed Nov. 27, 2017.

[107] Katie Benner, "Airbnb Tries to Behave More Like a Hotel," *New York Times*, June 17, 2017, https://www.nytimes.com/2017/06/17/technology/airbnbs-hosts-professional-hotels.html.

[108] Morgan Brown, "Airbnb: The Growth Story You Didn't Know," GrowthHackers, https://growthhackers.com/growth-studies/airbnb, accessed Nov. 27, 2017. Airbnb has claimed that its properties' rates are "generally 30-80% lower than area hotels."

[109] Austin Carr, "Inside Airbnb's Grand Hotel Plans," *Fast Company*, Mar. 17, 2014, https://www.fastcompany.com/3027107/punk-meet-rock-airbnb-brian-chesky-chip-conley.

consistent UI [user interface] on every phone, but the content is unique every single time."[110] In other words, the experiences accessed may differ, but all are offered through a consistent system (or platform) ensuring they meet certain quality standards.

One practical step toward this end was the launch of new services aimed at making the "Airbnb experience more consistent from stay to stay," using economies of scale common to hotel chains such as a "cleaning service that will offer fresh sheets and towels to Airbnb proprietors."[111] Airbnb also brought Chip Conley, a boutique hotel expert, out of semi-retirement to lead its efforts to increase the reliability of the Airbnb "guest experience" and to make sure hosts provided "dependable hospitality," while at the same time "embracing the unique, local, and often unpredictable charms … hosts provide on their own." To this end, Conley spearheaded an effort to create "hospitality guidelines" for hosts, guidelines that encourage reliability and predictability and acting more like a business at the expense of eccentricity and potential for human connection.[112] One guideline, for example, advises hosts that whenever they are contacted by a prospective or booked guest, "responding quickly shows that you're an attentive and considerate host."[113] Other guidelines, labeled "Commitment to Reservations," "Check-In," "Accuracy" and "Cleanliness," evince a similar hotel-like way of thinking. The final guideline, Overall Experience, suggests hosts "personalize" their lodgings, but personalization here means catering to guests' desires, as a trained hotel concierge might, rather than allowing more of the *hosts*' personalities to shine through.[114] In addition to these official guidelines, hosts also advise each other to move in the direction of dependability and think like hoteliers. One blogger advises hosts to "create a welcoming environment" such that guests "feel they're the first guests that have stayed, when they're in fact, the hundredth."[115] The implication is that hosts try to erase the presence of prior guests, again making one's home seem as much as possible like a sanitized hotel. To be sure, in some ways this standardization and predictability would be widely if not universally appreciated. It is the rare traveler who prefers old sheets to crisp, clean ones. The point is that these changes reveal the influence of capital on a platform trying to expand as rapidly and as profitably as possible. The result is more predictable, less intimate commercial

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[110] Ibid.

[111] Ibid.

[112] Ibid.

[113] "Hospitality Standards: Tips To Help You Get Great Ratings," Airbnb, https://www.airbnb.com/hospitality, accessed Nov. 27, 2017.

[114] The guideline states, "Remember that many of your guests will be far from home, so try to anticipate what *they'll* want, what *they'll* find confusing, and how you can offer help and guidance. Personalize each guest's experience to suit *their* travel needs and personality." Ibid (emphases added).

[115] The blogger also suggests hosts lay out their preferences for "quiet time, extra guests, check-out and clean-up face-to-face shortly after arrival and display the reminders in a pretty frame where they won't be missed." While informing guests what behaviors are discouraged is unobjectionable, formalizing these preferences into a document echoes the rules and guidelines hotels post in each room or list in an information booklet; displaying them "in a pretty frame" adds but a cheap veneer of personality. The advice is offered with the stated intent of helping hosts secure better ratings. As discussed in Chapter Three, rating systems likely encourage conformity, which suits the company's interest in predictability; hosts will be wary of being punished by guests for having *too* eclectic a style, which some might find unwelcoming or off-putting. Diane Gottsman, "Five Travel Etiquette Tips for the Airbnb Host," DianeGottsman.com (blog), May 25, 2015, http://dianegottsman.com/2015/05/travel-etiquette-5-etiquette-tips-for-the-airbnb-host/.

interactions transpiring in spaces that are themselves increasingly standardized and depersonalized.[116]

Airbnb's initiatives geared to business travelers are the best evidence of its move in the direction of the predictability of the hotel industry, with the aim of increasing the platform's reach and profitability. In 2015 Airbnb debuted the property label "Business Travel Ready," which hosts can obtain by meeting a list of standards including that the listing is for an entire home, not a shared space; neither smoking nor pets are permitted; and amenities include wireless internet, a "laptop-friendly workspace," and 24-hour check-in. The company says such features are essential so that business travelers "know what to expect when they arrive."[117] Airbnb has also enabled executive assistants and company travel managers to book rooms on behalf of employees, further reducing the likelihood of interaction between guest and host. Such steps have paid off; as of 2016 more than 50,000 companies had booked travel on the platform, an estimated 10 percent of all Airbnb stays were for business, and at least some hotels (as discussed above) were feeling the effects of the new competition.[118]

Another recently debuted Airbnb feature called simply "Trips" further demonstrates the company's effort to standardize and monetize more and more elements that initially were a voluntary part of the "sharing" experience, if offered at all. Described by Airbnb as "the most significant development in its eight year history,"[119] through Trips "locals" provide common experiences such as guided tours and more unusual (if stereotypical) ones such as "violin making in Paris or marathon running in Kenya," at a cost to the "guest" ranging from $30 to several hundred dollars. According to Airbnb, this service amplifies the personal component of a stay, allowing travelers to have experiences they "would not normally have access to," and enabling them to be "immerse[d] in a local community."[120] In reality, Trips is yet another step toward profit-making via commodification and centralization. In the platform's early years, guests might have received a set of personalized recommendations from their host, whether by email before their stay, verbally upon arrival, or in a printed handout in their room. While some hosts may still engage in these practices, with the Trips feature they are encouraged to go beyond mere suggestions to offer additional services—with a price tag attached. Hosts are urged, essentially, to turn their hobbies and skills into new forms of work, monetized by the platform and doled out in sellable increments. Trips imitates the services of a traditional travel agency or (again) hotel concierge, further weakening the more intimate, casual connection between host and guest once

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[116] Airbnb advised one longtime Denver host to upgrade her bathroom to make it "look more like a hotel" and worked on "conditioning her to host people who are just looking for a place to sleep—not a home to share." As a result, she ended up with guests who had no interest in talking; one "really did just come in and sit in his room, with the door closed, while I sat in the living room." Benner, "Airbnb Tries to Behave More Like a Hotel."

[117] The other requirements are smoke and carbon monoxide detectors, toilet paper, clean towels, fresh linens, an iron, hangers, a hair dryer and shampoo. Hosts must have a high rating and commit to not canceling less than seven days before a booking is to begin. "What Makes a Listing Business Travel Ready?" Airbnb, https://www.airbnb.com/help/article/1185/what-makes-a-listing-business-travel-ready, accessed Nov. 27, 2017.

[118] Brian Solomon, "Airbnb Gets Business Friendly In Growth Push," *Forbes*, June 8, 2016, https://www.forbes.com/sites/briansolomon/2016/06/08/airbnb-gets-business-friendly-in-growth-push/#6d22ac9a6852.

[119] "Airbnb Expands Beyond the Home with the Launch of Trips," Nov. 17, 2016, https://press.atairbnb.com/airbnb-expands-beyond-the-home-with-the-launch-of-trips/.

[120] Katie Benner, "Airbnb Broadens Its Business With Tours and Travel Experiences," *New York Times*, Nov. 17, 2016, https://www.nytimes.com/2016/11/18/technology/airbnb-trips-travel-tours-tailored-experiences.html.

central to Airbnb's identity. Trips is also a step toward the company's eventual goal: expanding well beyond home-sharing to "capture every step of the travel process" including car and plane bookings and restaurant reservations"[121]—although it would not be a surprise if, like Uber, Airbnb launched its own credit card or in other ways extended itself further into the realm of financial capitalism.[122]

In sum, while Airbnb has continued to promote the possibility of personal connection to a point, over time it has in practice increasingly standardized in the interests of profit by coaxing hosts to make lodgings more predictable, by reaching out to business travelers, and by encouraging the provision of "authentic" acts of hospitality for a price.[123] A similar trajectory—in which an emphasis on informal personal connection is rapidly displaced by predictability and regularization, in service to a corporate bottom line—can be seen in the "ride-sharing" sector of the sharing economy. While Uber began in 2009 as a black car service with rides hailed via smartphone—summed up by its aspirational initial slogan, "Everyone's Private Driver"—its rival Lyft popularized the concept of ordinary people using their own cars to pick up passengers, as reflected in *its* early slogan, "Your friend with a car." (Uber copied the concept, calling it UberX, shortly thereafter.)[124] Lyft initially embraced the fact that being driven by an ordinary person in his or her own car would be more casual than a black car or taxi, given the less typically commercial setting. Lyft aimed to foster such an atmosphere in practice by urging riders to sit in the front seat, and drivers and riders to fist-bump at the beginning of a ride—a relatively lighthearted (and sanitary) way to establish some personal connection, while also creating a consistent identity across the platform; in a similar spirit, it had its drivers affix a large, bright

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[121] "By Launching Trips, Airbnb Hopes to Capture Every Step of the Travel Process," *The Economist* (blog), Nov. 21, 2016, http://www.economist.com/blogs/gulliver/2016/11/guide-way.

[122] Along these lines, among the start-up companies seeking to capitalize on Airbnb, one has partnered with a regional bank to provide up to $50,000 in down payment assistance to people seeking to purchase a home provided that the buyer agrees to list space in the property on Airbnb for at least 357 days per year, and to give about 70 percent of the money earned thereby to the start-up for at least one year. Kriston Capps, "This Startup Helps You Buy a House (If You Hand Over Your Airbnb Income)," *CityLab*, Sept. 20, 2017, https://www.citylab.com/equity/2017/09/loftium-pays-your-down-payment-in-exchange-for-your-airbnb-income/540207/.

[123] In an instance of corporate convergence in the pursuit of profit, it is noteworthy that even as Airbnb has aimed to become more hotel-like, hotels have tried to become more like Airbnb. In light of Airbnb's success, many hotel chains have marginally shifted away from predictability and standardization, aiming to attract travelers seeking social connection and local charm. Some hotels thus now offer communal spaces where guests can interact with each other, rather than retreat into the privacy of their rooms; hotel managers have also empowered employees "to connect with guests on a more casual basis, offering local tips not unlike an Airbnb host. 'Nowadays it's about more real interactions, which are less rehearsed or checklist-oriented but authentic.'" Elaine Glusac, "Hotels vs. Airbnb: Let the Battle Begin," *New York Times*, July 20, 2016, https://www.nytimes.com/2016/07/24/travel/airbnb-hotels.html. See also Christopher Elliott, "Big Hotels' Plan to Win Customers from Airbnb," *Fortune*, Jan. 26, 2016, http://fortune.com/2016/01/27/big-hotels-airbnb/ (noting a new Hilton brand meant to reflect "'a millennial mindset,' which it describes as 'a youthful energy, a zest for life and a desire for human connection'").

[124] The concept of people using their own cars to pick up passengers actually began with the now-defunct sharing economy company Sidecar, which launched in San Francisco in 2011, a year earlier than Uber and Lyft. Carolyn Said, "Ride-Sharing Pioneer Sidecar to Shut Down Ride, Delivery Service," *SFGate*, Dec. 29, 2015, http://www.sfgate.com/business/article/Ride-sharing-pioneer-Sidecar-to-shut-down-ride-6726144.php/. Uber, with an estimated valuation of $68 billion as of early 2017, is an estimated nine times larger (and more significant in the public consciousness) than its nearest rival, Lyft, which is in far fewer cities. Anita Balakrishnan, "Lyft Raises $500 Million Amid Turmoil at Uber," *CNBC*, Apr. 6, 2017, https://www.cnbc.com/2017/04/06/lyft-funding-round-valuation-update-500-million-round-amid-turmoil-at-uber.html.

pink, unmissable fabric "carstache" to the front of their cars.[125] Yet as Lyft sought to catch up to Uber in size and financial backing, it abandoned these features. It also dropped its initial motto, as well as its practice of individually screening new drivers. Increasingly drivers seemed not to be "putting in that much effort to provide a differentiated service," in accordance with the company's apparent goal of providing a less casual, more regular service set apart not by its character but by the price and availability of rides.[126]

As with Airbnb, Lyft's ultimate goal is to expand in order to become a more valuable company and earn more profits for its investors. Generally, this goal is served by increased standardization and predictability. To the extent this aim is served by the less formal, more personal aspects of "sharing" that characterized the start-ups at the time of their founding, the companies will retain them. But if these features appear to threaten profits by limiting growth, they are abandoned, or only a patina of the "sharing" ethos is preserved in the interests of brand continuity and customer satisfaction.

(4) Abandoning the Peer, Embracing the Marketplace

I conclude this chapter with a longer case study demonstrating the influence of finance capital on the sharing economy, specifically the impact on a group of "alternative finance" companies initially known as peer-to-peer lending platforms. In recent decades alternative finance ventures have challenged (and attempted to occupy) roles traditionally played by banks. Deregulation of banking in the 1980s in the United States and the United Kingdom opened the door to alternative finance, but banks were also increasingly seen as less attractive places for both deposits and loans for various reasons, including their relatively stagnant technology. At the same time, in the era of financialization, banks became much larger, merging with one another and increasingly engaging in proprietary trading to increase profitability, meaning they were not as accessible to those seeking smaller loans.[127] People seeking a loan to cover credit card debt or other personal obligations increasingly turned to payday lenders charging exorbitant interest rates, while small depositors increasingly preferred mutual funds to bank deposits. Compared to these options, alternative finance promised higher returns for lenders and lower costs for borrowers; particularly attractive were the new, smaller businesses known as financial technology (or "fintech") firms, which made use of technological advances to further reduce the role of the intermediary.[128] One segment of the fintech sector, peer-to-peer finance, overlaps with the sharing economy; in particular, I will look at a subsection called peer-to-peer (or "P2P") lending. Such platforms initially facilitated loans between individuals but, as I will show, under

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[125] Ryan Lawler, "Lyft Sheds Some Of Its Quirks As It Seeks New Users," *TechCrunch*, Nov. 30, 2014, https://techcrunch.com/2014/11/30/lyft-quirks/.

[126] Ibid.

[127] Banks also had to bear the costs of infrastructure and litigation, and of keeping a certain amount of assets on reserve. Lena Rethel and Timothy J. Sinclair, *The Problem With Banks* (London: Zed Books, 2012), 59-63.

[128] This technology included "increasingly cheap cloud computing and storage, business analytics and speedy mobile internet on smartphones." Carla Bonina, "A Wave of Financial Tech Firms Is Shaking Up the World of Banking," *The Conversation*, Feb. 4, 2015, http://theconversation.com/a-wave-of-financial-tech-firms-is-shaking-up-the-world-of-banking-36996. According to Bonina, banks remained wedded to increasingly outdated information systems in the 1990s and 2000s to the point of becoming "moribund." See also Prableen Bajpai, "The Rise Of Peer-To-Peer (P2P) Lending," *Nasdaq*, Sept. 27, 2016, http://www.nasdaq.com/article/the-rise-of-peertopeer-p2p-lending-cm685513 (noting that banks tended to employ "time consuming, lengthy and rigid" loan approval procedures).

the pressures of financial capitalism increasingly focused on loans between individuals and institutional investors, to the point that the very name peer-to-peer lending was abandoned.[129]

The first companies to specialize in peer-to-peer lending slightly pre-dated the financial crisis (and the emergence of the sharing economy), although even more so than with the sharing economy generally, the crisis was a boon for these platforms. The pioneering companies—Zopa, which appeared in 2005 in the U.K., and Prosper Marketplace and Lending Club in the United States, in 2006 and 2007 respectively[130]—matched investors willing to finance loans with borrowers seeking funds, often using an auction model to set up matches. Through P2P lending people could obtain relatively small consumer loans to finance purchases such as a new car, home renovations, or even medical services; to refinance other loans, or (in many cases) to pay off credit card debt. Some platforms specialized in student and real estate loans.[131] The platforms did not fund borrowers themselves, arranging loans through independent banks; the platforms serviced the loans and passed proceeds on to lenders.[132]

Peer-to-peer lending in its original concept thus involved a "platform company working entirely online to connect individual borrowers to lenders," much as Uber arranges rides or Airbnb arranges lodgings among "peers."[133] Like other sharing economy businesses that emphasize getting the most value out of one's underutilized assets—a notion discussed further in the next chapter—P2P lending in a sense allows for the ultimate asset, cash itself, to be more efficiently "shared" when it is being "underutilized," where "underutilized" is defined as not bringing in as much return on investment as it might. But also like other sharing economy businesses, the platforms initially emphasized the interpersonal, informal aspects of "sharing" one's savings, albeit for a profit—even promising a "'return' to informal and direct lending within a community of trusted peers."[134] In 2008, for example, Prosper's founder and chief

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[129] Related fintech business models include equity crowdfunding, in which funds are exchanged for an ownership interest in a company; rewards-based crowdfunding platforms such as Kickstarter and Indiegogo through which people pay to receive a good or service, usually at a future date; and charity crowdfunding platforms enabling people to support causes without getting anything tangible in return. "The Ultimate Crowdfunding Guide," *CrowdFund Insider*, http://www.crowdfundinsider.com/the-ultimate-crowdfunding-guide/, accessed Nov. 27, 2017. All of these fintech models may also be considered part of the shadow banking sector, defined as "all financial intermediaries that perform bank-like activity but are not regulated as one." "How Shadow Banking Works," *Economist* (blog), Feb. 1, 2016, http://www.economist.com/blogs/economist-explains/2016/02/economist-explains-0.

[130] Today, along with Zopa, major UK platforms include RateSetter and FundingCircle; in the US, Lending Club and Prosper have been joined by Social Finance (SoFi), which specializes in student loan refinancing, mortgages and personal loans, and OnDeck Capital and Kabbage, which specialize in small business loans.

[131] As of September 30, 2017, Lending Club's average loan size was $14,726 (with a maximum of $50,000); 3-5 year terms are typical. "Lending Club Solutions for Institutions," Lending Club, https://www.lendingclub.com/public/institutional-overview.action.

[132] Prosper and Lending Club loans are made by the FDIC-insured WebBank. The platforms "then purchase the loan and issue a corresponding note for that loan to the lender." William S. Warren, "The Frontiers of Peer-to-Peer Lending: Thinking About a New Regulatory Approach," *Duke Law and Technology Review* 14, no. 1 (2015-16): 302, https://scholarship.law.duke.edu/dltr/vol14/iss1/13/.

[133] Jocelyn R. Sirois, Lynn Hnatick and Katrina Wagner, "OSC Approves Canada's First Peer Lending Platform," *MLT Aikins Insights*, Oct. 4, 2016, http://www.mlt.com/corporate-finance-securities/osc-approves-canadas-first-peer-lending-platform/.

[134] Alexandra Mateescu, "Peer-to-Peer Lending," *Data & Society Research Institute*, July 1, 2015, https://datasociety.net/pubs/dcr/PeertoPeerLending.pdf, 4.

executive said P2P lending "harked back to an age when borrowers and lenders knew one another personally," calling it the "simplest form of pure banking there is."[135]

One of the most distinctive aspects of P2P platforms at the start was that they gave non-traditional information a prominent place in determining interest rates, incorporating such information into proprietary statistical algorithms said to be more efficient and more accurate than the hidebound methods used by banks at assessing the creditworthiness of potential borrowers. Although the platforms began with traditional measures such as consumer credit scores, credit histories and debt-to-income ratios, they might augment this information with data gleaned from sources such as social media postings and search engine histories. For example, borrowers who arrived at the platform's website via a debt education site might receive a better rate.[136] Peer-to-peer platforms also offered more detailed prospective borrower profiles to help lenders decide how much risk a particular loan might entail. In fact, initially, lenders could personally decide at what rate to lend money to a borrower partly on the basis of "social factors" such as "how compelling the borrower's reason is for a loan or whether he or she shares hobbies with the lender."[137] On the Prosper platform, would-be borrowers might publicly disclose personal details, such as "stories of hardship and photos of cute pets," in addition to their credit history.[138] The company also allowed lenders to interview each applicant one-on-one online. Lending Club began as a service open to only registered Facebook users; prospective borrowers would post loan requests on Facebook.[139] Although it opened up lending to anyone several months later, for a time it continued to automatically create a portfolio for lenders based on information drawn from Facebook profiles where available.[140] The platforms initially argued that these interpersonal elements not only made lending more "social" and transparent but also less

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[135] Brad Stone, "Lending Alternative Hits Hurdle," *New York Times*, Oct. 16, 2008, http://www.nytimes.com/2008/10/16/technology/start-ups/16peer.html.

[136] Kris Devasabai, "Hedge Funds, Securitisation and Leverage Change P2P Game," *Risk*, Oct. 1, 2014, http://www.risk.net/risk-magazine/feature/2372612/hedge-funds-securitisation-and-leverage-change-p2p-game. These algorithms took the place of banks' loan officers, who in addition to the standard data relied on their expertise, training, intuition, and so-called "soft information," subjective assessments based on personal interaction with borrowers. Anat Admati and Martin Hellwig, *The Bankers' New Clothes: What's Wrong with Banking and What to Do About It* (Princeton, NJ: Princeton UP, 2013), 50; Jonathan McMillan, *The End of Banking: Money, Credit, and the Digital Revolution* (Zurich: Zero/One Economics GmbH, 2014), 119.

[137] Kathy Chu, "Peer-to-Peer Lending Hits Its Stride," *ABC News*, Dec. 26, 2007, http://abcnews.go.com/Business/story?id=4050925&page=1. P2P loans are riskier than bank loans since they are unsecured, i.e. not protected by an asset or collateral, unlike bank loans. Neither the US Federal Deposit Insurance Corporation nor the UK's government-backed Financial Services Compensation Scheme covers P2P investments; traditional bank savers are covered up to $250,000 in the US and up to £75,000 in the UK. Rates of default on P2P platforms have generally dropped over time, however; Lending Club's average default rate has dropped from almost 15 percent in 2007 to about 5 percent. http://www.lendingmemo.com/lending-club-prosper-default-rates/. Defaults have dropped as platforms have engaged in increasingly stringent screening of loan applicants. Mateescu, "Peer-to-Peer Lending," 13. To further reduce risk, most P2P lenders break up loans (even small ones) and distribute chunks of each loan among dozens of lenders. Lending Club allows lenders to invest in fractions of loans in increments as low as $25; each portion of a loan is referred to as a note, and most investors (today often aided by automated investing tools) hold a portfolio of numerous notes from different loans.

[138] Stone, "Lending Alternative Hits Hurdle."

[139] Daniel Wolfe, "Facebook Adds P-to-P Loans to Networking Site," *American Banker*, May 29, 2007, https://www.americanbanker.com/news/facebook-adds-p-to-p-loans-to-networking-site.

[140] Daniel Wolfe, "Peer-to-Peer Loan Sites See Room to Grow," *American Banker*, Sept. 17, 2007, https://www.americanbanker.com/news/peer-to-peer-loan-sites-see-room-to-grow.

risky; people were more likely to repay loans obtained through these platforms than through a bank, it was said, because of the more intimate relationships between individual lenders and borrowers. Unlike with a traditional bank loan, with P2P lending "the borrower is not faceless"[141]—and neither is the lender. People might feel more obligated to pay back a loan when imagining people not unlike themselves on the other end.

The interpersonal elements were so central to the P2P model that in 2007, Lending Club's chief operating officer John Donovan predicted that despite the company's expected expansion, he did not "expect it to abandon its model of focusing on connecting borrowers and lenders within affinity groups"[142]—a prediction that would turn out to be entirely wrong. Shortly after Donovan made his claim came the 2008 financial crisis, which led the P2P platforms to quickly draw more customers, as banks found themselves "hamstrung by new regulation" and thus forced to cut back on lending.[143] With interest rates at historic lows, P2P loans promised better returns to investors while offering credit to small businesses and consumers at a time when "the flow of bank lending … cut down to a trickle."[144] The crisis also raised concerns about the stability of the banking industry, making borrowers more willing to consider new sources of credit. Given the success enjoyed by individual investors, and the attention P2P lending was garnering, financial capitalists took notice—so much so, in fact, that they soon came to dominate the platforms with their overwhelming funds. In the years after the crisis, the industry's growth was driven "primarily by a surge in demand from hedge funds and other large institutional investors."[145]

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[141] Esther Shaw, "Make Up to 10pc: Loan Your Cash to Strangers," *Daily Telegraph*, Apr. 5, 2008, https://www.pressreader.com/uk/the-daily-telegraph-your-money/20080405/281646775856332.

[142] Wolfe, "Peer-to-Peer Loan Sites See Room to Grow." At the time the company was also planning to create "affinity relationships" with universities and military groups.

[143] Oscar Williams-Grut, "Deloitte Just Trashed the Hype Around a $180 Billion Fintech Market," *Business Insider*, May 23, 2016, http://www.businessinsider.com/deloitte-report-marketplace-lending-not-significant-players-peer-to-peer-2016-5?r=UK&IR=T. One study concluded that P2P lending grew partly due to the financial crisis, in that it caused lending platforms to enter countries more affected by the crisis and that had more "undercapitalized" banks. Beyond this, however, the financial crisis did not seem statistically significant. However, the study did not address the specific question of whether and how the crisis affected the interest of *investors* in P2P lenders. Olena Havrylchyk, Carlotta Mariotto, Talal Rahim and Marianne Verdier, "What Has Driven the Expansion of the Peer-to-Peer Lending?", Oct. 16, 2017, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2841316.

[144] Trevor Clawson, "A Pointer To The Future? Santander Backs Crowdfunding Platform To Boost Social Enterprise," *Forbes*, Oct. 6, 2016, http://www.forbes.com/sites/trevorclawson/2016/10/06/a-pointer-to-the-future-santander-backs-crowdfunding-platform-to-boost-social-enterprise/#691556148122. Demands for new loan sources existed on "both sides of the balance sheet," meaning from depositors seeking better returns and borrowers looking for new places to obtain loans. Rethel and Sinclair, 58. Indeed, "borrowers paying 18% on their credit-card balance found they could take out a peer-to-peer loan charging 14% instead," while "low interest rates meant savers were open to new investment opportunities, including lending their money to perfect strangers on the internet." "From the People, for the People," *The Economist*, May 9, 2015, https://www.economist.com/news/special-report/21650289-will-financial-democracy-work-downturn-people-people.

[145] "Trends in Marketplace Lending: An Overview," Millennium Trust Company, https://www.mtrustcompany.com/sites/default/files/uploads/docs/Marketplace-Lending-Whitepaper.pdf. Peer-to-peer lending also began to spread around the globe, especially in China, where traditional banks tended to lend mainly to state-owned companies rather than individual consumers; hundreds if not thousands of Chinese P2P lending platforms sprang up, with outstanding loans worth over $90 billion. The sector's rapid growth and "Wild West aspect" led China's banking regulator to adopt aggressive oversight measures, after having maintained a hands-off approach. Neil Gough, "Snooping in the Bathroom to Assess Credit Risk in China," *New York Times*, Oct. 10, 2016, https://www.nytimes.com/2016/10/11/business/international/snooping-in-the-bathroom-to-assess-credit-risk-in-china.html.

In this sector, then, venture capital did not just *fund* the platforms; financial capitalists themselves became "providers" *on* the platforms, a process some have called "reintermediation" by the banks. For alongside hedge funds and other large institutional investors, the biggest banks also got in the game, buying up P2P loans, partnering with P2P platforms, and formulating plans for competing platforms.[146] These developments occurred mainly in 2012 and 2013; by 2014, nearly 60 percent of the $1.1 billion in loans originated via Lending Club were "snapped up by asset managers, banks, hedge funds, insurance companies, pension funds and other institutions," while about two-thirds of Prosper's loans went to these types of investors. This "deluge of institutional money" allowed the P2P platforms to "rapidly scale up their operations, becoming credible competition for credit card companies and traditional bank lenders."[147] Far from displacing banks as they originally claimed to be out to do, then, P2P lending platforms became increasingly entwined with finance capitalism, even more so than other sharing economy enterprises given the financial nature of P2P lending to begin with. As with Airbnb, however, this was not a hostile takeover by financial capitalists. Even though the platforms' initial rationale was to bypass the banks by directly linking lenders and borrowers, they ended up *willingly* sacrificing much of their peer-to-peer identity as it became clear that finance capital would provide them the funds needed to rapidly grow.[148] By buying into and partnering with P2P platforms, then, large banks essentially thwarted the P2P platforms' project of disintermediation.

As a result, the structure of the platforms has changed in several significant ways. Whereas loans had been divided into fractions and spread among multiple individual lenders to reduce risk, institutional investors now crowded out these small players by purchasing whole loans. Bundles of P2P loans were also securitized and given credit ratings, further integrating them into financial markets.[149] Moreover, the platforms began replacing the individualized, loan-

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[146] These included Société Générale, Goldman Sachs and Royal Bank of Scotland. Spanish banking giant Santander was one of the most aggressive internationally, acquiring up to a quarter of loans originating on Lending Club and referring some U.K. customers to it. Devasabai, "Hedge Funds, Securitisation and Leverage Change P2P Game." Regional and community banks also struck deals with the platforms to purchase loans and refer customers.

[147] Devasabai, "Hedge Funds, Securitisation and Leverage Change P2P Game." Outside the U.S. the institutional intrusion has been smaller, but significant; in 2015, about a quarter of European P2P lending was funded by pension funds, mutual funds, asset management firms and banks. Bryan Zhang, Tania Ziegler, John Burton, Kieran Garvey, Robert Wardrop, Alexis Lui, and Alexander James, "Sustaining Momentum: The 2nd European Alternative Finance Industry Report," *Cambridge Centre for Alternative Finance*, Sept. 2016, https://assets.kpmg.com/content/dam/kpmg/xx/pdf/2016/09/sustaining-momentum.pdf. This regional difference may be explained by the SEC's decision to regulate P2P loans in the U.S. as investments, which led P2P lenders to package their loans as securities, making them more attractive to institutional investors. The U.K. market has been increasingly taken over by institutional investors as well, following greater government regulation and recognition of P2P loans. Chris Skinner, "Social Lending Is Not So Social," Sept. 7, 2015, https://blogs.sap.com/2015/09/07/social-lending-is-not-so-social/.

[148] Although lending platforms have attracted much venture capital and been profitable for many lenders, the platform themselves (as is the case with Uber, Lyft, and other sharing economy enterprises) have struggled to turn a profit. Despite facilitating almost £3 billion of loans between them, Zopa and Funding Circle have lost at least £50.5 million since 2005; as of 2016 Funding Circle had never made a profit, while Zopa made a small profit 2 years running, totaling less than £60,000. Oscar Williams-Grut, "Britain's 2 Biggest Peer-to-Peer Lenders Lost £50 Million in the Last Decade," *Business Insider*, July 29, 2016, http://www.businessinsider.com/profit-loss-uk-peer-to-peer-funding-circle-zopa-ratesetter-marketinvoice-lendinvest-2016-7?r=UK&IR=T. Given such losses, some speculated that P2P lenders were not likely to threaten the major banks, and would fail to become "significant players in terms of overall volume or share." Even if that were the case, though, the banks could still profit from investing on the new platforms and partnering with them in other ways. Williams-Grut, "Deloitte Just Trashed the Hype Around a $180 Billion Fintech Market."

[149] Skinner, "Social Lending Is Not So Social."

specific investment decisions that once characterized P2P lending in favor of "autobidding" mechanisms and other financial tools to help sophisticated investors get the best possible returns. By early 2015, the sector had become so closely tied to financial capitalism that P2P loans were almost considered a "conventional alternative asset class."[150] Finally, the "dream" of P2P lending had been that loan risk would be borne "by individual lenders, who have a direct, contractual relationship with individual borrowers," rather than by the platforms themselves. But over time the platforms came to take on some balance sheet risk, making them more than just platforms; they might assume risk to cushion declines in loan demand, or to facilitate faster loan underwriting in certain cases—overall, "in order to support the functioning of the market" they created.[151] In creating and taking necessary steps to sustain a marketplace, the companies thus come to act much as the neoliberal state is encouraged to do with markets more generally. For, as David Harvey explains, according to neoliberal theory, the state's role is "to create and preserve an institutional framework appropriate to" the preservation of individual freedoms and private property rights. "Furthermore, if markets do not exist (in areas such as land, water, education, health care, social security or environmental pollution) then they must be created, by state action if necessary."[152]

As for the character of the P2P lending platforms, they are no longer set apart by the more personal, social elements that once differentiated them from banks. In this development their trajectory is similar to that of Airbnb and Lyft under the influence of financial capitalism described in the previous section. What makes the case of P2P lending particularly noteworthy is that its leading companies are no longer even *trying* to maintain much of a connection to "sharing," either in practice or rhetoric. In the spring of 2014, major P2P lending executives met in San Francisco and decided to rebrand their industry "marketplace lending"—an unusual example of sharing economy businesses choosing to voluntarily adopt an explicit association

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[150] Patrick Jenkins and Tracy Alloway, "Democratising Finance: Big Banks Eye Peer-to-Peer Lending Push," *Financial Times*, Jan. 28, 2015, https://www.ft.com/content/93837c4a-a6db-11e4-9c4d-00144feab7de. One financial journalist wrote that the platforms operated like asset managers, taking a fee for managing money and connecting investors with products. Kadhim Shubber, "The Curious State of UK 'Peer-to-Peer' Lending," *Financial Times* (blog), Feb. 11, 2016, http://ftalphaville.ft.com/2016/02/11/2152940/the-curious-state-of-uk-peer-to-peer-lending/. Shubber envisions P2P lending in the UK on a spectrum, not unlike the spectrum I describe in the introduction. For him, at one end of this spectrum (what would be the left end in my version) are the "pure—and ultimately mythical—peer-to-peer marketplaces" and on the other end is "old finance"; the path between them is littered by "a whole host of various UK online lenders."

[151] Kadhim Shubber, "P2P Lending Rediscovers Balance Sheet Magic," *Financial Times* (blog), Sept. 19, 2016, http://ftalphaville.ft.com/2016/09/19/2175309/p2p-lending-rediscovers-balance-sheet-magic/.

[152] Harvey, *A Brief History of Neoliberalism*, 2.

with the marketplace.[153] Instead of pretending to set up borrowers and lenders directly, marketplace lenders now more accurately describe themselves as creators and arbiters of markets in which buyers and sellers—who may be individual "peers," but who more likely today are banks and hedge funds—interact. "Marketplace lending" also likely signals to prospective major and institutional investors accustomed to neoliberal apotheosizing of the market that these platforms are safe and desirable places to put their money, characterized by the financial competition and risk-taking assumed essential to maximizing one's capital and scoring the highest possible profits. In the end, the peer-to-peer label no longer fit platforms whose customers increasingly were not regular people but institutional investors, hedge funds, and banks themselves, and whose decision-making processes had become "automated and institutionalized."[154]

Some traces of the initial peer-to-peer framing do remain on some of the "marketplace lending" platforms.[155] But no other sector has so openly shed the language of sharing in favor of an embrace of the marketplace as a result of this imbrication with major capitalist players; Airbnb and Lyft, for instance, have held on to the claim that they promote interpersonal connection despite critics claiming such talk is empty jargon aimed at covering up corporate aims, implausibly stretching the definition of "sharing." Uber, Airbnb and other companies do also insist that they are mere platforms, which is beneficial in enabling them to claim their providers are independent contractors and thus not entitled by law to various protections and benefits. But this is a step short of declaring themselves "marketplaces," a word and concept at the heart of neoliberalism.

In a final indignity to those who once celebrated P2P lending as a "democratic innovation with the power to usurp a discredited banking industry," marketplace lenders have rediscovered the importance of the small-dollar individual lender—but not for reasons having anything to do with sociality or personal connection among peers.[156] Rather, Lending Club and similar

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[153] Tracy Alloway and Emma Dunkley, "Democratising Finance: P2P Lenders Rebrand and Evolve," *Financial Times*, Jan. 28, 2015, https://www.ft.com/content/eed90b1e-9c13-11e4-a6b6-00144feabdc0. UK companies have been slower to abandon the peer-to-peer label; the British industry association remains the UK Peer to Peer Finance Association, and Zopa still describes itself as engaged in peer-to-peer lending, which, it says, means "lending money to individuals, or 'peers', without going through a traditional financial intermediary such as a bank." https://www.zopa.com/lending. However, there has been skepticism that there is anything "peer-to-peer" about the business as it now stands; one former top UK bank regulator was skeptical about the "peer-to-peer and fintech narrative that it is reinventing the wheel when it comes to finance," calling much of the rhetoric "hype" and noting that marketplace lenders and banks now differ little in their underwriting approaches. Oscar Williams-Grut, "The Ex-Finance Watchdog Who Trashed Peer-to-Peer Lending Now Says It Could 'Make Credit Crunches Less Likely'," *Business Insider*, Oct. 11, 2016, http://www.businessinsider.com/lord-adair-turner-on-peer-to-peer-lending-and-fintech-2016-10. Shubber has argued that UK companies should abandon or at least re-examine "the assumption that there is something called 'peer-to-peer lending' that is different from the rest of finance in a meaningful sense"; companies retain the P2P label, he wrote, to shield them from appropriate regulation given the risk their businesses entail. Shubber, "The Curious State of UK 'Peer-to-Peer' Lending."

[154] JD Alois, "Has Peer-to-Peer Lending Turned into Hedge Fund-to-Consumer Lending?", *CrowdFund Insider*, Oct. 1, 2014, http://www.crowdfundinsider.com/2014/10/51371-peer-peer-lending-turned-hedge-fund-consumer-lending/.

[155] Prosper, for instance, although it now bills itself as "America's first marketplace lending platform," claims that it "allows people to invest in each other in a way that is financially and socially rewarding." The language of "investing in each other" and being "socially rewarding" is a lingering rhetorical link to the platform's substantive ties to the sharing economy. "About Us," Prosper, https://www.prosper.com/plp/about/, accessed Nov. 27, 2017.

[156] Jenkins and Alloway, "Democratising Finance: Big Banks Eye Peer-to-Peer Lending Push."

platforms came to see that maintaining a large base of individual investors could shore up the companies' own revenue streams in the event that institutional investors pulled back in the face of rising default rates on riskier loans.[157] In other words, ordinary people are being welcomed back to the platforms not in order to cut out the banks and bring those people closer together, but as a means of hedging against changes in the behavior of those institutional investors that are now the platforms' main focus. In a further irony, on the other side of the balance sheet, the involvement of institutional investors has actually made it easier for "ordinary people" to receive loans. By increasing the demand for loans (now packaged via securitization), institutional investors caused the platforms to approve more loans, inevitably including riskier bets that earlier might have been rejected. In a similar way, mortgages were too readily extended in the years leading up to the 2008 financial crisis, so that financial capitalists could profit even if those borrowers were left without homes—and the citizenry as a whole was left footing the bill. The same concern is present here, in the case of freely-made loans; people in need of a loan at a non-exorbitant interest rate may be grateful in the short run, but in the end, it may be only the finance capitalists who stand to gain, while the rest of society is left holding the bag.[158]

The next chapter concerns the way neoliberalism uses sharing platforms to further its conception of the subject. The preceding consideration of the transformation of peer-to-peer lending into marketplace lending provides an apt demonstration of this idea of and effect on the subject, however, so I turn to it briefly here. There is a significant difference in the way individuals are regarded in the two frames. The phrase "peer-to-peer" lending implies that both parties are seen as persons worthy of respect; the concept of the peer suggests rough equality and a sense of the subject as more than a mere economic actor, even as a person standing outside of and prior to capitalism. As Michel Bauwens argues, peer-to-peer projects are "characterized by equipotentiality or 'anti-credentialism' … [meaning that] projects are open to all comers provided they have the necessary skills to contribute to a project."[159] Everyone can be a peer, and all are welcomed into common projects if they have something to contribute. By contrast, in "marketplace" lending both borrowers and lenders are seen first and foremost as economic actors —what Foucault called *homo oeconomicus*, or man as an economic subject. Foucault argued that neoliberalism turns away from classical liberalism's focus on exchange in favor of an emphasis

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[157] Platforms grew concerned that institutional investors were using automated "algorithms that scour platforms and automatically bid on loans that meet the right criteria" to monopolize the highest quality loans, leaving only the poorest bets for individual investors. Devasabai, "Hedge Funds, Securitisation and Leverage Change P2P Game." In the interest of improving its "stability and predictability, particularly in an economic downturn," Lending Club has thus moved to cap such "wholesale funding" at under 50 percent while investing in technology aimed at the company's 100,000 active "retail investors" via online financial advisers and retirement accounts. Ben McLannahan, "Lending Club Rediscovers Its Peer-to-Peer Roots," *Financial Times*, Mar. 21, 2016, https://www.ft.com/content/9e966ff2-ed48-11e5-9fca-fb0f946fd1f0. Similarly, Prosper has allocated a random selection of loans to retail investors and enacted purchase and speed limits on investor trading in an effort to provide greater opportunity for individual investors. Devasabai, "Hedge Funds, Securitisation and Leverage Change P2P Game."

[158] "[T]he fear is that P2P lenders will ramp up origination before the strengths and weaknesses of their underwriting methods are properly understood, or simply lower underwriting standards, so repeating the mistakes that helped to fuel the subprime mortgage crisis." Devasabai, "Hedge Funds, Securitisation and Leverage Change P2P Game."

[159] Although peer-to-peer networks do not formally require reciprocity, people operating with them "voluntarily and cooperatively construct a commons according to the communist principle: 'from each according to his abilities, to each according to his needs.'" Michel Bauwens, "The Political Economy of Peer Production," *CTheory*, Dec. 1, 2005, http://www.ctheory.net/articles.aspx?id=499.

on competition.[160] The lending "marketplace" embodies this priority of competition. No goods are produced and exchanged, as in the idealized marketplace of Adam Smith; rather, lenders are buyers and sellers of fractions of capital, competing on the platforms to offer borrowers the most attractive rates and to snatch up the most desirable loans. Borrowers in the lending "marketplace" are seen as dehumanized persons from whom the maximum profit is to be extracted. In sum, whereas "peer-to-peer" conjures a meeting of equals, and raises associations with helping out a friend or colleague in need, the idea of the "marketplace" invokes commerce, competition, haggling, and the pursuit of profit. The platforms' initial framing of themselves as peer-to-peer lenders evokes a more humane, complex view of the subject than the marketplace frame by which it was superseded.

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Before the neoliberal era, corporate decision-makers were motivated by an array of factors including, but not limited to, maximizing profits; other considerations might have included the company's reputation over the long term, its relations with labor, its responsibilities to a local community, and the quality of the goods it produced. Even today in Silicon Valley, according to Nick Bilton, many of the most successful entrepreneurs "aren't simply out to get rich. This isn't really quite about wealth or avarice for Kalanick, Jack Dorsey, Mark Zuckerberg, or so many other successful chiefs, most of whom are already rich beyond belief." Rather than money, what motivates these tech titans is simple: "it's all about winning. It's about putting a proverbial dent in the universe." For these entrepreneurs, then, to win is to have a major, lasting impact on society. But for the venture capitalists who back these start-ups, as for most key decision makers in financial capitalism, the motivation is quite different, and equally simple. For them, "it's about the money."[161] In this chapter I have argued that finance capital has shaped the nature of contemporary sharing platforms to an extraordinary degree, diluting or fully rejecting their informal nature and more social orientation—an orientation that included at least some interest in bringing people together in meaningful ways, even if the profit motive was ever-present as well. What would have happened had ultra-rich venture capital firms and other major investors not discovered the lucrative promise of these sharing platforms? On the one hand, the platforms' reach would have been a fraction as wide, meaning far fewer people would have participated in and benefited from them. On the other hand, the social and political benefits provided by the platforms could well have been much greater, as I will show in Chapter Four in the case of Couch Surfing before it became a for-profit organization.

Whether these benefits would have accrued to society at large to such an extent as to outweigh the benefits achieved through the platforms' professionalization under the thumb of financial capitalists cannot be known. But the rebranding of peer-to-peer lending as marketplace lending, in addition to being an especially transparent manifestation of the changes that the sharing economy as a whole has undergone in its first decade, could also help show a way

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[160] Jason Read, "A Genealogy of Homo-Economicus: Neoliberalism and the Production of Subjectivity," *Foucault Studies* no. 6 (Feb. 2009): 26-27, https://philpapers.org/rec/REAAGO.
[161] Bilton, "The Chilling Reason Behind Travis Kalanick's Abrupt Resignation from Uber."

forward. That is, in willingly forgoing the sharing economy's communal rhetoric, P2P lending platforms may have done a favor to those genuinely interested in "democratizing banking." With the corporate platforms having largely abandoned the peer-to-peer lending model, less commercial, more communally-oriented alternatives could take their place. These could take the form of platforms run by credit unions, community banks or other non-profit financial entities. Credit unions show particular promise; despite their immense reach, urban planner Gabriel Metcalf argues, credit unions have not yet maximized their "enormous potential" to be more than substitutes for banks.[162] If the peer-to-peer lending model were employed by these organizations, its benefits might be extended not just to the individuals and small businesses it has served until now, but also to those low- and middle-income individuals in greatest need of credit, people who otherwise would be forced to deal with often usurious payday lenders.

[162] Metcalf also founded sharing economy nonprofit City CarShare. He writes that "[i]n the annals of alternative institutions, the credit union movement is probably one of the most successful…. But there is enormous *potential* for them to be more than [banks], to provide a source of financing for rooted, socially responsible forms of business. A legacy from earlier waves of alternative institution building, they could play a bigger role in a new wave." Gabriel Metcalf, *Democratic by Design: How Carsharing, Co-Ops, and Community Land Trusts Are Reinventing America* (New York: St. Martin's Press, 2015), 61 (emphasis in original). As of 2015, 102.7 million Americans—almost 1 in 3—were members of federally insured credit unions, which controlled $1.2 trillion in assets. "Credit Union Deposits Surpass $1 Trillion," National Credit Union Administration, Mar. 3, 2016, https://www.ncua.gov/newsroom/Pages/news-2016-march-call-report-data.aspx. There are also around 7,000 community banks in the U.S., despite waves of consolidation in the banking industry.

Win One for Yourself:
Sharing Platforms and the Neoliberal Game of Life

Driving for Uber or Lyft, or participating as a provider via other sharing platforms such as Airbnb and TaskRabbit, can seem like a kind of game—Can I beat the odds? Can I make this gig worthwhile? Can I do better than all the other players (drivers)? Can I win at this new game of life? In fact, there *is* a game ordinary people can play to determine whether they would prevail at making any money through Uber driving. Devised by reporters for the *Financial Times*, the interactive online "news game," as they call it, is based on interviews with dozens of Uber drivers.[163] The game is seemingly intended to demonstrate and bring attention to the fact that driving for Uber is a precarious type of work that only *might*, under the right circumstances, be profitable. (See Fig. 1, the game's first page.) Set in San Francisco, the game takes players step-by-step through a typical weekend in the life of an Uber driver. In the style of the popular old "Choose Your Own Adventure" books, each screen prompts the player to make a choice, a decision that could make the difference between whether you make or lose money at the end of

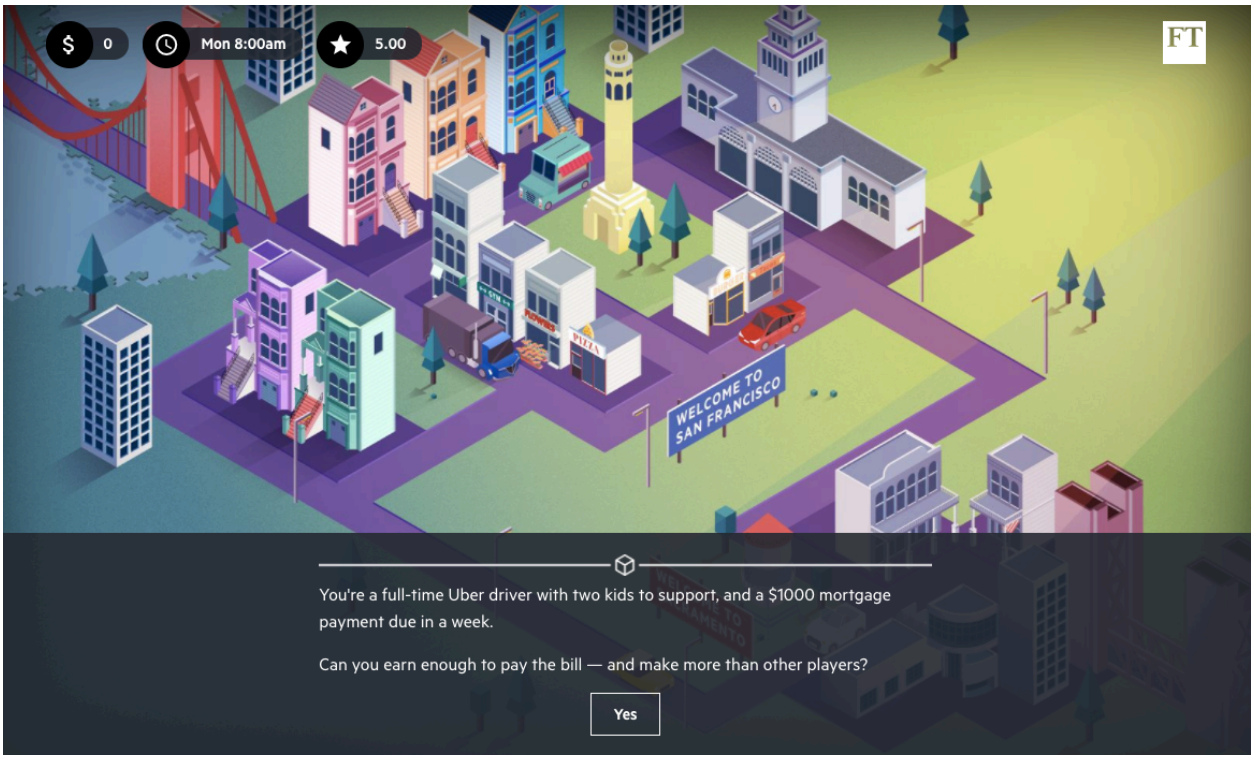

Fig. 1

[163] "The Uber Game: Can You Make it in the Gig Economy?", *Financial Times*, 2017, https://ig.ft.com/uber-game/.

the weekend, or break even. Your identity is given to you at the start of the game: "You're a full-time Uber driver with two kids to support, and a $1000 mortgage payment due in a week." The challenge? "Can you earn enough to pay the bill—and make more than other players?"[164]

The "Uber Game" may be read as a meta commentary on the sharing economy, which can itself be considered a game produced by neoliberalism—a game in which not only those on society's lowest rungs (or worried they might someday end up there) are made to prove their mettle by competing against one another for meager scraps, but in fact in which *everyone* is made to at least consider being a contestant. The game itself can be seen as allowing people who may be more financially secure (they are *Financial Times* readers, after all) to pretend their livelihoods may actually be on the line. From the comfort of one's computer, someone who might never actually need or want to be an Uber driver can "play" one. At the same time, the mere act of playing the game could also produce a kind of anxiety in the player, who may think, "Wait, I don't want to end up like this Uber driver… I should stop procrastinating and *get to work*."

Four features of the Uber Game in particular reflect neoliberal principles that I will be discussing in the coming pages, though these meanings were likely not (consciously) intended by the game's designers. First, at the beginning of the game (as shown in Fig. 1) you are asked whether you are up for the challenge. Interestingly, however, there is only one option: "Yes." There is no opportunity to decline the challenge, or to contest the premise of the game itself—your only option is to play, or to reject the game altogether by closing your browser and, in a sense, "giving up." But who doesn't want to say "Yes" when asked to play a game? As in neoliberalism more generally, the game offers the *appearance* of individual choice and the operation of free will, when in fact it offers only one option. If you want to support yourself and your family, and survive in society, you have to play along, and it had better be with a positive attitude.[165] Second, the objective of the game is two-fold: earning enough to pay your mortgage, and "mak[ing] more than other players." In the Uber Game, as in neoliberal life, the goal is not merely to provide for oneself and be content on one's own terms; it is always about competition and aiming to get ahead, even if nearly all will in fact fall farther behind. Indeed, it is only *by* competing and aiming to get ahead that one can provide for oneself and one's family. Along these lines, neoliberal ideology peddles the idea that one's ability to succeed economically is based largely on taking risks and making the right decisions—not on contingencies out of one's control, or on the way the system itself is structured.

Third, there is only one direction in this game: forward. Once you start playing, there is no way to go "back," to undo and change one of your answers. Where you have been doesn't matter; the only thing that matters is the choice on the screen in front of you. Your only other option, again, is to close your web browser and thus, essentially, be a quitter: one of neoliberalism's bogeymen. Fourth and finally, as in much of life in the neoliberal era, the

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[164] Ibid.

[165] In this way the game reflects Foucault's argument that neoliberalism gives the "fundamental human faculty of *choice*" pride of place while at the same time seeing the person as *"manipulable man,* man who is perpetually responsive to modifications in his environment. Economic government here joins hands with behaviourism." Colin Gordon, "Governmental Rationality: An Introduction," in Michel Foucault, *The Foucault Effect: Studies in Governmentality*, eds. Graham Burchell, Colin Gordon, and Peter Miller (Chicago: U of Chicago P, 1991), 43.

relevant data are prominently displayed at all times. Tellingly, there are three types of such data: how much money you have earned, how much time has elapsed; and your current star rating. As the player, it is your task to pull off the impossible, and balance all three perfectly. Watching your reputation score and your bank account fluctuate as you race against the clock, you can't help but feel the stress rising—which makes you want to keep playing, to prove you can meet the challenge that has been thrust upon you.

In 1981, Margaret Thatcher said, "Economics are the method; the object is to change the heart and soul."[166] In this chapter I consider how the sharing economy contributes to and reflects the ongoing neoliberal attempt to change the "heart and soul." I argue that sharing platforms promote a notion of the subject as one who is atomized, competitive, and depoliticized, and one who is left to sink or swim on his or her own, without a social safety net. Indeed, sharing platforms are the perfect tool for the neoliberal subject conceived as a fragmented "jumble of assets" in Philip Mirowski's words, or "entrepreneurial, self-reliant, and responsible," as Martijn Konings puts it.[167] Yet even as the sharing economy pushes individuals to take responsibility for maximizing their own productivity, it also exploits the desperation of the working classes, and those worried about falling below the middle class—a desperation and a worry that neoliberalism has greatly worsened.

(1) What Neoliberalism Thinks the Self Is, and Wants it To Be

Neoliberalism has enormous consequences not only for the economy and role of the state, but also for the way people are perceived, and the way they think about (and judge) themselves and those around them. Applying the logic of neoliberalism to the individual, Mirowski writes that the neoliberal self is fragmented, "supple, modular, and plastic"—broken down into component parts, able to respond quickly to the demands of the economy and society in which it is located, reducible to data points. Seeing the self in this way, he says, "begins when the agent is brought face to face with the realization that she is not just an employee or a student, but also simultaneously a product to be sold, a walking advertisement, a manager of her resume, a biographer of her rationales, and an entrepreneur of her possibilities."[168] Later in this dissertation I will discuss the idea of the literal face-to-face encounter; here, though, Mirowski comments that neoliberalism forces a kind of metaphorical reckoning with neoliberal ideology itself—one comes to realize that he or she is not seen as, and may not be, a whole person with a deep, multifaceted interiority, who cannot be reduced to a set of numbers, facts, and economic roles. Mirowski's account suggests that each person is made to grapple with this reality directly, as if a lightbulb goes off: *Look how this society sees me! Look at how much pressure I am under to not just be myself!*

In fact, the realization, if it occurs at all, seems more likely to be gradual. It might become somewhat evident, for example, when one is struggling to find the right language to sell oneself in multiple cover letters, at some level feeling disjointed and inauthentic in the process;

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[166] Ronald Butt, "Mrs. Thatcher: The First Two Years," *Sunday Times*, May 3, 1981, http://www.margaretthatcher.org/document/104475.
[167] Martijn Konings, *The Emotional Logic of Capitalism: What Progressives Have Missed* (Stanford, CA: Stanford UP, 2015), 29.
[168] Philip Mirowski, *Never Let a Serious Crisis Go to Waste* (London: Verso, 2013), 108.

or when trying to ascertain which classes to take on the basis of expected future return rather than taking seriously one's own interests and curiosity; or even when choosing what to order in a restaurant on the basis of how good it will look in a photograph—in order, of course, to get the highest possible number of "likes" in social media. The point is that people are consistently, if often less than obviously, persuaded by economy and society to see themselves as, again in Mirowski's words, "a jumble of assets to be invested, nurtured, managed, and developed; but equally an offsetting inventory of liabilities to be pruned, outsourced, shorted, hedged against, and minimized."[169] The individual in the neoliberal era is encouraged, then, to look at the self from an exterior vantage point, but unlike Adam Smith's impartial spectator or John Rawls' original position, the goal here is not to make determinations about justice or morality, but to ask a simpler question: Would I hire this person? If not, how can I make this person in front of me more marketable? Or, if seeing oneself as a business, the question might be, Which employees are not pulling their weight? Which departments should be scaled back to increase profits? But here, the employees are aspects of the self; the departments are one's activities, pastimes, hobbies, including those that may be personally cherished.

In short, people are urged to see themselves as what the highly influential economist Gary Becker, a student of Milton Friedman's, called "human capital." Human capital theory assumes that people's value is largely reducible to the component capacities and capabilities they have and choose to cultivate (or not) over their lives. Becker's theory begins with an assumption about human nature: people's inclination, he claims, is to be welfare-maximizing creatures, which results in the fact that they *always* look to the future when they act, in order to "try as best they can to anticipate the uncertain consequences of their actions."[170] Workers are seen as freely choosing agents, constantly faced with consequential choices. Becker believes people generally deliberately "decide on their education, training, medical care, and other additions to knowledge and health by weighing the benefits and costs," where both benefits and costs are largely determined on the basis of anticipated productivity and monetary value. People freely choose whether and how to "invest" in themselves (and thus increase their human capital), on this view, and their choices further influence their "very nature" in either a positive or negative direction. For example, one who is chronically unemployed but makes a series of correct choices and investments may be able to land a stable job.[171]

According to human capital theory, then, the individual is responsible for shaping his or her future and economic standing. In the late 1970s, in his lectures on neoliberalism Michel Foucault considered the implications of Becker's approach for the conception of the self. Becker's approach, Foucault argues, implies a definition of capital as "that which makes a future income possible," meaning that anything a person does to affect that future income affects that person's present value, which Foucault calls the person's "capital-ability." The worker is seen, in

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[169] Ibid.
[170] Gary S. Becker, "Nobel Lecture: The Economic Way of Looking at Behavior," *Journal of Political Economy*, Vol. 101, No. 3 (June 1993): 386, https://www.jstor.org/stable/2138769?seq=1#page_scan_tab_contents.
[171] Ibid., 392.

short, like a firm, appearing "as a sort of enterprise for himself."[172] This self-as-enterprise—or the entrepreneurial self—becomes the general unit of analysis in neoliberal economics, Foucault argues, replacing the traditional economic focus on the individual as one who engages in the act of exchange with other market actors. Developing this notion further, Michel Feher argues that human capital theory was originally concerned with future return on current investment—primarily the economic return on investment in education—but that in the neoliberal era this concern has evolved into a short-term interest in increasing one's present value. In Feher's words, the neoliberal investor in human capital is concerned primarily with "appreciating, that is, increasing the stock value of, the capital to which he or she is identified. … our main purpose is not so much to profit from our accumulated potential as to constantly value or appreciate ourselves—or at least prevent our own depreciation."[173] In other words, it is no longer so much the case that one thinks, what must I do today in order to be successful in ten years' time? What sacrifices must I make now in the name of future rewards? These concerns may in some cases (such as undergraduates choosing a major) remain highly relevant. But they have been overtaken, Feher suggests, by concerns like, how can I get more out of what I already have, or who I already am? How can I better market myself or parcel myself out in order to earn more money, respect, or influence?

One specific implication of human capital theory—particularly understood as Feher does—is the rejection of the importance of the stories people tell about their lives. According to urban sociologist Richard Sennett, however, humans *need* coherent, long-term, linear narratives to give shape to their lives. When long-term employment with a single corporation was the norm in the middle of the 20th century, workers could understand themselves in terms of a coherent life story. But neoliberal capitalism is characterized by "short-term flexibility and flux," preventing the formation or maintenance of this kind of narrative; it makes such stories incoherent by fracturing people's lives in ways over which they have little control. People are forced to adjust to capitalism's increasing demand for complete flexibility, to what Sennett calls "drift": the necessity to move from short-term job to short-term job, following the ever-changing needs and dictates of the market.[174] In the process, the very notion of a "career" is replaced by the

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[172] Michel Foucault, *The Birth of Biopolitics: Lectures at the Collège de France, 1978-1979* (New York: Picador, 2010), 225. Foucault thinks people lack a true inner essence, but on his view, identity is not a matter of individual choice, but something that is produced by the discourses in which we are always embedded. This concern of Foucault's will be discussed in the next chapter.

[173] Feher, "Self-Appreciation," 27.

[174] Richard Sennett, *The Corrosion of Character: the Personal Consequences of Work in the New Capitalism* (New York: W.W. Norton, 1998), 9. There is a potential parallel here between "drift" in workers' lives and the "drift" identified by Jacob Hacker and Paul Pierson as a major characteristic of American politics since the late 1970s. Hacker and Pierson define drift as the systematic, prolonged failure of government to respond to a dynamic economy, responsible for much of the inequality in the United States. Uniting these concepts of drift is a concern about an undemocratic, insufficient response to changing economic realities of the late 20th century. Jacob Hacker and Paul Pierson, *Winner-Take-All Politics: How Washington Made the Rich Richer—and Turned Its Back on the Middle Class* (New York: Simon & Schuster, 2011), esp. 51-56.

assumption that workers instead have a series of "jobs."[175] The effect on workers' inner lives is severe, given the lack of stability in both the economic realm generally and in their own economic circumstances. In the current era, "[c]orporations break up and join together, jobs appear and disappear, as events lacking connections."[176] As Sennett sees it, the resulting uncertainty—not knowing when or where one's next gig might be and what such a new job might mean for one's future—is distinctive to the current era in that it is seemingly permanent, not a temporary response to fluctuations in the market or global political or economic conditions. Whereas prior generations experienced economic instability at times of geopolitical crisis—Sennett gives the example of the years between the Great Depression and the onset of World War II—the current uncertainty is occasioned not by the possibility of disaster but "woven into the everyday practices of a vigorous capitalism."[177]

While the sharing economy reflects and even intensifies this insistence on flexibility, as I will soon show, Sennett notes that the trend was already well-established by the 1990s, when the watchword of the American economy was flexibility. Corporations cracked down on bureaucracy and sought to cut costs wherever possible, and workers were "asked to behave nimbly, to be open to change on short notice, to take risks continually, to become ever less dependent on regulations and formal procedures."[178] This flexibility was also touted to workers as favorable to their situation, "another way to lift the curse of oppression from capitalism." Corporations then and now have sold the need for increased flexibility and the attack on unnecessary bureaucracy on the grounds that it gives people more "freedom to shape their lives."[179] In actuality, given the "flexibilized" job market, workers take what they can get, even if the only options available offer no benefits or job security. This is especially problematic when, under the influence of neoliberalism, the state has cut back on welfare benefits.[180]

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[175] Sennett, *The Corrosion of Character*, 9. Sennett interestingly notes that "career" originally meant a road for carriages, thus connoting a "lifelong channel for one's economic pursuits," whereas "job" originally meant "a lump or piece of something which could be carted around." Discussing the same phenomenon, sharing economy critic Steven Hill describes the current era as increasingly a "freelance society," in which employers and employees are no longer "married to each other" as they were in the prior era, when there was a "sense of commitment and a joined destiny. Now, employers just want a bunch of one-night stands with their employees, a promiscuousness that promises to be not only fleeting but destabilizing to the broader macroeconomy." Steven Hill, *Raw Deal* (New York: St. Martin's Press, 2015), 6.

[176] Sennett, *The Corrosion of Character*, 30. Sennett suggests this is a manifestation of the creative destruction that Joseph Schumpeter argued was central to capitalism.

[177] Ibid., 31.

[178] Ibid., 9. Law professor Katherine V. W. Stone refers to this general trend as "flexibilization," which encompasses the "changing work practices by which firms no longer use internal labor markets or implicitly promise employees lifetime job security, but rather seek flexible employment relations that permit them to increase or diminish their workforce, and reassign and redeploy employees with ease." Katherine V. W. Stone, "Flexibilization, Globalization, and Privatization: Three Challenges to Labour Rights in Our Time," *Osgoode Hall Law Journal* 44, no. 1 (Spring 2006): 78, http://digitalcommons.osgoode.yorku.ca/ohlj/vol44/iss1/4.

[179] Sennett, *The Corrosion of Character*, 9-10.

[180] David Harvey argues that the inevitable result of this combination of circumstances is that a "vast reservoir of apparently disposable people bereft of social protections and supportive social structures" are "left or cast outside the market system." These people can only expect to end up in a state of "poverty, hunger, disease, and despair," unless they can somehow "scramble aboard the market system either as petty commodity producers, as informal vendors (of things or labour power), as petty predators to beg, steal, or violently secure some crumbs from the rich man's table." Harvey, *A Brief History of Neoliberalism*, 185.

Neoliberal capitalism is thus deceptive; it purports to expand freedom for all, when in fact it institutes new, less visible commands to workers as to how they must behave in order to find steady employment, and increasingly how they ought to make do without it.[181] Recall Foucault's observation that in neoliberalism the worker is viewed as a firm, and as the entrepreneur of himself. In this light, it seems perfectly understandable to focus on the present, and perhaps the future, but to care little for continuity with the past. What matters—particularly given financialization—is the company's stock price at this exact moment, or at latest, at the closing bell. The result is an unrelenting pressure on the individual to constantly be assessing one's options for "appreciating" one's own worth, which includes constantly seeking out new sources of income.

Neoliberalism demands that people unceasingly compete with one another for economic gain, in a specific way that encourages taking risks. People are pressured "to conduct themselves with boldness and vigor, to calculate for their own advantage, to drive themselves hard, and to accept risks in the pursuit of goals," explains Nikolas Rose.[182] With success defined as ever-greater profit in the moment, again in the mode of the financial investor unwilling to wait years for an investment will pay off, people are led to fear being replaced or outgunned by someone more willing to take the risks necessary to succeed. Taking risks is also the opposite of sitting back and accepting government benefits; it is a sign that one has the requisite willingness to put everything on the line to get ahead, even when doing so may not be the most rational behavior; after all, everyone knows the chance of winning the lottery is essentially nil. In Mirowski's words, "Embracing risk and taking chances is the putative mark of the entrepreneur, the only solid evidence that the agent has been actively engaged in pursuit of self-advantage, as opposed to passively accepting the lot that has been bequeathed him by others."[183] Neoliberalism deems risk-taking morally admirable everywhere, essentially endorsing gambling in both the literal and metaphorical senses. Thus, Richard Peet notes, "[d]ebt and gambling spread from Wall Street into all sectors of society—house prices, state lotteries, casinos, numbers games, bingo at the church hall, sweepstakes, Pokémon cards—everyone gambles, even little kids."[184] Gambling is no longer widely regarded as "the immoral fleecing of the working man"; 20th century attempts to ban it or drive it underground have given way to its continuous expansion in the 21st, in part as a way to keep the working masses contented and occupied when not toiling away at their jobs, while simultaneously reinforcing the values of finance capitalism—don't be cautious and save for the future; take risks and spend what you have.[185]

The final element of the neoliberal self that I want to highlight flows directly from the emphasis on risk-taking, and that is the insistence on total individual responsibility, both for

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[181] Neoliberal capitalism thus does not merely do away with economic norms that had been taken for granted—above all lifelong employment with a single corporation—but in Sennett's words "substitutes new controls," controls that are also, more than their predecessors, difficult for workers to comprehend, ushering in "an often illegible regime of power." Sennett, *The Corrosion of Character*, 10.

[182] Rose, *Inventing Our Selves*, 154.

[183] Mirowski, *Never Let a Serious Crisis Go to Waste*, 119.

[184] Although the values and behaviors of "debt, speculation, risk, and fear are structurally endemic to finance capitalism, their influence [is] felt not just on Wall Street but throughout society." Peet, "Contradictions of Finance Capitalism," 27.

[185] Mirowski, *Never Let a Serious Crisis Go to Waste*, 121.

one's economic success or failure and in all other realms of life. This is true for the most part no matter what circumstances or conditions one has been born into or faced in the past, for if neoliberalism cares little for narratives that help make sense of one's working life, it may care even less about the details of one's familial life, early childhood education, health history, and so on.[186] It is the entrepreneurial individual's ability to manage such circumstances—as any successful business would—that counts. The successful business would not "complain" about its upbringing, even if it could; that would be pointless, counterproductive, self-pitying. Rather, it would spring into action and focus on the here-and-now, and in so doing take full responsibility for its present position. The essence of responsibility here and the source of its moral quality is, as Thomas Lemke puts it, the rational assessment of "the costs and benefits of a certain act as opposed to other alternative acts." Using one's free will, each person decides on the most sensible course of action, pursues it, and then suffers the consequences if (and when) things go wrong; in Lemke's words, "the consequences of the action are borne by the subject alone, who is also solely responsible for them."[187] Individuals are thus charged with taking responsibility for themselves *in toto*, including (or especially) in areas for which, in the prior era of the larger welfare state, government agencies would have taken whole or partial responsibility. In the literature on neoliberal governmentality (another Foucauldian concept referring to the way governments produce and govern their subjects), this is referred to as *responsibilization.*

In short, to the neoliberal, the right thing to do in any situation is also the economically sensible thing to do. As Ronen Shamir explains, neoliberalism has its own "epistemology" from which it moralizes as to the kind of lives people should lead and the decisions they should make; at the center of this epistemology is the dissolution of the "distinction between economy and society," and the accompanying "push to embed 'society' in the 'market.'" People are market actors through and through, and market logic determines answers to moral questions once the concern of "civic groups, liberal-democratic parliaments, trade unions and political parties."[188] Moreover, the idea that people ought to take responsibility for their actions and suffer the consequences when their choices go awry is central to their construction as subjects and citizens of a society ruled not by bureaucratic power from on high, but less visibly and more "horizontally" through the authority of the market itself. Put the other way around, *without* "self-regulation" by individuals, a society with the "free market" as its centerpiece and lodestar,

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[186] See Wendy Brown, *Edgework: Critical Essays on Knowledge and Politics* (Princeton, NJ: Princeton UP, 2009), 42 (neoliberalism "figures individuals as rational, calculating creatures whose moral autonomy is measured by their capacity for 'self-care'—the ability to provide for their own needs and service their own ambitions. In making the individual fully responsible for her- or himself, neoliberalism equates moral responsibility with rational action; it erases the discrepancy between economic and moral behavior by configuring morality entirely as a matter of rational deliberation about costs, benefits, and consequences. But in so doing, it carries responsibility for the self to new heights: the rationally calculating individual bears full responsibility for the consequences of his or her action no matter how severe the constraints on this action—for example, lack of skills, education, and child care in a period of high unemployment and limited welfare benefits.").

[187] Thomas Lemke, "'The Birth of Bio-Politics': Michel Foucault's Lecture at the Collège de France on Neo-Liberal Governmentality," *Economy and Society* 30 no. 2 May 2001: 190–207, 201.

[188] Ronen Shamir, "The Age of Responsibilization: On Market-Embedded Morality," *Economy and Society* 37, no. 1 (Feb. 2008): 3, http://www.tandfonline.com/doi/abs/10.1080/03085140701760833.

premised on the notion of competition among formally equal actors, could not be sustained. Market rationality itself thus becomes the fount of morality.[189]

(2) Don't Stop Calculatin': Maximizing the Self Through 'Sharing'

Each of these overlapping, defining features of the neoliberal self—its flexibility and suppleness; its lack of commitment to a deep interior self bound to a narrative; its willingness to take risks; its acceptance of complete responsibility when things go wrong—is evident in the kind of conduct major sharing platforms value, promote, and reward. Starting with the most obvious connection, sharing platforms epitomize the economic scheme that rewards people for being flexible, often making flexibility a requirement for participation at all. Sharing economy workers by definition do not have full-time jobs; if they wish to work "full-time"—a phrase which really has no meaning in this context, except perhaps literally, i.e., 24 hours a day—they must patch together a series of gigs. (In a way, Airbnb is an exception here, in that the "worker" stays in one place and the "gigs"—the guests—come to the host. But it is consistent with other sharing platforms in that "workers" are treated as independent contractors and lack benefits and job security.) Sharing economy critic Steven Hill argues that sharing economy workers are likely to become as vulnerable as workers were before the protections of the welfare state were instituted during the New Deal, "with 'jobs' amounting to a series of low-paid micro-gigs and offering little empowerment for average workers, families or communities."[190]

Moreover, sharing economy work provides relatively immediate returns and a kind of appreciation of one's value (as Feher described the neoliberal understanding of human capital) by adding to the avenues through which people may gain *right now* from their assets. Working "gigs" in the sharing economy does little to add to one's skills or better one's prospects for future work; driving for Uber, for example, cannot readily be considered a skill that can be transferred to other, more remunerative employment in the future, and offering a spare bedroom via Airbnb is very rarely a step toward a future in hospitality. But by driving for Uber rather than sitting at home, the worker signals to himself and to others that he is not resting on his laurels or waiting for someone to help him; he is a good worker, and thus his present value rises. In this way the sharing economy can be considered a means through which people can properly "constantly value or appreciate" themselves.[191]

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[189] In Shamir's words, responsibilization is "'an enabling praxis' and a technique of government that set into action a reflexive subjectivity deemed suitable to partake in the deployment of horizontal authority and one which willingly bears the consequences of its actions. … while obedience had been the practical master-key of top-down bureaucracies, responsibility is the practical master-key of governance." Ibid., 4.

[190] Hill, *Raw Deal*, 13.

[191] It is worth noting here the multiple meanings of "appreciation"; driving for Uber is not the kind of fulfilling work that would generally cause people to appreciate themselves more in the sense of having gratitude for their lives, but appreciation in the sense of gaining economic value as determined by the capitalist system in which individuals are embedded. As will be discussed in the next chapter, however, these platforms also have elaborate reputation systems that are used to track one's "economic value" in another way. Like a stock price that constantly goes up and down, one can monitor one's own rating as a driver (or rider) on Uber, although not quite in real-time. These ratings can, in fact, come to affect the way one may or may not "appreciate" oneself in a non-economic sense. In addition, just as a rising stock price can attract more buyers, a driver who is receiving high ratings—and thus "appreciating"—may be incentivized to work more hours to continue capitalizing on his rising value.

From the consumer's perspective, it can be said that participating in the sharing economy by using the platforms' offerings actually becomes the responsibility of every person, since all should have a serious interest in maximizing productivity and making the best use of their time—otherwise, one is being neither entrepreneurial nor responsible. The way the sharing economy encourages people to see their lives and, indeed, themselves as chockfull of marketable assets—as if one were the glad proprietor of a perpetual, 24-hour garage sale of the self—is directly in line with the view of the self Rose diagnosed in the mid-1990s, in which people "are incited to live as if making a *project* of themselves: they are to *work* on their emotional world, their domestic and conjugal arrangements, their relations with employment … to develop a 'style' of living that will maximize the worth of their existence to themselves."[192] Through the sharing economy people are encouraged to approach all aspects of their lives as sources of potential increased value, and thus a way to improve the "project of themselves."

At first, it may seem counterintuitive that hiring someone to drive you around in their car via Uber or to perform chores in your house via TaskRabbit could be considered being self-reliant. But neoliberal self-reliance does not require you to do everything yourself when it can be more efficient, and thus more responsible, to hire someone to do the work for you. Uber, for instance, marketed itself for many years as "Everyone's private driver," a slogan promising to make the passenger feel as though they belong to a higher socioeconomic class than they actually do—invoking the image of the executive who has someone to deal with navigation and traffic so that he or she is free to be *productive*, whether that means working on a laptop or smartphone, participating in a conference call, or even taking a brief nap to "recharge." By lowering the price of a "private driver," Uber makes the choice not to drive (or take public transit, a far more distracting environment) seem economically obvious, particularly to the harried 21st century city-dweller likely trying to squeeze as many meetings, errands, and social engagements as possible into each day.[193]

Of course, some people take great pleasure in driving, while others live in remote areas; for them, using ride-sharing services like Uber might not be a smart move, although *driving* for Uber might be—even if it requires a 200-mile trip from the rural area to an urban one where ride requests are more plentiful, something many drivers now do.[194] Some people might well think they are off the hook with respect to having to consider whether they ought to drive for Uber or

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[192] Rose, *Inventing Our Selves*, 157 (emphases in original).

[193] In 2016, Uber changed its slogan from "Everyone's private driver" to, simply, "Get there." CEO Travis Kalanick explained at the time that Uber "started out as everyone's private driver. Today we aspire to make transportation as reliable as running water, everywhere and for everyone… Our new brand reflects that reality by working to celebrate the cities that Uber serves." Yet this slogan, too, sounds neoliberal themes in emphasizing cold efficiency and forward movement. Seth Fiegerman, "Uber Changed its Logo to Something Pretty Weird," *Mashable*, Feb. 2, 2016, http://mashable.com/2016/02/02/uber-new-logo/#ksm2xZNS9Pqx.

[194] It is estimated that at least 2,000 Uber and Lyft drivers commute from outside the San Francisco metropolitan area to drive in and around the city in the hopes of making more money; many of those drivers come from the Sacramento area, about two hours away, but some travel much longer distances. These 2,000 drivers represent almost 10 percent of the total number of Uber and Lyft drivers registered in San Francisco. Many make the commute once a week, working a "marathon stint of three or four 12- to 16-hour days…. Some sleep in their cars and shower at gyms or sponge off in gas station restrooms; some cram together in cheap East Bay motels … [or] bunk with friends." Carolyn Said, "Long-Distance Uber, Lyft Drivers' Crazy Commutes, Marathon Days, Big Paychecks," *San Francisco Chronicle*, Feb. 18, 2017, http://www.sfchronicle.com/business/article/Long-distance-Uber-Lyft-drivers-crazy-10942919.php.

Lyft in order to be economically responsible: those who do not even own a car. Yet this group ought not relax either, since conveniently you don't need to own your own car to drive on a sharing platform. Uber and Lyft each offer programs (via partnerships with car companies and dealerships) through which drivers can lease a car, generally by guaranteeing to use the vehicle to provide a certain (very high) number of rides through the platform; the rest of the time they can use the car for their own purposes.[195] In the sharing economy, the responsible subject must never rest on his or her laurels or make self-defeating assumptions, but instead should constantly be researching new earning possibilities, revising cost-benefit analyses, and so forth. New sharing economy options emerge seemingly daily, which means the only responsible thing to do is to make these calculations daily.

In a similar way, when one has errands to run or tasks to complete within the home, the responsible thing to do is to turn to a platform such as TaskRabbit and hire a stranger on the cheap; a "Tasker" will do almost anything the customer might be unwilling or unable to do. TaskRabbit could not be more clear in suggesting that its users should view themselves as businesses; it bills itself as a service that allows people to "outsource" the errands they "don't want to do," just as, of course, almost every major corporation outsources work whenever it makes economic sense to do so. As with Uber's promise of a "private driver," TaskRabbit claims it helps people "live smarter" and gives them "more time to focus on what's most important."[196] TaskRabbit thus urges people to consider themselves as too important to assemble IKEA furniture or perform any number of other menial tasks that the platform's workers need to do in order to make a living. Living "smarter," in this case, means knowing your own worth and the value (quite literally) of your time, and choreographing your life accordingly. TaskRabbit does not promise to necessarily make your life more enjoyable, but to give you "more time," by which is meant more time to be more productive, doing work at which you are more skilled or that you simply prefer, applying your energies in the direction of your choosing (with your choice guided, of course, by the objective of further maximizing your value—not leisurely reading a novel by the lake). The founder of TaskRabbit, Leah Busque, makes this productivity-maximization rationale clear, reassuring people that they are not being "lazy" by hiring Taskers to do chores for them; rather, they are "really figuring out ways to get more value out of their under-utilized assets," where one of those assets is their time. To underscore her point, Busque emphasizes that many of those seeking help with burdensome tasks are some of neoliberal society's most responsible people: working mothers who are "trying to get a balance between work life and family life and just trying to get it all done."[197] Those who can "get it all done" are winners at the neoliberal game of life, and sharing platforms like TaskRabbit are there to help. In fact, Busque —who entrepreneurially quit a job at old-economy stalwart IBM to found TaskRabbit—portrays

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[195] Nicole Arata, "5 Ways To Get a Car You Need To Drive for Uber or Lyft," *NerdWallet*, Jan. 8, 2017, https://www.usatoday.com/story/money/personalfinance/2017/01/08/5-ways-get-car-you-need-drive-uber-lyft/96214312/. The well-known line from a 2004 episode of the "Oprah Winfrey Show" in which the host gave away 276 new cars comes to mind: "You get a car, you get a car, everybody gets a car!" In the sharing economy, however, there's no such thing as a free car.

[196] "How It Works," TaskRabbit, https://www.taskrabbit.com/how-it-works.

[197] Rebecca Jarvis, Ben Newman and Lauren Effron, "Outsourcing Your Errands: TaskRabbit Allows People to Rent Themselves Out for Odd Jobs," *ABC News*, June 20, 2014, http://abcnews.go.com/Business/outsourcing-errands-taskrabbit-people-rent-odd-jobs/story?id=24231980.

herself as a model neoliberal subject, a working mother herself in "survival mode on a daily basis," who is thus using her own service "now more than ever."

In short, on both the provider and the consumer ends, sharing platforms like TaskRabbit are exactly what the neoliberal subject needs to be as "supple, modular, and plastic" as possible, to maximize his or her human capital. These platforms encourage people to adjust their skills, their preferences, and even their lives to maximize the value of their "assets," whether that means becoming expert at assembling furniture or driving hundreds of miles to make more money with Uber. On the consumer end, they encourage people to direct their energies wherever the "return on investment" is greatest, and outsource everything else to more willing (i.e. more economically desperate) people. The sharing economy subject—fragmented, flexible, constantly buying and selling goods, services and parts of herself on various markets—is the entrepreneurial neoliberal subject par excellence.

The argument can be taken a step further. One implication of the sharing economy's ethos of entrepreneurialism is that it actually *commands* individuals to assess how to use sharing platforms to meet their responsibility to use their assets in the most productive way. That is, it forces each person to consider, more than ever before—and more frequently than ever before, even many times in the course of a single day—whether it makes economic sense for them to be the consumer or provider (or neither, or both) of a given good or service. Whether you should drive for Uber and make money that way, or whether you should be a consumer of Uber and save money that way, or whether Uber should simply remain an option for the future when it might help you out, depends on whichever is most likely to "maximize" your personal assets at a given time. In this respect the sharing economy blurs boundaries between consumers and producers, suggesting that good neoliberal subjects should always be on the lookout for ways to be one or the other, and possibly both at the same time. Imagine: you are renting out a spare room in your home through Airbnb (making you a provider), in preparation for which you are having your home cleaned by someone you hired on TaskRabbit (making you the consumer); at the very same time you are being driven by an Uber driver from your home to a cafe (again you are the consumer). This is not a new development; people have always inhabited multiple economic roles, and in a sense this is the essence of a market economy: the shoemaker is a producer of shoes, at the same time as he is a consumer of all other commodities. But the sharing economy takes this sense of multiple identities and role-switching to a new level of intensity and complexity by making the process of finding new types of work infinitely more efficient and the roles people occupy much more transitory. Feher notes that neoliberalism "treats people not as consumers but as producers, as entrepreneurs of themselves or, more precisely, as investors in themselves, as human capital that wishes to appreciate and to value itself and thus allocate its skills accordingly."[198] I am suggesting, however, that sharing platforms treat people as both consumers and producers simultaneously—the ultimate neoliberal way to put one's skills and abilities to use, and thus to be the best possible "entrepreneur of" or "investor in" one's self.

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[198] Feher, "Self-Appreciation," 30-31.

(3) By Hook and *By Crook: How the Sharing Economy Ensnares the Self*

The sharing economy's use of technology—and complex algorithms in particular—surely help the platforms maximize their own profits more than they help individuals calculate how to maximize theirs. But in so doing, these algorithms address one of the main neoliberal frustrations. On the neoliberal view, of course, everything should be looked at as a potential market, and every activity has a market price. But unlike the stock market, which is now fully electronic and instantaneously processes all manner of transactions, thus constantly generating updated prices, human activities cannot be so quickly or quantitatively measured. As geographer Kean Birch puts the problem, if the market "is expanded to include all social activities—then the benefits of markets are only ensured with the intensification of these market transactions (i.e. frequency, speed and shortened duration) since the market is only efficient if it's able to re-price everything constantly under conditions of market competition."[199] Traditionally, the only way to determine the value of an interaction would be through the negotiation and renegotiation of contracts regulating the interaction. But this process takes time and is highly inefficient, slowing down the markets. On major sharing economy platforms, however, the massive collection of data and the powerful algorithms employed essentially create markets with prices that can be updated as quickly as on the New York Stock Exchange. Transactions can be priced and executed frequently and quickly, with greatly reduced transaction costs. In a sense it is the neoliberal economist's dream; the platform creates the market at its launch, and then (if successful) watches it rapidly expand and grow increasingly large and efficient over time.

This increased efficiency is experienced directly by the users of sharing platforms, who appreciate them because they allow them to more effectively reach their entrepreneurial goals. The co-founder of Xometry, an online marketplace for custom-made parts that "bills itself as a kind of Uber for the US manufacturing industry," says one of its prime advantages is that its users "don't have to waste time creating a price, they don't spend time bidding and losing."[200] Xometry uses "computational geometry and machine-learning algorithms" to set prices and lead time for jobs, pairing up about 6,000 customers, "from start-ups to Fortune 500 companies, with about 600 machine shops and small manufacturers."[201] Using one's assets in the most productive way possible is a key element of this platform's appeal, and a further demonstration of how it embodies the neoliberal ethos. One Xometry user says that although he still cold-calls prospective customers, this "old-fashioned way" of drumming up new business is not efficient because it is "laborious" to figure out what price to quote each time. Using the platform saves time and effort in that it allows him to "sweat his assets more efficiently" and to "fully utilise [the] capacity" of his small company by filling gaps when the business is slow in one area.[202] Asset sweating, "variously defined as cutting costs, virtualizing, or getting 'as much use as

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[199] Kean Birch, "How to Think Like a Neoliberal: Can Every Decision and Choice Really Be Conceived as a Market Decision?", *LSE Impact Blog*, Jan. 29, 2016, http://blogs.lse.ac.uk/impactofsocialsciences/2016/01/29/how-to-think-like-a-neoliberal/.

[200] Patti Waldmeir, "The Start-Up Bringing the Sharing Economy to America's Rust Belt," *Financial Times*, Nov. 1, 2017, https://www.ft.com/content/96417fb4-9f16-11e7-8cd4-932067fbf946.

[201] Ibid.

[202] Ibid.

possible out of what you already possess,'"[203] is a perfectly neoliberal phrase and concept in multiple ways: it endorses maximization at all costs, encouraging pushing beyond any apparent or conventionally accepted limits so far as to make one's "assets," which typically include workers, sweat; it anthropomorphizes assets, much as the legal system regards corporations as persons; it prioritizes short-term returns with no evident concern for the long-term impact of making assets sweat; and it suggests that anything less than "working up a sweat" is to be lazy and reprobate.[204]

The other feature of sharing platform algorithms that suits neoliberal ideology is that they can be fine-tuned to reward just the behaviors neoliberalism values. Nikolas Rose notes that neoliberalism encourages the enterprising self "in a multitude of arenas of life" including the school, the university and the hospital, by enlisting experts to design forms and systems to prompt such an enterprising orientation; the ultimate goals are increasing "economy, efficiency, excellence, and competitiveness."[205] In the case of the sharing economy, the engineers and managers who work for the platforms, whether Uber, Airbnb, or TaskRabbit, design the algorithms and user interface features that spur consumers and providers alike to conform to this enterprising model of the self. Uber, for example, draws on a team of hundreds of social and data scientists to construct its interface and algorithms, incorporating "psychological inducements and other techniques unearthed by social science to influence when, where and how long drivers work"; the ultimate goal is "a perfectly efficient system: a balance between rider demand and driver supply at the lowest cost to passengers and the company."[206] The platform has copied video games to find ways to incentivize drivers to work longer hours and to work in locations that are better for the platform than for the driver, even using "noncash rewards of little value" as incentives. The company sets targets for drivers, awarding a bonus for completing a certain number of rides in a set period of time. (Lyft uses a similar system.) Uber's algorithms used are so focused on manipulating drivers' behavior that one, "similar to a Netflix feature that automatically loads the next program, … send[s] drivers their next fare opportunity before their current ride is even over."[207] Users of Uber or Lyft are also accustomed to seeing cars on the move in the app before they are "matched" with a driver, making them think many drivers are nearby to pick them up. The car icons are reminiscent of ghosts circulating on an old-fashioned Pac-Man arcade game—and indeed the cars may be phantoms, for it turns out the icons in the app do not necessarily represent real cars.[208] Like the (neoliberalism-endorsed) casinos that do everything they can to keep players sitting at the slot machines all day, sharing economy companies do everything in their power to control the behavior of those using the platforms.

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[203] Sue Workman, "Sweating the Assets for Smarter IT Support," *EDUCAUSE Review* 44, no. 5 (Sept.-Oct. 2009): 44-55, https://er.educause.edu/articles/2009/9/sweating-the-assets-for-smarter-it-support.

[204] Despite the seemingly perfect fit between the colloquialism and neoliberal principles, according to one source the phrase is actually an "old business term" that originated in the manufacturing industry. "Are You Sweating Your Assets?", *Business Growth International*, http://bgistrategy.com/are-you-sweating-your-assets/.

[205] Rose, *Inventing Our Selves*, 154.

[206] Noam Scheiber, "How Uber Uses Psychological Tricks to Push Its Drivers' Buttons," *New York Times*, Apr. 2, 2017, https://www.nytimes.com/interactive/2017/04/02/technology/uber-drivers-psychological-tricks.html.

[207] Ibid.

[208] Alex Rosenblat, "Uber's Phantom Cabs," *Motherboard*, July 27, 2015, https://motherboard.vice.com/en_us/article/mgbz5a/ubers-phantom-cabs.

From one perspective, it might seem that working as a driver or renting out a spare room on a sharing platform is not so much a risk as it is a wise hedge against the precariousness of the average person's life in this neoliberal era. But this claim wrongly assumes that sharing economy income is reliable. In fact, to work on a sharing platform is to take a sizable risk—driving for Uber or renting a room on Airbnb is itself a kind of gamble. Given one's status as an independent contractor, there is usually no guarantee that putting in the time and resources needed to be successful on the platform will actually result in much, if any, net income. Several studies have shown that despite the platforms' promises to provide sizable income—Uber and Lyft guarantee minimum earnings at least for new drivers, although the promotions vary[209]—many sharing economy providers rather quickly find that they are barely breaking even when their costs are factored in, as the Uber Game introduced at the beginning of this chapter is intended to demonstrate.[210]

Using complex, unseen algorithms, then, sharing platforms induce actions suited to their own economic aims, which generally reproduce the idea of the self endorsed by the neoliberal capitalist system in which these platforms are increasingly key players. In considering the fate of the "active political subject" Rose wrote in the early 1990s that, "regulatory technologies … enable the subject at home and at work, in acts of consumption and pleasure, to be 'governed at a distance.'"[211] Though Rose obviously did not have the sharing economy in mind when he penned it, this phrase neatly encapsulates the way platforms like Uber and Airbnb manage the lives of those who use them: by regulating their behavior "at a distance," toward neoliberal ends, through technologies that may be used to facilitate "acts of consumption and pleasure"—acts that, paradoxically, are somewhat intimate in nature. To put it more concretely, people turn to sharing platforms for various purposes, including to fulfill personal needs and desires including commerce and recreation, but all the while their behavior is being guided to conform to the interests of the platforms and of the neoliberal system more broadly. People are "governed at a distance" not by the government, which becomes in a sense superfluous. Given the vast reach of neoliberal ideology, citizens "are no longer thought to need instruction by 'political' authorities as to how to conduct themselves and regulate their everyday existence," but instead are "governed through the choices that we will ourselves make … in the space of regulated freedom, in our individual search for happiness, self-esteem, and self-actualization, for the fulfillment of

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[209] Lyft drivers in certain cities "can earn a guaranteed amount per week. If you don't make the weekly guarantee amount on your own, we'll cover the difference." Earning the minimum, however, is contingent on meeting requirements including accepting at least 90 percent of ride requests, completing a set number of rides, and remaining a certain number of hours in "driver mode." https://help.lyft.com/hc/en-us/articles/213582018-Weekly-Guarantees.

[210] Even if they remain in good standing with the platform, drivers' financial situation is likely to remain precarious given the unstable earnings stream and the costs drivers must bear on their own. One study, for instance, found that the typical Uber driver is a married college-educated man, supplementing a full- or part-time job by driving about 15 hours a week; that amounts to an extra $300 to $400 a week, not accounting for the cost of gas and upkeep. The study by economist Alan Krueger and Uber's head of policy research, Jonathan Hall, was based on Uber's data and an online survey of 600 Uber drivers in 20 markets. Derek Thompson, "The Uber Economy," *The Atlantic*, Jan. 23, 2015, http://www.theatlantic.com/business/archive/2015/01/is-uber-a-middle-class-job-creator-or-not/384763/.

[211] Rose, *Inventing Our Selves*, 165.

our autonomous selves."[212] The notion of being governed at a distance will be considered again in the next chapter, in connection with Foucault and surveillance in the sharing economy.

(4) The Challenges of Coming Together in the Sharing Economy

Those who fail to at least consider the money-making opportunities presented by sharing platforms are failing to be as enterprising as they ought to be, and therefore failing to be responsible with their lives. Moreover, these opportunities are not to be dreaded, according to neoliberal ideology, but to be embraced for enabling people to fulfill their potential and their autonomously-determined goals. In Rose's words, "We can become enterprising, take control of our careers, transform ourselves into high fliers, achieve excellence, and fulfill ourselves not *in spite of* work but *by means of* work."[213] Because work is made to appear as the means to fulfill personal projects and even "a site within which individuals represent, construct, and confirm their identity," it becomes something people actually want to do, and need not be compelled to do by means of externally applied threats of discipline or force.

Within the limited horizon of the neoliberal economic order, to be sure, the sharing economy can be considered a tool that improves life for some people. Being flexible may be one of the core traits of the neoliberal subject, but people today also report that they actually *like* having flexible lives, rather than being tethered to an office desk day after day. According to Arun Sundararajan, who has written extensively and favorably about the sharing economy, "the majority of the people who provide for the sharing economy actually enjoy the flexibility. They enjoy the fact that you can turn off your app for an hour and go and pick up your kids."[214] But it must be questioned (as would a Marxist) whether this preference is a "true" liking, or one shaped and reinforced by a capitalist culture in the interest of capital. Working numerous sharing economy "gigs," scheduled around other priorities in life, in a sense *does* allow people to lead lives more of their own construction than would a 9 to 5 office job. One can almost even hear Marx extolling the possibility of a kind of life in which it is possible for every person "to do one thing today and another tomorrow, to hunt in the morning, fish in the afternoon, rear cattle in the evening, criticize after dinner, just as I have a mind, without ever becoming hunter, fisherman, shepherd or critic."[215] Does the sharing economy make it possible for every person to drive for Uber in the morning, take a nap in the afternoon, manage an Airbnb property in the evening, and go to an adult education class after dinner? For a select few it may allow something ever-so distantly like this—perhaps empty-nesters whose economic condition is none too precarious, but

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[212] Ibid., 166.

[213] Ibid., 158 (emphases in original). Rose and others have noted a connection between the neoliberal "enterprising self" and the simultaneous expansion of interest in and use of therapeutic treatment, including the self-help industry; both emphasize people's ability and responsibility to steer their lives in the right direction. Janice Peck argues that Oprah Winfrey and others advance a notion of an "enchanted self" alongside the enterprising self; the enchanted self "takes responsibility for her life and creates her own circumstances by thinking positive thoughts and making good choices." Making good choices about when and how to take part in the sharing economy, perhaps while thinking "positive thoughts," enhances the ability, and reflects the responsibility, to create one's "own circumstances." Janice Peck, *The Age of Oprah: Cultural Icon for the Neoliberal Era* (Boulder, CO: Paradigm, 2008): 220-21.

[214] Jens Korte, "How the Sharing Economy Changes Workers' Lives," *Deutsche Welle*, Aug. 24, 2015, http://www.dw.com/en/how-the-sharing-economy-changes-workers-lives/a-18669155.

[215] Karl Marx, "The German Ideology" (1846), in Marx and Engels, *The Marx-Engels Reader,* 160.

who have an extra room to rent, or the retiree who may be driving for Uber because he is retired and it provides him something useful to do.[216]

In fact, however, for most providers it is economic necessity and not the desire for an unstructured life that motivates their participation. Sharing economy enterprises and supporters still argue that even if the gigs they offer are not "dream jobs," some source of income is better than nothing. But even if the option of picking up flexible work through the sharing economy appears to be a blessing for low-income students or the chronically unemployed, helping them find a way back into the workforce and on a ladder toward greater prosperity, it can only be truly seen as such once one accepts the position of necessity in which many find themselves as natural and reasonable—when in fact it is contingent on and productive to the neoliberal order. Take the student who works as a dog sitter for the sharing platform DogVacay in order to help pay his college tuition bills, as an alternative to dropping out of school or taking an even less desirable job, say shelving at Wal-Mart; for him, the sharing economy may look quite helpful indeed. But enabling the student to find work in this way—without benefits and no income guarantees whatsoever, bearing almost all of the risk and only a portion of the rewards—primarily serves the needs of a system in which college has gotten so expensive that many students *must* work while "investing in their human capital," all the while delivering profits to student loan providers and servicers, and to investors in sharing platforms.

A further complication is the impact of the sharing economy on the meaning of unemployment and the provision of unemployment assistance. In most American states, in order to receive such assistance one must demonstrate that he or she is continuously looking for suitable work and unable to find it. Rather than see unemployment benefits as a matter of right, states expect recipients to be actively engaged in the *work* of finding a job; thus, Rose notes, "unemployment is to become as much like work as possible."[217] With the advent of the sharing economy, and the possibility that some forms of work within it could easily be considered "suitable" to a person's prior skills and experience, it becomes questionable whether anyone is ever *really* unemployed.[218]

As it pushes individuals to take "responsibility" for maximizing their own productivity, then, the sharing economy in fact exploits the desperation of the working classes, a desperation that neoliberalism has itself worsened. But the sharing economy also makes it difficult for providers to organize in ways that might combat some of this exploitation. As a more general

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[216] In Miami, for example, retirees increasingly use "their time, talent and assets to enhance their income and social lives. Eschewing traditional part-time work and going indie, they're renting out spare bedrooms, offering up the use of idle cars and using their deep well of knowledge to make an extra buck—or to keep a toe in the workaday world." Ana Veciana-Suarez, "Baby Boomers Are Getting in on the Sharing Economy with Uber, Airbnb Gigs," *Miami Herald*, July 5, 2016, http://www.miamiherald.com/living/article89813702.html.

[217] Rose, *Inventing Our Selves*, 161. This requirement is part of the idea of "workfare"—that in order to obtain benefits, public assistance recipients must fulfill certain requirements or participate in certain activities.

[218] The definition of "suitable" work varies by state. In general, it refers "to a job that offers wages comparable to your recent employment and duties that fit your education level and work experience. Other factors include commuting time, as well as any potential health or safety risks to the job." Some states expand the definition the longer one receives unemployment assistance. "For example, after a certain number of weeks, suitable work might then include any work that you are capable of performing whether or not you have any experience or training (so long as some sort of training is provided to you)." Alison Doyle, "Suitable Work Requirements for Unemployment," *The Balance*, Oct. 27, 2016, https://www.thebalance.com/suitable-work-requirements-for-unemployment-2064180.

matter, because members of the precariat are dispersed throughout society and unincorporated into standard channels of political and economic power, engaged in widely varying sorts of work, they "cannot be unified or represented," in the words of political theorist Isabell Lorey. Their numerous workplaces and types of work "extend their economic exploitation, and multiply identities and work places."[219] If the precariat is vulnerable to exploitation because of its "multiple identities and work places," sharing economy workers are the most vulnerable of all, having literally an infinite number of "identities and work places"; wherever there is a customer with a task, there is a new potential job and a new, often concealed workplace. The sharing economy preys upon the fractured, disconnected nature of the precariat by promising income and flexibility, but then generally denying workers the security and benefits associated with full-time employment, as well as the opportunity to unionize. Political organizing among workers, challenging under any circumstances in the neoliberal era, is especially so given the variety of sharing platforms and work situations within each platform.

One of the most significant obstacles to the creation of class consciousness in this context is that providers on the platforms rarely have face-to-face interaction with their colleagues. Indeed, it is even a stretch to refer to fellow providers as colleagues, given the utter lack of interaction and the fact that sharing economy workers do not, almost by definition, work together with anyone else. There are a few exceptions, especially in the case of ride-hailing drivers—for example, drivers may encounter one another by chance while refueling at gas stations, or while waiting for ride requests at airport parking lots.[220] But the daily routine of a driver or a "tasker" contains reliable face-to-face contact only with clients, not with colleagues. (This may be the case with any freelance worker, of course, but many freelancers can at least choose to do their work in settings that may involve contact with others similarly situated, whether local cafes or increasingly popular co-working spaces such as WeWork.[221]) As a result of this lack of interaction with colleagues, it is more challenging for workers to share grievances and organize effective protest actions. Marx's observation in the *Eighteenth Brumaire of Louis Bonaparte* that peasants in the French countryside were like "sacks of potatoes," stacked near one another yet unable to communicate, comes to mind. Marx contrasted these peasants with the urban factory workers who were in constant proximity and frequent interaction with one another, making the latter far better suited to become a "class *for* itself," and thus more likely to lead the proletarian revolution against the bourgeoisie.[222]

In this analogy, sharing economy workers resemble those "sacks of potatoes," similar to one another in the work they perform and, especially, in their relation to the system of capitalist exploitation in which they toil, but kept apart by the structure of that system and thus hard-pressed to effectively unite and challenge it. Of course the analogy ought not be taken too far; today it is quite possible to discuss common problems and organize protest actions through the

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[219] Isabell Lorey, *State of Insecurity* (London: Verso, 2015), 9.
[220] See, e.g., Jim Dwyer, "For Uber and Other Drivers at Kennedy, a Long Wait to Do Their Business," *New York Times*, June 29, 2017, https://www.nytimes.com/2017/06/29/.../uber-drivers-kennedy-airport-restrooms.html.
[221] WeWork began in 2008 and now has more than 200 offices worldwide; its valuation is an estimated $20 billion. Yuki Noguchi, "Co-Working Spaces Are Redefining what it Means to Go to the Office," *NPR*, Sept. 26, 2017, http://www.npr.org/2017/09/26/552379626/co-working-spaces-are-redefining-what-it-means-to-go-to-the-office.
[222] Karl Marx, *The Eighteenth Brumaire of Louis Bonaparte* (1852), in Tucker, ed., *The Marx-Engels Reader.*

means of modern communication. Lilly Irani notes there exists an "ecology of forums, employer review sites, and job-sharing platforms" through which workers can come together to share advice, "negotiate the norms of work … and struggle to establish more interactive and participatory relationships with employers."[223] Some sharing economy workers have proven themselves to be not completely powerless; they have organized rallies and protests against some platforms, and have engaged in lobbying governments.[224] It could be hoped, then, that sharing economy workers would continue to come together to demand better conditions, seeing each other—and even their customers—as people with whom they share common class interests. But neoliberalism is earnest in its attempts to shut down attempts at unionization and worker empowerment, and sharing economy workers will face considerable logistical and legal obstacles to the formation of class consciousness among them and to becoming an effective political force.

Sharing economy workers do interact with their customers, of course, the positive aspects of which are the focus of Chapter Four. But these interactions are generally of a different nature compared with those with fellow workers. With one's peers, there is little expectation of the performance of emotional labor; the worker is permitted to be him- or herself, to speak freely—including, of course, to gossip and complain about those further up in the hierarchy—and even, when friendships form, to discuss intense personal concerns. With one's customers, the provider's interest in obtaining a high rating or a tip will likely affect or, at worst, censor what is communicated, warping the nature of the face-to-face encounter. On this point, one plausible benefit of the lack of a relationship with one's colleagues emerges. Lacking in-person interaction with one's peers, it is possible that the face-to-face encounter with the customer will take on increased importance and thus greater intimacy than it otherwise might. For example, the Uber driver who spends 8 hours behind the wheel and has no "colleagues" to talk to—never encountering another Uber driver, except when sitting behind one in traffic—is probably more inclined to speak to his or her passengers as a result. But this seems cold comfort for the sharing economy worker stuck in a neoliberal system that mostly isolates him or her from others similarly situated, and it does little, at least in the foreseeable future, to better his or her working conditions.

A further challenge to organizing sharing economy workers is the lack of contact with employees of the platforms themselves, and thus the workers' inability to communicate their concerns directly to management. There is often absolutely no face-to-face contact between the worker and the employer.[225] In the case of Uber, unless problems arise, there is no communication with another human being at the beginning of a driver's work on the platform; all initial paperwork is completed online and communication with would-be drivers is generally

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[223] Lilly Irani, "Difference and Dependence Among Digital Workers: The Case of Amazon Mechanical Turk," *South Atlantic Quarterly* 114, no. 1 (Jan. 2015): 232, http://saq.dukejournals.org/content/114/1/225.abstract.

[224] For example, in November 2016 Uber drivers marched at airports nationwide, calling on the company to join the "Fight for $15" minimum wage campaign. Dara Kerr, "Uber Drivers Demand Higher Pay in Nationwide Protest," *CNET*, Nov. 28, 2016, https://www.cnet.com/news/uber-drivers-demand-better-pay-in-nation-wide-protest/.

[225] Of course, the platforms disclaim responsibility as employers of these service providers, whom they describe as independent contractors. These claims continue to be adjudicated in court systems in numerous jurisdictions.

done via automated messages delivered through the app.[226] Even an experienced driver with thousands of rides under his or her belt may never see an Uber representative in person. Until recently, it was even difficult for drivers to get an Uber employee on the phone.[227] It is far easier for management to avoid dealing empathetically—or at all—with workers' complaints when they are delivered by these means. As Irani notes in the context of Amazon Mechanical Turk—a crowdsourcing platform through which workers around the world (who are known colloquially as "Turkers") complete simple online tasks for a pittance—the distancing created by the lack of face-to-face interaction between worker and boss fundamentally changes the view of the relationship from the platform's perspective, allowing management to hide behind the company's algorithms and make a series of self-serving assumptions: "[R]ather than understanding themselves as managers of information factories, employers can continue to see themselves as much-celebrated programmers, entrepreneurs, and innovators."[228] In the case of Amazon's platform, employers are "untethered" from the "working 'crowd,' keeping workers behind computer screens and lines of code. Employers imagine that Turkers work by uncoerced choice." Employers would presumably find it more difficult to imagine this if they had to confront the workers in person.

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Just as not even the wealthiest are spared the psychic effects of living in a capitalist system, with its inescapable emphasis on profit and the centrality of competition, so are none spared the psychic impact of the sharing economy. For one thing, a certain anxiety may be circulated by the presence of sharing economy workers and opportunities in everyday life—an anxiety that not only may add to the general sense of instability and precariousness characteristic of neoliberalism, but that could also work to encourage people to participate on the new platforms. In the prior chapter I noted that one of the ways capital uses sharing platforms to profit off the work of the masses is by sending the message that Airbnb is a means through which to maintain possession of one's home. The focus there was on the fear of those people at greatest risk of losing their homes and considering renting out space via Airbnb for that reason. But it is

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[226] In the case of the crowdsourcing platform Amazon Mechanical Turk, "Employees delegate the management of … workers to algorithms, pushing labor relations into the server and out of the manager's work day," part of a process of rendering workers "into computational resources." Irani, "Difference and Dependence Among Digital Workers," 226.

[227] As part of its "180 Days of Change" campaign following a string of scandals, Uber "added a 24-hour phone help line … in an attempt to appease drivers, who have long complained [it] doesn't do enough to support them." Tracey Lien, "Uber's Latest Bid to Win Over Drivers: 24/7 Phone Support," *Los Angeles Times*, July 25, 2017, http://www.latimes.com/business/technology/la-fi-tn-uber-drivers-phone-support-20170724-story.html.

[228] Irani, "Difference and Dependence Among Digital Workers," 226-27. Irani also considers the Marxist problem of achieving class consciousness, not only among Turkers but among Turkers and those full-time platform employees (such as programmers) who, although far better situated as knowledge workers, are also members of the proletariat, in Marxist terms: "Some immaterial laborers are programmers, and some are Turkers. Turkers need programmers to survive; programmers need Turkers to sustain the magic of their technologies and the fun of their work. Within these relations of exploitation, where among the multitudes is liberation to be found?" Ibid., 233. The same concern can be applied to the sharing economy, in which employees of Uber or Airbnb can be said to exploit the "independent contractors" whom they manage at a distance, dividing the two types of worker and precluding their joining together for the purpose of organizing, whether against capitalism broadly or for greater power within it.

also worth considering whether the very presence of Airbnb properties in a building, neighborhood, or town causes a more generalized anxiety about the status and potential loss of the home. In a way, it is not that different from a foreclosure sign going up in a neighbor's yard; both can make others living around the property question their own stability, and the stability of the entire neighborhood, city, or even society at large. One study found that just living near a foreclosed home was so stressful that it increased one's chances of developing high blood pressure.[229] Though it does not appear to have yet been empirically studied, it would not be surprising to find that living next to an Airbnb, with people coming and going and money presumably flowing to one's neighbor, has a similar anxiety-inducing effect. Not only are strangers entering a formerly more intimate space, but the Airbnb traffic represents either your neighbor's precarity, or your failure to be capitalizing on your own property, or both. The presence of an Airbnb is often not so hidden as to go unnoticed, but unlike a hotel, hidden just enough to pose a kind of subtle threat.

A similar argument could be made about Uber and other such gigs. Learning that a friend, relative or neighbor is driving for such a service—or simply seeing the Uber and Lyft decals on cars all around town—could lead one to worry both about that person's financial condition and about whether one should be getting in on the game as well, to secure their own financial footing.[230] This phenomenon is all the more likely given that although the sharing economy preys on those in the most precarious financial position, the leading platforms also draw many middle-class workers seeking to make extra money by, say, driving for Lyft for a few hours a day.[231] Even those on the top of the sharing economy food chain—say, the homeowner who schedules someone to clean a bathroom with the touch of a button on the TaskRabbit app—are to a point fundamentally degraded by the fragmentation and flexibilization these platforms promote. In Harvey's words, echoing a central insight of Marx's:

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[229] The study "tracked 1,750 Massachusetts residents from 1987 through 2008 and found that each foreclosure within 100 meters of a person's home affected their systolic blood pressure, the top number in the reading. The neighbors may be worried that foreclosures are hurting their home values or the safety of their communities, and that anxiety can boost blood pressure." Dina ElBoghdady, "Foreclosures May Raise Neighbors' Blood Pressure, Study Finds," *Washington Post*, May 12, 2014, https://www.washingtonpost.com/business/economy/study-foreclosures-may-raise-neighbors-blood-pressure/2014/05/12/5f519952-da03-11e3-bda1-9b46b2066796_story.html.

[230] One might have a similar reaction if a friend started working a low-wage job at, say, McDonald's. But sharing economy "gigs" are more accessible to the middle class; they are less stigmatized, and require little legwork to begin, and even less commitment, meaning one can experiment with a job and then abandon it just as quickly. Thus, learning a friend has begun driving for Uber or renting out space on Airbnb seems more likely to generate anxiety about one's own economic security and choices.

[231] Boston College sociologist Juliet Schor notes that when middle-class workers take such jobs, their earnings can cut into those of taxi drivers, who are more likely to come from a lower socioeconomic stratum, thus depressing working-class wages and even eliminating jobs for the least well-off. Likewise, a traveler's choice to stay in an apartment via Airbnb rather than at a hotel can mean a reduced need for the lower-income workers who staff the hotel and more side income for an already well-off property owner. In short, highly-educated, professional providers on sharing platforms are "crowding out, at least to some extent, less advantaged, lower educational attainment workers who have traditionally done much of [the] manual work that more privileged sharing providers are now doing." Juliet B. Schor, "Does the Sharing Economy Increase Inequality Within the Eighty Percent?: Findings from a Qualitative Study of Platform Providers," *Cambridge Journal of Regions, Economy and Society* 10, no. 2 (July 1, 2017): 276, https://academic.oup.com/cjres/article-abstract/10/2/263/2982086.

> [T]hose thoroughly incorporated within the inexorable logic of the market and its demands find that there is little time or space in which to explore emancipatory potentialities outside what is marketed as 'creative' adventure, leisure and spectacle. Obliged to live as appendages of the market and of capital accumulation rather than as expressive beings, the realm of freedom shrinks before the awful logic and the hollow intensity of market involvements.[232]

Facing pressure to use or provide sharing economy services to improve one's economic condition and ensure that one's time is as wisely spent as possible—that one is a responsible neoliberal subject, whose value is appreciated to the greatest possible extent—there is no time or space for truly "emancipatory potentialities" that might offer up different ways of thinking, relating and living. Life, for everyone, is hollowed out, with dire consequences for politics and democracy.

Sennett's concern about the elimination of the long-term narrative by the mandated flexibility of the neoliberal economy is again relevant. The consequences of the inability to see one's life in terms of a coherent narrative, Sennett argues, carry over to the political realm. People who lack long-term stories explaining their own lives also begin to lose their reason to be concerned with their peers and with the community at large; the story they have used to make sense of their relation and connection to those around them disintegrates. People may come to feel so disposable, contingent, and fragmented from themselves and one another, Sennett writes, that the "bonds of trust and commitment" between them are weakened, and they lose a sense of their shared fate.[233] People who have learned, in part through participation as customers or providers on sharing economy platforms, to see themselves as "appendages of the market and of capital accumulation" can hardly be expected to subscribe to a narrative—however true and important it may be—about their commitment to one another and their shared fate.[234] In the next chapter I consider the prospect that the situation may be more dire still, for not only do *sharing* platforms paradoxically undermine people's ability to perceive their *shared* fate; they also pit citizens against one another in even more shrouded and more disconcerting ways.

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[232] Harvey, *A Brief History of Neoliberalism*, 185.

[233] Sennett, *The Corrosion of Character,* 31.

[234] See also Brown, *Edgework*, 43 ("The model neoliberal citizen is one who strategizes for her- or himself among various social, political, and economic options, not one who strives with others to alter or organize these options. A fully realized neoliberal citizenry would be the opposite of public-minded; indeed, it would barely exist as a public. The body politic ceases to be a body but is rather a group of individual entrepreneurs and consumers.").

Chapter III

The Dark Side of Trust: Horizontal, Vertical, and Liquid Surveillance in the Sharing Economy

Suppose a brand new sharing economy platform were to offer trips of up to five miles for just 50 cents; the one hitch is that your driver will be a stranger about whom you will be given absolutely no information in advance. Would you take it? Most people, conditioned since childhood to be wary of strangers—and living in a culture obsessed with missing persons, kidnappings, and other forms of true crime—would probably decline the offer. As two economists put it, "[f]ew information asymmetries are deeper or more important than the one that exists between someone who wants a ride across town and a stranger offering to provide that ride in a private car. Even if most drivers are completely honest and safe, the financial and personal risk of getting a bad one appears unacceptably high."[235] To be successful, sharing platforms have had to find ways of overcoming this "information asymmetry," building enough trust to persuade people to ride in each other's cars, stay in each other's homes, and let strangers into their homes to help them with assorted tasks. So-called reputation systems, in which consumers and providers of goods and services rate and review one another, are the means to this end. Absent these ratings and reviews, people would be hesitant to put such a high degree of trust in complete strangers.

According to Frédéric Mazzella, founder and president of the major French ridesharing platform BlaBlaCar, these systems also transform the "building block of society, interpersonal trust, … from a scarce into an abundant resource."[236] But Mazzella fails to recognize that the process of mutual rating also deeply affects the authenticity of interactions between consumers and providers, providing new incentives for disingenuousness that undermine the value of the encounter. The likelihood of this increased distance between users further undermines the initial intent and promise of sharing economy platforms to enable increased sociality through more casual interactions with one's "peers." Worse still, these systems contribute to a horizontal kind of surveillance that further implicates sharing platforms as tools of the neoliberal political rationality discussed at the end of the prior chapter—forms of surveillance liable to further depoliticize the citizenry.

(1) Building Trust Through Ratings

Trust, says political theorist Mark Warren, "involves a judgment, however implicit, to accept vulnerability to the potential ill will of others by granting them discretionary power over some good."[237] That is, trust is the decision to open oneself to the possibility that another person or group of persons will cause one harm in the performance of some task. For example, if a

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[235] McAfee and Brynjolfsson, *Machine, Platform, Crowd*, 207.
[236] Frédéric Mazzella, Jan. 14, 2013, quoted in Arun Sundararajan, *The Sharing Economy: The End of Employment and the Rise of Crowd-Based Capitalism* (Cambridge, MA: MIT Press, 2016), 47.
[237] Mark Warren, "Introduction," in Mark Warren, ed., *Democracy and Trust* (Cambridge, UK: Cambridge UP, 1999), 1.

friend loans me his car, it implies that he trusts me enough to assume that the likelihood of harm is minimal; yet, the possibility that I will harm him by failing to properly care for his valuable possession or take responsibility for damages that do occur remains. If I trust my landlady not to enter my apartment and examine my belongings when I am out, it nonetheless remains a possibility because she has the power (the keys) to do so, and her actions are ultimately out of my control. Warren explains: "If I extend trust I am also judging … that my trust will not be abused. And this implies that there is no essential conflict of interest between myself and the person to whom I extend trust, or at least no conflict of interest that is not mitigated by other relationships, securities, or protections."[238] My landlady may have an interest in rifling through my stuff, but it is (hopefully) outweighed by her sense of what is right, of her respect for me as a courteous tenant, or simply her desire not to alienate me and lose my tenancy.

These are examples of what some political scientists call *particularized trust*, i.e., trust in friends, family, and other people we personally know. Looking at society as a whole, we must also consider trust in people beyond our immediate communities, which is called *generalized trust*.[239] Sharing practices have historically been largely confined to friends, family, neighbors, and members of one's immediate community, instances of particularized trust. With these "exchange partners" there is a "basis for trust based on pre-existing social relationships." But among strangers, "exchange partners often lack the necessary information or previous experience necessary to establish trust."[240] At the same time, in democratic capitalist societies, there is also a good amount of generalized trust; constantly engaging in economic transactions requires some trust in others. Indeed, most people will readily stop a stranger on the sidewalk to ask for directions assuming they won't be led astray; some even feel comfortable hitchhiking. In the market, this trust in others is often also based on the good reputation of a person or business, and on enforced schemes of regulation and inspection by the government or industry associations. Most people do not think twice about allowing a plumber from a known company inside their home to fix a leaky pipe; about booking a stay at a Hilton or Marriott hotel, or about hailing a licensed taxi on the street.

But the sharing economy complicates the distinction between public and private, between the market and the intimate realm, and also between particularized and generalized trust. If instead of a hotel one opts to stay in someone's house through Airbnb, or to get a ride from an unlicensed stranger through Uber or Lyft rather than hail a yellow cab, the generalized trust that underlies market exchanges may not be sufficient given the additional risk of entering a stranger's (and an independent contractor's) personal, confined space; at the same time, one lacks the pre-existing familiarity with the stranger that could create particularized trust. Yet in recent years society has witnessed millions of people doing things "that would have seemed unthinkably foolhardy as recent as five years ago," things like "hopping into strangers' cars," "welcoming them into our spare rooms," dropping our dogs off at their houses" and "eating food

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[238] Warren, 1.
[239] Eric M. Uslaner, "Democracy and Social Capital," in Warren, ed., *Democracy and Trust*, 124.
[240] Juliet B. Schor and Connor J. Fitzmaurice, "Collaborating and Connecting: The Emergence of the Sharing Economy," in Lucia A. Reisch and John Thogersen, eds., *Handbook of Research on Sustainable Consumption* (Cheltenham, UK: Edward Elgar Pub., 2015), 416-17.

in their dining rooms."[241] These examples of what Juliet Schor calls "stranger sharing"—"sharing among people who do not know each other, and who lack friends or connections in common"[242]—are enabled by a combination of traditional trust-generating mechanisms and, more significantly, newer so-called reputation systems.

To some extent, sharing economy companies have made use of trust "signaling mechanisms" used by traditional companies. Most platforms require some combination of identity verification, background checks, inspections or other forms of initial review; they also commonly take responsibility for collecting payment, offer insurance in the event of harm or damage, handle customer complaints, and promise to continually vet and monitor the (allegedly) independent contractors with whom they work.[243] All of these measures are taken to increase trust in the platform brand as a whole, known as "centralized trust." Trust in sharing platforms is really distinguished from that in conventional businesses, however, by the "reputation systems" consisting of ratings and reviews contributed by users that create so-called "peer-to-peer trust." In other words, a reputation system "collects, distributes, and aggregates feedback about participants' past behavior … [to] help people decide whom to trust, encourage trustworthy behavior, and deter participation by those who are unskilled or dishonest."[244] One's reputation is a kind of signal whether and how he or she should be trusted going forward; reputation scores quantify that signal in terms of how trusted one is by other community members.[245] Although each system differs in the particular rating scales and opportunities to publicly post written reviews on offer, generally platforms ask both parties to a transaction—buyers and sellers, hosts and guests, drivers and passengers—to rate one another after the experience is complete. Airbnb, for instance, requests that guests rate seven dimensions of their stay: overall experience, cleanliness, accuracy of the listing, value, communication, arrival (i.e. check-in), and location. Afterward, hosts can see how frequently they were awarded 5 stars, "how guests rated

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[241] Jason Tanz, "How Airbnb and Lyft Finally Got Americans to Trust Each Other," *Wired*, Apr. 23, 2014, https://www.wired.com/2014/04/trust-in-the-share-economy/.

[242] Koen Frenken and Juliet Schor, "Putting the Sharing Economy into Perspective," Innovation Studies Utrecht Working Paper #16.04 (Nov. 1, 2016), http://www.geo.uu.nl/isu/pdf/isu1604.pdf.

[243] Airbnb, for example, boasts "24/7 customer service, sophisticated messaging tools, and [a] $1,000,000 Host Guarantee," and a system it calls "Verified ID," in which users earn a "badge on their profile by providing their online identity (via existing Airbnb reviews, LinkedIn, or Facebook) and matching it to offline ID documentation." Airbnb (blog), Apr. 30, 2013, http://blog.airbnb.com/introducing-airbnb-verified-id/. The Federal Trade Commission refers to these methods as "direct intervention by platforms to promote trust," noting they "shift risk from buyers and sellers to the platform itself." Federal Trade Commission, "The 'Sharing' Economy: Issues Facing Platforms, Participants & Regulators," Nov. 2016, 34-35, https://www.ftc.gov/reports/sharing-economy-issues-facing-platforms-participants-regulators-federal-trade-commission.

[244] Paul Resnick, Richard Zeckhauser, Eric Friedman and Ko Kuwabara, "Reputation Systems: Facilitating Trust in Internet Interactions," *Communications of the ACM [Association for Computing Machinery]* 43, no. 12 (Dec. 2000), 45. http://presnick.people.si.umich.edu/papers/cacm00/reputations.pdf.

[245] A good reputation will usually lead to being trusted, but the two concepts are not equivalent. One scholar defines reputation as a "summary of one's relevant past actions within the context of a specific community, presented in a manner that can help other community members make decisions with respect to whether and how to relate to that individual." Chrysanthos Dellarocas, "Designing Reputation Systems for the Social Web," in Hassan Masum and Mark Tovey, eds., *The Reputation Society: How Online Opinions Are Reshaping the Offline World* (Cambridge, MA: MIT Press, 2011), 4.

nearby hosts, and, in some cases, tips to help" improve their rating.[246] Through these often elaborate (yet simple to use) rating systems, those who would have earlier been seen as strangers quickly become sufficiently trustworthy for people to enter the once-private space of another.[247] One study has even found that strangers with high "reliability scores" in reputation systems are more trusted on average than "real-life" colleagues and neighbors.[248]

Reputation systems are central to platforms' business models, and for users have become an expected part of participation in the sharing economy. Such systems are not exactly new, having been used by online businesses since the e-commerce boom of the late 1990s. In some sense, they go even farther back; Rachel Botsman and others have argued that sharing platforms' emphasis on personal reputation marks a return to a long-gone era in which business was conducted in smaller communities among people who knew each other by reputation, if not personally.[249] Instead of word of mouth, reputational data on sharing platforms is compiled and conveyed through digital technology. One advantage of this development is that it can help individuals and small businesses compete in a capitalist system that favors larger enterprises, with their economies of scale and advertising budgets; in this sense, reputation systems can be said to go a small way toward democratizing capitalism by making it "much more efficient for small entrepreneurs to inform potential customers of their existence and accurately signal a positive and honest reputation."[250]

But if these systems can be seen as advantageous for the small business or individual provider, they are all the more so for the platforms themselves. There are at least three advantages for the platforms to employing these systems. First, they save money by making customers do some of their work for them. Uber riders and Airbnb guests are essentially deputized by the platforms to provide useful information about the performance of other

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[246] Airbnb, "How Do Reviews Work," last accessed Sept. 16, 2017, https://www.airbnb.com/help/article/13/how-do-reviews-work. The company adds that "[t]he number of stars displayed at the top of a listing page is an aggregate of the primary scores guests have given for that listing. At the bottom of a listing page there's an aggregate for each category rating. A host needs to receive star ratings from at least 3 guests before their aggregate score appears."

[247] Sundararajan argues that the number and quality of one's ratings represent accrued social capital, which providers use to advertise themselves on the platform: "Someone with a greater level of social capital is better known, has a greater presence in society, and, as a consequence, can be relied on to behave in a way consistent with what you'd expect." Sundararajan, 63.

[248] In a survey of BlaBlaCar members across 11 European countries researchers found that 88 percent of respondents highly trusted a member with a full digital profile, while using the same measures, only 58 percent said they would highly trust a colleague and 42 percent a neighbor. Levels of trust in "fully-profiled strangers" on the BlaBlaCar platform were nearly as high as trust in family members or friends. Mareike Möhlmann, "Why People Trust Sharing Economy Strangers More Than Their Colleagues," *The Conversation*, Dec. 20, 2016, https://theconversation.com/why-people-trust-sharing-economy-strangers-more-than-their-colleagues-70669.

[249] "[R]eputation has been a means of making socioeconomic decisions for thousands of years … [but] today, network technologies are digitally enabling the trust we used to experience face-to-face—meaning that interactions and exchanges are taking place between total strangers." Rachel Botsman, "Welcome to the New Reputation Economy," *Wired*, Aug. 20, 2012, http://www.wired.co.uk/article/welcome-to-the-new-reputation-economy.

[250] Max Gulker, "Let's Stop Calling It the 'Sharing Economy,'" *American Institute for Economic Research* (blog), Sept. 8, 2017, https://www.aier.org/blog/let%E2%80%99s-stop-calling-it-%E2%80%9Csharing-economy%E2%80%9D. Gulker illustrates the point with a helpful example: "Suppose it's 1980 and I want to rent out a spare room in my apartment a few weekends per year. I could put up fliers around town, but I'm not sure anyone would jump at the chance to stay with someone whose only qualification is access to a Xerox machine. It might make more sense to put the word out among my friends… But the number of potential customers I'd reach is extremely limited. Luckily, it's 2017 and a platform such as Airbnb makes it easy for customers not only to find me but to trust me through the comments and ratings of previous customers."

platform users.[251] This means the platforms need not hire staff to secretly inspect cars and homes; they may not need much of a customer service department either, since aggrieved users can vent their frustrations through a poor rating and review. Second, relying on user-generated ratings and reviews is valuable to the companies because it helps substantiate their legal claim to be "mere platforms," and thus to both disclaim liability for at least some potential misconduct that users may find themselves subject to, and possibly skirt employment laws regulating why and how workers can be terminated. Finally, customers have come to expect rating systems on websites and mobile apps, and may find them reassuring, or even empowering.[252]

Yet reputation systems are also imperfect, to say the least. One problem obvious to sharing economy participants is that ratings tend to be clustered at the very high end, with a smaller group at the low end and few in the middle. This phenomenon is known in economics as the "J-curve," so called because the distribution looks like the letter J, with a small number of very low ratings, even fewer in the middle of the range, and then a dramatic increase at the high end (i.e. 4 and, mainly, 5) of the rating scale. In general, the pattern may be explained by the fact that as time passes, "products with many negative reviews are being pulled from the shelves, leaving better products that get better reviews," where in this case the "products" are Airbnb properties and hosts, Uber or Lyft drivers, or TaskRabbit "taskers." There is also likely a "positive feedback loop" at work, in which people are using positively-reviewed providers more than negatively-reviewed ones, and then "returning to contribute reviews that will be similarly positive."[253] Other contributing causes to the "J-curve" likely include "herding behavior, whereby prior ratings subtly bias the evaluations of subsequent reviewers"; "under-reporting of negative reviews, where reviewers fear retaliatory negative reviews"; "self-selection, where consumers who are a priori more likely to be satisfied with a product are also more likely to purchase and review it …; and strategic manipulation of reviews."[254]

Another cause of these excessively positive ratings is more specific to the sharing economy: People actually don't like giving each other low or even middling ratings, especially once they have met in person. Many sharing economy users find it uncomfortable to critique such aspects as the "communication, habits and home" of a "perfectly pleasant stranger," given

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[251] As Slee puts it, "critical reviews act as a complaint to the central authority… a bad rating is a complaint to Uber itself, which has its own unaccountable disciplinary system the can remove drivers from the platform for any reason." Tom Slee, *What's Yours Is Mine: Against the Sharing Economy* (New York: OR Books, 2017), 106. This relationship is of a piece with what transpires in the internet economy more broadly; Twitter, Facebook, and Instagram, for instance, benefit financially from the free creation and provision of content by users, who are often called prosumers (a portmanteau of consumer and producer). See, e.g., Christian Fuchs, "Class and Exploitation on the Internet," in *Digital Labor: The Internet as Playground and Factory,* ed. Trebor Scholz (New York: Routledge, 2013), 217 ("On Facebook, Twitter and blogs, users are fairly active and creative … but this active and creative user character is the very source of exploitation.").

[252] Reputation systems provide a "veneer of familiarity for people used to doing business on Amazon and Netflix." Slee, *What's Yours Is Mine*, 103. While rating and reviewing others may seem empowering to some, in the next section I will argue that in Foucauldian terms they are in fact expressions *of* power acting through, classifying and subjugating sharing economy participants.

[253] Alex Barrera, "The Natural Ubiquity of the J-Curve," Dec. 21, 2011, *Bazaarvoice* (blog), http://blog.bazaarvoice.com/2011/12/21/the-natural-ubiquity-of-the-j-curve/.

[254] Georgios Zervas, Davide Proserpio and John W. Byers, "A First Look at Online Reputation on Airbnb, Where Every Stay Is Above Average," Apr. 12, 2015, http://www-bcf.usc.edu/~proserpi/papers/airbnbreputation.pdf, 2.

that "it's really hard to put down someone after you've met them face to face."[255] People inflate the ratings they give out of empathy—or even pity—for the person shuttling them around town or putting together the IKEA furniture on their living room floor. One piece of evidence for this assumption is that hotels overall receive significantly lower ratings than properties rented from individuals. The reason for this discrepancy may be that people "feel a little bit worse rating some sole proprietor or some freelance driver… You know that it's this guy's business… Things may have gone wrong, but you're more charitable in your evaluations. If it's a big brand … you don't care so much."[256] Giving a low rating or a harsh review is especially difficult when the stakes are high, as when the livelihood of a "perfectly pleasant stranger" hangs in the balance. It has become widely-known among sharing economy participants that platforms rely on reputation scores to decide which people are permitted to continue as providers on the platform and whose access will be suspended, and that even subtle differences in scores can be the difference between remaining active and losing one's earning potential. Odd as it may seem to the uninitiated, users come to realize that 4.6 is a problematically low rating. In fact, Uber will deactivate any driver whose rating falls below that score.[257] In such circumstances, docking someone one or two stars because their home or car was less clean than you would have liked can seem inappropriate, even cruel—especially since many if not most sharing economy providers (along with many customers) are coping with precarious economic conditions.

Social mores such as politeness may also prevent people from leaving ratings and reviews that would more honestly reflect their experience, or from leaving any review at all. Indeed, another option less emotionally taxing than assigning a poor rating is to simply choose not to rate or review one's experience.[258] People may consider failing to provide positive feedback punishment enough. But unless the platform reveals what percentage of people failed to rate or review a provider, the abstention communicates no information to other users. The platform, of course, has this information, but may choose not to make it public, since the prevalence of high ratings induces customers to think the levels of service by and satisfaction with the platforms' providers are exceptionally high. Browsing Airbnb, for example, one may get the impression that "the hosts are uniformly great, the apartments amazing, the locations ideal. Even the dogs attached to the properties are cute and sweet."[259] Generosity in ratings and reviews may reflect cultural norms and avoidance of conflict, but it can also be seen in a more positive light. Failing to give "honest" ratings may reflect the prioritization of civility, concern, and

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[255] Erica Ho, "Why You Really Can't Trust Airbnb Reviews at All," Map Happy, May 14, 2015, http://maphappy.org/2015/05/why-you-really-cant-trust-airbnb-reviews-at-all/.

[256] Zervas, quoted in Sara Rimer, "At Airbnb, Where Every Stay Is Above Average," *BU Today*, Mar. 16, 2015, https://www.bu.edu/research/articles/at-airbnb-where-every-stay-is-above-average/.

[257] Harry Campbell, "11 Things That Can Get You Deactivated as an Uber Driver," *The Rideshare Guy* (blog), Aug. 1, 2016, https://therideshareguy.com/10-things-that-can-get-you-deactivated-as-an-uber-driver/. Slee argues that the trust sharing platforms need is not actually produced by the ratings themselves, but by the knowledge that platform users have a certain power over each other. Users' trust, he claims, depends on their belief that if their expectations are not met, they can complain through the rating system, knowing that the result may be "disciplinary action"; reputation systems are thus "turning us into a society of snitches, giving us the ability to casually turn in our fellow citizens to a strict and unaccountable form of discipline." Slee, *What's Yours Is Mine*, 108.

[258] "[D]isappointed buyers often do not leave any feedback whatsoever rather than leave negative feedback." Federal Trade Commission, "The 'Sharing' Economy," 40.

[259] Rimer, "At Airbnb, Where Every Stay Is Above Average."

respect for one's fellow citizens over the abstract notion of the "accuracy" of the rating system, and over the commercial interests of the platform itself. Platform users can even be said to express a kind of solidarity with those trying to "make it" on the other end of the transaction.[260] These, then, are some of the reasons reputation systems may fail to fulfill their stated purpose.

Although platforms generally do not report how many customers fail to rate and write reviews of providers, platforms do take other steps to try to get around people's tendency to be nice to one another, and thus to improve the actual and perceived accuracy of their reputation systems. Too many indistinguishable ratings, after all, could lead customers to be disappointed with the goods or services provided, or to not trust the platform in the first place. One such step is to make it more difficult for users to escape rating and reviewing their "peers"; Uber, for example, requires riders to rate the prior trip in order to hail the next one. Another option is to reduce the likelihood of retaliation by the person on the receiving end of a poor rating or review, making people less afraid of the consequences of being honest.[261] To this end, Airbnb changed its ratings and review system in 2014 so that hosts and guests can only see each other's reviews after both participants have had sufficient time to participate in the process. Of course, these solutions are not foolproof. In the case of Uber, requiring passengers to always rate drivers does not mean riders cannot still always award "5"s. On Airbnb, users' past reviews can still be read by potential future hosts; this fact could dissuade users "from being honest, because then future hosts who see [their] negative reviews might be reluctant to rent to [them], fearing … a bad review, too."[262] Moreover, users who wish to be more courteous to their hosts—and avoid having a negative review attached to their name on the platform forevermore—can provide feedback to the host through a direct message, which defeats the purpose of the public reputation system.[263] In short, the platforms' attempts at making reputation systems more accurate can still be resisted by users intent on being compassionate or gumming up the system for some other reason. But the vast majority of users will not be so intent and will follow the rules and incentives established by the platforms—meaning reputation systems will place ever-greater distance between them.[264]

(2) Scoring the Person: What Reputation Systems Are Really Doing

Sharing platforms like high ratings because they are evidence of customer satisfaction, but they also need the ratings to be accurate enough that people will use the platforms again—to produce enough generalized trust to keep people coming back for more. The solution to this

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[260] Such behavior might be considered an instance of obfuscation, a tactic of resistance scholars Finn Brunton and Helen Nissenbaum call for in response to the data collection and electronic surveillance that is so pervasive in the 21st century. Finn Brunton and Helen Nissenbaum, *Obfuscation: A User's Guide for Privacy and Protest* (Cambridge, MA: MIT Press, 2015). I return to this theme in the concluding chapter.

[261] Federal Trade Commission, "The 'Sharing' Economy," 41. On the latter point, one workshop participant told the FTC that "[i]f both parties rate one another, there can be this hold-up problem where people are afraid to say anything negative."

[262] Molly Mulshine, "After a Disappointing Airbnb Stay, I Realized There's a Major Flaw in the Review System," *Business Insider*, June 18, 2015, http://www.businessinsider.com/why-airbnb-reviews-are-a-problem-for-the-site-2015-6.

[263] Ibid.

[264] Slee gives Airbnb as an example, noting that while its marketing "emphasizes the personal nature of its service," its reputation system "needs a 'social distance' between host and guest if it is to collect the right input." Slee, *What's Yours Is Mine*, 107-8.

dilemma lies in platforms (and participants, following their lead) honing in on the shade of difference between ratings of, say, 4.65 and 4.7. But what, exactly, *is* the difference between customers or providers whose ratings are so close? Tom Slee notes that reputation systems do not on their own adequately address the rare situations of extreme breaches of trustworthiness, when even a one-star rating is too ineffectual a punishment. For example, if an Uber driver is operating his or her vehicle while intoxicated, or an Airbnb host is caught spying on a guest through a peephole, users will promptly contact the platform and/or the police, and the providers will likely be swiftly barred from future use of the platform. Therefore, with safety issues mostly off the table, reputation systems are left to address a "relatively narrow range of trust problems…: cleanliness, punctuality, friendliness, and so on."[265] In other words, since reputation systems are not actually responsible for determining essential issues like whether a driver can be trusted to get a rider safely from point A to point B, the ratings must be based on something less important and more subjective.[266]

When ratings turn on trivial judgments about personal characteristics and idiosyncrasies, however, there is inevitable damage to "the very person-to-person relationships that the Sharing Economy supposedly values."[267] In other words, while reputation systems increase people's willingness to trust strangers, having people rate and review each other in order to instill trust warps *how* people interact with and view one another. Mutual rating puts greater distance between people, and makes them into different *kinds* of people who become constantly concerned with their ratings—more atomistic, individualistic, neoliberal people, who (as I argued in the previous chapter) are preoccupied with increasing their human capital and boosting their present value. Although the sharing economy can bring people together physically, then, the system of post-hoc ratings and reviews threatens to keep people at ever-greater arm's length from one another than they might even have been as mere strangers, isolating them psychically in a way that is the antithesis of democratic connection. The reason reputation systems do this, I argue in the remainder of this chapter, is that they function as a tool of what Foucault called, simply, power. For Foucault, power is not something that can be concentrated and held by any person or institution, nor is it something that only or even primarily keeps people down, holds them back, or in some obvious way restrains them. On the contrary, power properly understood is much the opposite: dispersed in networks, productive rather than repressive, located everywhere in society, constitutive of identities and intertwined with dominant knowledge.[268] By categorizing, scoring and organizing the population, in addition to accumulating all kinds of

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[265] Slee, *What's Yours Is Mine*, 93.

[266] Ride-sharing blogger Harry Campbell corroborates the notion that minor faults are behind the low ratings some drivers give passengers. Campbell says the "most common reasons drivers dock passengers … are being late, acting belligerent, eating in the back seat, and dictating directions." While "acting belligerent" could be a serious issue, the other infractions seem rather inconsequential. Christian Gollayan, "Here's Why Your Uber Passenger Rating Sucks," *New York Post*, Oct. 9, 2016, http://nypost.com/2016/10/09/heres-why-your-uber-passenger-rating-sucks/.

[267] Slee, *What's Yours Is Mine*, 93.

[268] Power, in Foucault's own words, is properly conceived "not as a property, but as a strategy; … its effects of domination are attributed not to 'appropriation,' but to dispositions, maneuvers, tactics, techniques, functionings; … one should decipher in it a network of relations, constantly in tension, in activity, rather than a privilege that one might possess; … In short, this power is exercised rather than possessed; it is not the 'privilege,' acquired or preserved, of the dominant class, but the overall effect of its strategic positions." Michel Foucault, *Discipline and Punish* (1975), in *The Foucault Reader*, Paul Rabinow, ed. (New York: Pantheon, 1984), 174.

other data, reputation systems allow power to better control users' behavior; more insidious still, they do so by deputizing the people to control each other.

As a way of introducing the Foucauldian analysis, I will start with a thought experiment. Imagine an Airbnb listing in San Francisco that is very unusual for the platform in that it is, to put it mildly, aggressively sexual. Photos show that instead of beds there are slings; the walls are decorated with photographs of unclothed people engaged in sadomasochistic acts; the living room features a cabinet full of whips, chains and what look like other instruments of torture. Reviews note with gratitude that ample controlled substances are provided. (The reader can imagine the scene further if so inclined.[269]) Airbnb would no doubt ban such a listing on multiple grounds—the display of pornographic material; sexually suggestive phrases in the description; admissions of illegal drug use, and so on. If somehow the platform permitted the listing in some form, it would surely be concealed behind a (currently non-existent) adults-only, password-protected filter. So subversive a home, it is clear, would not be welcome on Airbnb, since it would implicate the company in behavior contrary to prevailing, powerful social norms.

In fact, the very opposite of this scenario is far closer to reality. People who rent out space in their homes may quite literally alter their now semi-public living areas to make them inoffensive to potential guests, perhaps removing provocative artwork or posters from their walls or controversial publications from the coffee table. Hosts may (re-)decorate their homes in the knowledge that people will be constantly judging and reading into what they see around them, even if they never meet the host in person, and that such judgments will in part be reduced to a score that attests to their worth as hosts—and even as people. Every choice they make, every word and action, may lead to a higher or lower rating. It is not too much of a stretch to assume that knowing this would lead most people to adjust their words and deeds to conform to perceived expectations.

At the most conscious level, sharing economy users on both sides of a transaction (i.e., riders and drivers alike) aim for innocuous pleasantness because the stakes are relatively high for all involved: as noted earlier, livelihoods may be on the line for the driver or host, while the ability to get a ride or a desired lodging in the future is at stake on the consumer's. Pragmatic, economic motivations are thus, at one level, what drive the decision to furnish one's apartment rented out on Airbnb in an inoffensive (yet mildly interesting) way, or for both driver and passengers to keep conversation in an Uber or Lyft as inoffensive and upbeat as possible. Writer Judith Evans observes this effect in her personal experience with the sharing economy: "When I book a room on Airbnb, I find myself adopting a weird persona. Airbnb Judith uses a lot of exclamation marks. She is jolly, friendly and very quick to respond to messages. She is so easy-going that she ignores building sites and weird smells to be kind about her hosts. Airbnb Judith is a dream!!!"[270] Evans adds that she sees the sharing economy persona she adopts as a "pragmatic thing" in the interest of ensuring she can continue to get the Airbnb lodgings she wants in the

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[269] As readers may know, during his time teaching at the University of California, Berkeley, in the early 1980s, Foucault became immersed in San Francisco's BDSM scene, going "to the bathhouses regularly and [becoming] involved in the S/M games played there among the 'leather' crowd." John Knoblock, "Re: Foucault and Bathouses [sic]," *Foucault-L, Mailing LIst*, email sent Apr. 18, 1998, https://foucault.info/pst/az-cf-72215-892914403.

[270] Judith Evans, "Airbnb and Uber Star Ratings Hold Up a Black Mirror to Real Life," *Financial Times*, Nov. 3, 2016, https://www.ft.com/content/b5c997aa-a0e7-11e6-86d5-4e36b35c3550.

future. In this way assuming a jolly persona is even a kind of manipulative act, though one common to capitalism, in which people often seek to game the system, potentially harming others in at least a minor way by misrepresenting themselves to get ahead; such misrepresentations evince a lack of respect for other users and even a failure to acknowledge their worth as equal persons by treating them as instrumental means to one's personal ends.[271]

But Evans goes on to say that she also "can't help feeling these reciprocal ratings reflect something about my *actual value as a person*."[272] There is an underlying inconsistency at work here in Evans' mind. She knowingly adjusts her self-presentation in order to be more successful on these platforms, but when she is successful (as measured in a high rating or glowing review) she reads this positive feedback not as an approving comment on her *performance*, but rather as an affirmation of her "actual value as a person." Superficially, it may seem that the system of mutual rating brings out one's better nature. After all, Evans is a somewhat more friendly, reliable and easy-going person because her sharing economy persona ("Airbnb Judith") has affected the way she really thinks and acts. But the deeper phenomenon at work is that Evans has internalized a message from society at large that to be virtuous is, in fact, to *be* likable, malleable and non-confrontational.

On a Foucauldian reading, Judith has no intrinsically "better nature"; to assume one is to assume a pre-existing interiority that is actually socially constructed. For Foucault, each person has no prior, fixed essence; identity is constituted and shaped by the surrounding discourse: "[T]he individual is not a pre-given entity which is seized on by the exercise of power. The individual, with his identity and characteristics, is the product of a relation of power exercised over bodies, multiplicities, movements, desires, forces."[273] In Judith's case, her "nature" since (or even before) birth is fashioned by the multiple discourses she was born into. Over time, if she participates in the sharing economy enough, Judith may come to actually act as a friendlier, more reliable, more easy-going person. Yet this change is not an act of free choice, but a product of the sharing economy that, as an instrument of social and economic power, shapes her that way. Even

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[271] On the flip side, sharing economy providers are expected to present an upbeat persona as well—to be at least willing to engage in light conversation—and at the same time to "be themselves," opening up in a way taxi drivers or hotel employees are not expected to do as part of their job. The platforms rely on providers' emotional labor, to use Arlie Russell Hochschild's phrase, to counteract or blur their commercial underpinning, and customers may penalize providers who are too clearly putting on a show, or who do not seem to be trying at all. Arlie Russell Hochschild, *The Managed Heart: Commercialization of Human Feeling* (Berkeley, CA: U of California P, 1983).

[272] Evans, "Airbnb and Uber Star Ratings Hold Up a Black Mirror to Real Life" (emphasis added).

[273] Michel Foucault, *Power/Knowledge* (New York: Pantheon, 1972), ed. Colin Gordon, 73-74. Discourses are "practices that systematically form the objects of which they speak," or the conversation that structures and shapes what people conceive of as reality, or possible versions of reality. Michel Foucault, *The Archaeology of Knowledge* (London: Routledge, 1972), 49. Those who reject Foucault's interpretation of the self as socially constructed might read reputation systems in terms of John Stuart Mill's theory of "social tyranny." For Mill, the pressure to be non-offensive threatens a tenet of liberal democracy: the protection of free thought and diversity in styles of life. After all, the "mere act of publicly keeping track of someone's actions can encourage or discourage the incidence of those actions." Dellarocas, 6. Mill expounds on the importance of free thought and experimentation in *On Liberty*, arguing that open contestation of ideas and styles of living is essential for the pursuit of truth and for an environment in which geniuses may emerge. Society must guard against the tyranny of the majority not only in government, but in everyday life, for social tyranny "leaves fewer means of escape, penetrating much more deeply into the details of life, and enslaving the soul itself." John Stuart Mill, *On Liberty* (London: Penguin Classics, [1859] 2006), 11. While these Millian claims are not wrong as far as they go, in comparison with a Foucauldian interpretation they fail to take into account deeper forces at work structuring individuals' subjectivity, thus presenting an incomplete understanding of the way sharing economy reputation systems connect to the power underlying social constructs.

if we go all the way with Foucault in deeming the self entirely socially constructed, it is at least possible to recognize and seek to resist the influence of powerful forces that have acted on us since birth. Bernard Harcourt takes this approach, arguing that the self is developed through free, indeterminate interaction with others—or at least as free and as indeterminate as is possible; it is a process in which there may be *some* room for "free, indeterminate interaction with others." The sharing economy's reputation systems work against the "free, indeterminate" nature of these encounters with other people, the benefits of which I consider in the next chapter; they therefore inhibit the possibility of forging an identity apart from and in resistance to social power. To the contrary, Harcourt argues, in the age of social media and other new digital technologies, the self is forged differently: people's "constant attention to rankings and ratings, to the number of 'likes,' retweets, comments, and shares, start to define [their] conception of self," as well as determining their self-esteem.[274] People come to depend increasingly on these metrics for validation of their identities, preferences and life choices, making them constantly anxious and insecure about their worth—as discussed in Chapter Two in connection with the way the neoliberal subject seeks to constantly measure and increase his or her present value. The fact that it has become common for Uber riders to frequently check their own rating attests to this effect. One writer observes that one's Uber rating has even become a "millennial status symbol" and a "point of pride (or, in some cases, shame)," noting that it is common practice to frequently check one's rating and to do what one can to improve it, in the quest to become a "perfect five-star rider." Such steps may even include "openly brokering stars with one's driver"—presumably by promising to give each other five stars, an act that could even be verified if both parties complete the rating process on their smartphones in each other's presence.[275]

When sharing economy users are encouraged or forced to quantitatively (and often qualitatively) evaluate other people and compare them against each other, they are put in a position essentially to rate people's character and to a degree how they lead their lives. Of course, as I have noted, reputation systems are not unique to the sharing economy. If I book a hotel room via an online platform such as Expedia, I will receive an email after check-out from that platform (and perhaps from the hotel itself) asking me to rate various aspects of my stay, such as the service provided by the hotel staff. If I do provide a rating in such a category, it will be based on my limited interactions with the staff in a narrow, formal context. But when rating an Airbnb host, I can (and probably will at some level) take into account how well they clean their floors, their taste in furniture, what brand of toilet paper they purchase, and so on. In rating an Uber or Lyft driver, I may take into account elements of their physical environment—their car—such as whether the windows have been washed, whether their trunk is clean or messy, or even

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[274] Bernard E. Harcourt, *Exposed: Desire and Disobedience in the Digital Age* (Cambridge, MA: Harvard UP, 2015), 217.

[275] Michelle Ruiz, "The Latest Status Symbol? A Five-Star Uber Rider Rating," *Vogue*, Sept. 14, 2016, https://www.vogue.com/article/uber-how-to-get-5-stars-rider-rating. Ruiz notes that the obsession with ratings has broken into popular culture, a testament to its ubiquity. In the television series "Odd Mom Out" one character, "aghast at his 4.7-star rating, begins campaigning for five-star status, baking his drivers fresh brownies and sitting shotgun to more intimately chat them up. The endeavor backfires when he is banned from the app, a fate equivalent to social suicide in New York, leaving him to resort to—oh, the horror—taxis." See also Christine Merser, "My Uber Rating Obsession," *Freesia Lane*, Sept. 26, 2016, http://www.freesialane.com/my-uber-rating-obsession/ ("I check my rating after each and every time I take an Uber, which can be five or six times a day when I'm in New York City. And still, it stays the same. … I am a great Uber rider. Seriously.").

the odor in the car. In the words of British writer Laurence Scott, the Airbnb guest "communes with household objects that act as avatars, the feathered plumpness of the duvet, the pedigree of the kettle, the heft of the cutlery all speaking to the host's virtue."[276] Objects in the home become signs of the person who put them there. It is not hard to imagine Airbnb guests subconsciously calculating a host's final rating from the moment they step into the house or apartment. Beautiful grandfather clock in the hallway? Plus 0.1 point ("Such class!"). Badly cracked mirror in the bathroom? Minus 0.5 points ("Why didn't they fix it? How long have they been living with it, I wonder…"). Cute, lovable dog? Plus 1 point. Dog accidentally defecates on the kitchen floor? Minus 3 points ("Seriously? Do they not realize they have guests? Do they not know having a dog is a major responsibility?").

But Airbnb hosts or Uber drivers usually do not know just what particular people may be rating them *on*. Foucault's discussion of panoptic surveillance is helpful in seeing the consequences of this lack of knowledge. On Foucault's account of the panoptic society, all people are being watched and monitored, but they do not know exactly when. The mere threat of being watched is enough to motivate them to conform to ways they are expected to act by those who might be watching, and thus by society in general. To illustrate his theory, Foucault uses Jeremy Bentham's proposal for a prison called the Panopticon in which guards would be located in a watchtower with a view into every prison cell. The inmates would be unable to see into the tower, however, meaning that they were constantly at risk of being watched. This structure served as a symbol for Foucault of the way modern surveillance operates, by lodging itself into each person's being: "He who is subjected to a field of visibility, and who knows it, assumes responsibility for the constraints of power; … he inscribes in himself the power relation in which he simultaneously plays both roles; he becomes the principle of his own subjection."[277] In the context of the prison, the implication is that physical, corporeal punishment becomes largely dispensable, as the inmates come to govern themselves with time.

In the sharing economy, service providers do not know exactly what their guests may care about—whether an Uber rider may be obsessive about the cleanliness of the car, or easily angered by a driver slowing down at yellow lights, or particular about the music being played (unless the rider communicates these preferences, of course, which some may be willing to do). The sharing economy provider must therefore generally remain on guard—disciplining him- or herself—lest something set off the guest or rider, anger that will be expressed in a low rating. Such scrutiny is a manifestation of what legal scholar Jeffrey Rosen calls the "Omnipticon," a phenomenon of the internet age in which "the many are watching the many, even though no one knows precisely who is watching or being watched at any given time."[278] In the case of the sharing economy, the provider *does* know who is watching him or her at any given moment, but in a situation such as driving for Uber, the number of people cycling through one's car over the

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[276] Laurence Scott, *The Four-Dimensional Human: Ways of Being in the Digital World* (London: William Heinemann, 2015), 34.

[277] Foucault, *Discipline and Punish*, in *The Foucault Reader*, 202-03.

[278] Rosen adds in a more Millian frame (indeed, he cites Mill) that "technology now exists to bring about the fulfillment of a particular kind of dystopia, where no aspects of life are immune from the relentless scrutiny of public opinion, and where the public's lack of tolerance for individuality and eccentricity results in a suffocating and pervasive social conformity." Jeffrey Rosen, *The Naked Crowd: Reclaiming Security and Freedom in an Anxious Age* (New York: Random House, 2004), 11.

course of a few hours is so great that it can barely be said one knows who is doing the rating at all. As I will discuss in the final section of this chapter, one also does not know who (or what computer program) is watching on behalf of the platform itself.

This mental interrogation of the other's intimate space and person is a result of the reputation systems combined with the fact that the sharing economy blurs the public/private distinction; what was formally concealed is revealed to public view and scrutiny. French psycho-sociologist Eugène Enriquez observed this trend in 2004, well before the sharing economy's emergence, writing that "what had previously been invisible—everybody's share of the intimate, everybody's inner life—is now required to be exposed on the public stage." Thus, "those who care about their invisibility are bound to be rejected, pushed aside, or suspected of a crime. Physical, social and psychical nudity is the order of the day."[279] The general social trend was clear, then, by 2004, although its crystallization in sharing economy reputation systems was still half a decade away. For the moment, it seems that someone who declines to try renting their home on Airbnb because they wish to maintain their privacy is not viewed askance—no norm has yet emerged decreeing such a preference to be somehow deviant.[280] But if one were in dire financial straits and *still* refused to let a room via Airbnb, or to drive for Uber, despite having no other income-generating prospects, such refusal might well raise suspicions that the person had something to hide; some people might find it curious that this modern-day hermit would be so concerned about avoiding the public gaze as to forgo income.

In this way, those who are struggling economically and need the income that Uber or Airbnb can provide may be essentially forced into disclosure. In yet another painful irony, however, the less fancy the life one reveals—the less nice the car, the less luxurious the home on display—the less likely one is to receive high ratings. No one likes poverty. Indeed, while the sharing economy does not, of course, require *all* people to be "exposed on the public stage," nor does a failure to participate in it suggest someone has something to hide (not yet, anyway), it *does* predicate one's ability to be financially successful on "physical, social and psychical nudity," and on what is revealed by it. Scott notes that this nudity may be nearly literal, insofar as willing exposure to public scrutiny tends to reveal not only one's lifestyle and personality, but the very body itself. Through Airbnb, for example, what guests tend to see is not merely the inside of people's homes: "[I]n the case of bad reviews, it is often the private messiness of the body that is

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[279] Eugène Enriquez, "L'idéal type de l'individu hypermoderne: l'individu pervers?" in Nicole Aubert, ed., *L'Individu Hypermoderne* (Toulouse, France: Érès, 2004), 49, quoted in Zygmunt Bauman and David Lyon, *Liquid Surveillance: A Conversation* (Cambridge, UK: Polity Press, 2013), 30. In a similar vein, Rosen adds that as technology makes it possible for strangers to see into more and more of our lives, it brings the attention of "large and unseen audiences" formerly reserved for "unusually interesting people—celebrities, crime victims, or politicians" to bear on ordinary people. Thus, "in the age of the Omnipticon, no individual is immune from the pitiless and unblinking gaze of the crowd, and all of us are susceptible to its fickle emotions—including anxiety, jealousy, and fear." Rosen, *The Naked Crowd*, 12.

[280] The concept of normalization is central to Foucault's theory about the nature and operation of power. Foucault argues that norms are tools of control and discipline; one's degree of deviance is measured by how far one falls from the norm, a measurement that itself serves to individuate each person in the eyes of power and institutions. Foucault says there is a "whole range of degrees of normality … playing a part in classification, hierarchization, and the distribution of rank. In a sense, the power of normalization imposes homogeneity; but it individualizes by making it possible to measure gaps, to determine levels, to fix specialities, and to render the differences useful by fitting them one to another. … the norm introduces, as a useful imperative and as a result of measurement, all the shading of individual differences." Foucault, *Discipline and Punish*, in *The Foucault Reader*, 197.

revealed, its unsporting excretions and stains, the clots of hair in the plughole that soil the reputations of slovenly guests."[281] The body, already measured and rated elsewhere in society—whether compared to norms of healthy weight and cholesterol or literally rated and ranked in beauty pageants and through dating services—is yet again made subject to inspection and review. This interpretation reflects Foucault's emphasis on the way power requires that the body be open to inspection, so that it may be disciplined and, through the operation of "biopower," monitored and tracked by the state or other institutions as part of the management of the population. The body, Foucault argues, is a key site for the operation of power.[282]

Another consequence of mutual ratings is a narrowing of the scope of behaviors permitted each person, or accepted as constituting a recognizable self. This occurs insofar as sharing platforms subtly encourage people to create a stable online identity that discourages experimentation or fluidity—a continuity achieved when the reviews one receives together paint a coherent picture of the person offering his or her services. Take Airbnb as an example once again. Even if a host has high ratings, potential guests reading reviews of the property may be taken aback by wildly varying comments about the host's personality or habits, fearing an unpredictable experience (or, worse, encountering someone whose mental or emotional state does not conform to expectations of what is "normal" in society, and in particular for an Airbnb host). Moreover, the presentation of a stable identity at least *within* a platform makes it easier for that person to be quantitatively measured and categorized; it is useful, if not necessary, for the algorithms that manage and interpret the voluminous data platforms gather. Users of Airbnb, Scott writes, are pressed to "materialize online as contained, knowable people, to enter into a community of fully realized digital subjects. We are required to accumulate an online history of consistent, amiable personhood so that we can be recognized whenever we crop up in digital space."[283] The pressure to maintain a consistent sharing economy identity is particularly insidious in the context of Airbnb, Scott notes, because many people travel precisely to "try to outrun their old lives, to experience fresh starts, to be blissfully anonymous, a mysterious stranger blowing through town. But in order to journey with Airbnb, we are required always to bring ourselves with us. Our pasts become a travel document; we're not allowed to shed our digital skins."[284] Scott is right in that unless one goes to some effort to evade or mislead the user registration process and the reputation systems, one essentially cannot use Airbnb or other sharing platforms at all.

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[281] Scott, *The Four-Dimensional Human*, 32.

[282] Foucault traces the obsession with the body to the "Classical Age," the late 17th and 18th centuries, during which the body was "discovered as object and target of power," with regulations and methods for the purpose of "controlling and correcting [its] operation." Foucault, *Discipline and Punish*, 136.

[283] Scott, *The Four-Dimensional Human*, 28. Zygmunt Bauman argues that the main goal of surveillance today is "social sorting," which would benefit from the creation of consistent, "contained, knowable people" that Scott describes. Bauman and Lyon, *Liquid Surveillance*, 13.

[284] Scott, *The Four-Dimensional Human*, 28. In the early years of the internet, Scott adds, it was widely believed that the online realm would be a place where people could also travel figuratively, away from their "real" lives—where they could take advantage of the anonymity of "cyberspace" to experiment with different personas. Ibid., 27. The idea that people would intentionally put on and try out various identities online is clearly different from the neoliberal fracturing of the self, which is not a form of resistance to socially-imposed identities but can be considered its opposite, i.e., a fracturing imposed by economic and social powers outside of the individual.

In the previous chapter, I noted that the ideal neoliberal self—one that is facilitated and promoted by the sharing economy—is one that is flexible and willing to work whatever job is available, whenever and wherever the need arises. The neoliberal idea of the self is one who lacks a stable inner core and is a "jumble of assets," a stockpile of human capital constantly being revalued in terms of its earning potential in the various markets in which it finds itself. In this chapter, drawing on Scott's argument, I have noted something quite different about the self desired by reputation systems—a consistent persona that can be predicted across time. This apparent paradox can be explained by the fact that having a consistent persona on one platform is not inconsistent with being willing and able to perform any available task on that platform, or on any other platform on which one might also be available for work. Indeed, the image of the stable identity within a platform actually better suits the neoliberal ideal in that it can produce more work overall for the sharing economy provider.

(3) If You See Something, Say Something (But Only in a Rating or Review)

Although participants in sharing economy reputation systems probably do not realize it, they are participating in a scheme of social, mutual, horizontal surveillance. By horizontal, I mean that surveillance is conducted not by any authority *above*—including the platforms themselves—but by one's peers. This horizontality is implied in a term I mentioned at the start of this chapter: "peer-to-peer trust." Reputation systems, as discussed earlier, are tools from which platforms benefit tremendously in financial terms, even though the work of inputting the data that creates such trust is performed by "peers" rating and reviewing one another. As noted at the end of Chapter One, it is misleading to call people "peers" in such circumstances; not only are they competitive marketplace actors, as I argued there, but they are also active monitors of each other's behavior, as should now be evident. Even as sharing economy users perform free labor for platforms, then, they perpetuate societal norms of what is non-deviant behavior through horizontal surveillance. This system has a troubling further consequence: turning people into what Foucault called "docile bodies" with respect to the social and economic powers that continue to dominate them, thereby depoliticizing the populace.

Foucault's understanding of power includes the key facet that it is not located in any one place and is not capable of being centralized. Rather, it is found in "capillaries," a term Foucault takes from the circulation system as a metaphor for power's dispersal to every extremity of the social body. Power is also exercised rather than possessed, he argues, with people serving as conduits for its operation. Even if they try to challenge or resist, people generally perpetuate power as long as they live. In his words, power is "sometimes extended by the position of those who are dominated… it invests them, is transmitted by them and through them.… This means that these relations go right down into the depths of society; that they are not localized in the relations between the state and its citizens or on the frontier between classes."[285] Those "who are dominated" by power—which, on Foucault's rather bleak account, is everyone to a good degree—encounter power in every interaction and every situation, and they unknowingly, unintentionally become its instruments in their words and deeds and the choices they make. In the sharing economy, power is perpetuated by the individuals doing the work of rating and

[285] Foucault, *Discipline and Punish*, in *The Foucault Reader*, 174.

reviewing each other; they are acting as those "capillaries" of power, nodes of transmission of norms and demands they do not determine and cannot control.

But the idea that power operates linearly between persons is too unidirectional to be consistent with Foucault's reasoning. Instead, power is better seen as circulating, acting all around as well as through each participant—each person is a vehicle of power, not merely a point of its application. In relation to surveillance, power can be considered to operate through what sociologist and philosopher Zygmunt Bauman calls a "liquid" form. Bauman refers not to a specific technology of surveillance but to an "orientation, a way of situating surveillance developments in the fluid and unsettling modernity of today." Particularly in the "consumer realm"—which must include the sharing economy—"surveillance spills out all over."[286] Bauman argues, as have others, that the model of panopticism is now outdated; today we live in a "post-panoptical" world in which surveillance "liquifies," meaning that what once seemed "bounded, structured and stable" (such as ubiquitous security cameras, and their panopticon-like decoys) is supplemented or replaced by electronic technologies that are more effective and better suited to a society in which people are constantly on the move.[287] In contrast to Bentham's prison, in which the guards, hidden in the watchtower, frighteningly present no face at all, liquid surveillance entails "forms of control that display different faces. Not only do they have no obvious connection with imprisonment, they often share the features of flexibility and fun seen in entertainment and consumption."[288] One thinks here of the possibly "fun" aspect of assigning a numerical rating to a driver or host; on the Uber app, the rating prompt appears seconds after you leave your vehicle, lovely outlines of stars waiting to be tapped and magically filled in by your finger. (The idea that participation in reputation systems is designed to be enjoyable is part of the "gamification" of the sharing economy, discussed in connection with the neoliberal self in Chapter Two.)

With people willingly (as willingly as one can be given the weight of economic and social pressure) signing on to sharing platforms, they participate without objection in this liquid surveillance—meaning, as Bauman writes (following Foucault), there is "no need to build heavy walls and erect watchtowers to keep the inmates inside, while hiring countless throngs of supervisors to make sure they stick to the prescribed routine," now that the watched are "expected to self-discipline and bear the material and psychical costs of discipline production."[289] Airbnb properties and Uber cars do not feel like prisons, of course. In fact, the apartment one books may be resplendent, nicer than any home one has ever had or will have. One's Uber driver might pull up in a shiny new BMW. (In fact, one of the very few restrictions Uber and Lyft enforce is that drivers have a relatively new car in good condition.[290]) But this is

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[286] Bauman and Lyon, *Liquid Surveillance*, 2-3.
[287] Ibid., 3-4.
[288] Ibid., 4-5.
[289] Ibid., 72-73. As to control over the workplace—an issue discussed at the end of the previous chapter—Bauman says the "curtain has dropped on the era of 'mutual engagement' in which managers and managed confronted each other: the new show is a more elusive drama in which 'power can move with the speed of an electronic signal.'" Ibid., 12.
[290] For Uber, the "vehicle requirements" vary from city to city. In Los Angeles, for example, vehicles must be: "Model year 2002 or newer," a "4-door car or minivan," in "[g]ood condition with no cosmetic damage," and with no "commercial branding" (apart from the Uber decal, of course). "Vehicle Requirements: Los Angeles," Uber, https://www.uber.com/drive/los-angeles/vehicle-requirements/.

precisely Bauman's (and Foucault's) point. The services provided are so nice, even luxurious, that the surveillance aspect is perceived by the user as something of an afterthought, at most a small nuisance for those who do not find assigning stars to be mildly enjoyable. Thus, in Bauman's words, "With the carrot (or its promise) replacing the stick, … and the grooming and honing of desires substituting for costly and dissent-generating policing, … it is now the task of the volunteers to chase the opportunities of servitude."[291] As I have noted, one advantage of reputation systems for the companies is that they are almost entirely automated, with users doing the work of inputting ratings and reviews, and sophisticated algorithms analyzing the data compiled; Bauman cleverly calls this "DIY surveillance."[292] Although sharing economy users do receive cheap rides or a stays in often lovely apartments in exchange for their money, they are being put to work as unpaid volunteers, engaged in mutual surveillance that monitors and checks the behavior of everyone who participates in the system. By chasing higher ratings and better reviews, users and providers alike chase their own servitude.

The fact that sharing platforms typically offer extensive choice—such as the ability to select an Airbnb host and property from a wide variety of options, seemingly limitless in some cities—does not negate the extent to which users are being disciplined. In fact, Bauman suggests, the opposite is true: today, choice is a tool of discipline. "Panopticon-style surveillance assumes that the road to submission … leads through the elimination of choice," he notes. But in the current era, "market-deployed surveillance assumes that manipulation of choice (through seduction, not coercion) is the surest way to clear the offers through demand."[293] Consumers *want* choice; the thriving "market" each platform constructs and maintains draws them in and keeps them coming back. Paradoxically, the more choices the market offers, the more coercive it is, as it means people are more prone to want to participate in it and thereby willingly enter or re-enter the scheme of surveillance and control. In this regard, the inclusion of less desirable choices also serves a critical function, as Foucault would likely have argued, by demonstrating the costs of not conforming to the expectations of the platform and/or the masses. In other words, just as "normal" behavior is defined in relation to deviance, those sad-looking Airbnb hosts and Uber drivers with measly 4.55 ratings are needed to establish and reinforce the virtue and desirability of their higher-rated competitors; the reasons for the providers' low ratings do not matter at all; they could just as well be fake accounts placed there by the platforms to make the other options look better by contrast.

Whereas for Foucauldians instances of the operation of power tend to be disguised or outright hidden, such as by inscrutable technology, according to Bernard Harcourt, today there is

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[291] Bauman and Lyon, *Liquid Surveillance*, 65. Similarly, in Harcourt's words, "A new expository power constantly tracks and pieces together our digital selves. It renders us legible to others, open, accessible, subject to everyone's idiosyncratic projects—whether governmental, commercial, personal, or intimate…. And it does so with our full participation. There is no conspiracy here, nothing untoward." Harcourt, *Exposed*, 15. Sharing economy users willingly open themselves to the scrutiny once reserved for social welfare recipients surveilled as a condition of receiving benefits. See Loïc Wacquant, *Punishing the Poor: The Neoliberal Government of Social Insecurity* (Durham, NC: Duke UP, 2008), 25; John Gilliom, *Overseers of the Poor* (Chicago: U of Chicago P, 2005). Sociologist Deborah Lupton calls the phenomenon "participatory veillance" to emphasize the voluntariness of one's "voluntary engagement in watching or being watched by others." When this participatory veillance takes place via social media, Lupton calls it "social surveillance." Deborah Lupton, *Digital Society* (London: Routledge, 2015), 37.

[292] Bauman and Lyon, *Liquid Surveillance*, 63.

[293] Ibid., 135-36.

actually little hiding going on at all. That is, not only is rating each other for some an enjoyable peripheral aspect of participation in the sharing economy; the very idea of having one's home, one's car, or one's very self exposed to public view may on its own be part of the attraction. People are not *under* a regime of surveillance or even really focused on watching each other as much as they are engrossed in an ongoing project of revealing themselves. Harcourt writes that in this digital age, "We are not being *surveilled* … so much as we are *exposing* ourselves knowingly, for many of us with all our love, for others anxiously and hesitantly."[294] But the masses have been conditioned to participate in such rating systems by decades of opportunities and incentives to do so; as noted above, people are so accustomed to rating experiences, goods, and other people that they have come to expect the chance to do so, and might actually be disappointed (or even insulted) if Uber or Airbnb did not want them to. Even if the fallacy seems obvious to Foucauldians, that is, most people see these rating and review opportunities as actually giving them *more* input, control, and freedom, rather than as tools to monitor and shape their behavior. Today more than ever people could benefit from escaping the solipsism that seems to characterize this age of exposure. In the next chapter, I consider whether the sharing economy also has the potential to enable more genuine, less predictable encounters with other people that would serve this end. But with regard to reputation systems, which entrap users in perpetuating a regime of liquid surveillance, these platforms seem more enablers of solipsism than a means through which to address it.

(4) Surveillance from Up Above

Bauman notes that "market-deployed surveillance" entails a "manipulation of choice" as well. At a literal level, in the sharing economy, it is the platforms themselves who do much of this manipulation. Of course, it is not known precisely how each platform manipulates its offerings internally—what tools and algorithms it uses to determine which rider gets which car, or which Airbnb listing appears first when one conducts a search. But it is plain that some such manipulation takes place. While it is platform users who monitor each other, the data generated goes to a central authority—the platform itself—which keeps it mostly under wraps, revealing only selected information, such as one's aggregate score, to users. The precise manner in which such scores are calculated is generally not revealed, and scores cannot easily be contested; platforms generally offer only partial pronouncements of what constitutes desirable behavior by participants. Therefore, "liquid" surveillance in the sharing economy is not totally horizontal, but also has a vertical element. Not only must platform users be on guard with respect to each other; they must, if they wish to be successful, also attempt to divine exactly what the all-seeing platform itself is looking for in their behavior, imagining a standard desired by those in authority. It may seem unfair that as "the details of our daily lives become more transparent to the organizations surveilling us, their own activities become less and less easy to discern. As power moves with the speed of electronic signals … transparency is simultaneously increased for some

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[294] Harcourt, *Exposed*, 89-90. Making a similar point, though in the context of his theory of liquid surveillance, Bauman gives the example of Amazon's "Wish List," which shoppers can make public, for anyone to inspect. This feature "reminds us of how much people *like* to be watched; there is a kind of shoppers' scopophilia working here… the Wish List gives consumers the opportunity to manage themselves, to show a particular face to others." Bauman and Lyon, *Liquid Surveillance,* 122. (Scopophilia is the derivation of pleasure from looking.)

and decreased for others."[295] Nonetheless, millions continue to use the platforms for the affordability and convenience—the additional choice—they provide.

Although the extent to which reputation systems implicate people in schemes of horizontal or liquid surveillance is generally unappreciated, the fact that sharing economy participants are potentially being watched from on high was widely comprehended, with dismay and disgust, in 2014, when it was revealed that Uber employees were doing just this on some occasions. Through an internal program known as "God View"—a name that perfectly expresses the vertical nature of the surveillance, which accompanies the peer-to-peer surveillance going on among users "on the ground"—Uber employees could see the locations of customers using the service, in real-time. God View was created in 2011, and was reportedly abused regularly, with employees spying on "the movements of 'high-profile politicians, celebrities and even personal acquaintances of Uber employees, including ex-boyfriends/girlfriends, and ex-spouses.'"[296] The company claimed the tool had a legitimate purpose, used by employees to process customer refunds and investigate accidents, among other things. In response to the public outcry and governmental inquiries, Uber announced a policy aimed at reducing the use of the tool for inappropriate purposes (such as spying); it also began to internally flag searches for customers it considered important or high-profile, although this step in no way limited searches on everyone else using the platform.[297] The steps Uber did *not* take are even more noteworthy. It did not admit anything untoward or concerning about a large number of people with no privacy training or security clearance having access to such a trove of data; it did not indicate how it would guarantee such data would not be misused in a way that would threaten users' safety; it did not even appear embarrassed at or apologetic in the least for the "God View" label that implied an omniscience and superiority over the very users who give the platform so much of its value.

Uber's admission of the years of misuse of God View—later renamed "Heaven View," a symbolic though minor step away from acknowledging its omniscience—and its unwillingness to cease using the tool entirely indicate the lack of control people have over their information, and the way participation in the sharing economy exposes them to multiple forms of surveillance.[298] For several years, Uber also required iPhone users either allow it to constantly keep track of their movements, even when they were not using the service, or turn the platform's ability to locate them off entirely, making it a small hassle when one wanted to use the app. (Most other apps have always allowed users to select an intermediate option, such that their location is only available to the app when they are actually using it.) Uber claimed its only interest in constantly collecting this data was to improve the quality of its service and promised that "even though it can harvest your location constantly while its app is running in the background on your phone, it won't use that capability." But the fact that the company was

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[295] Ibid., 12.

[296] Beyoncé was one celebrity whose movements were tracked using the tool. Alex Hern, "Uber Employees 'Spied on Ex-Partners, Politicians and Beyoncé,'" *The Guardian*, Dec. 13, 2016, https://www.theguardian.com/technology/2016/dec/13/uber-employees-spying-ex-partners-politicians-beyonce.

[297] Ibid.

[298] According to one employee, Uber's policy cracking down on the use of God View went largely unenforced, and employees could still easily access the tool as of June 2016. Will Evans, "Uber Said it Protects You from Spying. Security Sources Say Otherwise," *Reveal News*, Dec. 12, 2016, https://www.revealnews.org/article/uber-said-it-protects-you-from-spying-security-sources-say-otherwise/.

constantly recording and potentially watching the movements of every one of its millions of users again raised the hackles of privacy groups.[299] Uber also engaged in surveillance through its secret "Greyball" program, which controversially and probably illegally allowed it to track and evade government regulators around the world by flagging certain users as likely to be regulators based on an analysis of its own data; it would then give these users a "fake version of the app, populated with ghost cars, to evade capture."[300]

While Uber has been the worst offender in using its data to conduct surveillance on its users—sometimes systematically for a corporate purpose, and other times in the hands of employees playing "God" out of curiosity or malice—it is hardly alone. In 2014, linguist Geoffrey Nunberg anointed God View his "word of the year," saying that the expression was able to "encapsulate the zeitgeist" like no other, being "a pretty apt name for the way technology sees us now."[301] Calling up Foucault (though not by name), Nunberg commented that "God View" fit right in to a world "becoming a vast panopticon, a place where everyone can be observed without being aware of it"—as seen in the prevalence of security cameras, footage from thousands of which can be viewed by anyone via live web streaming, or in the micro-targeted advertisements that appear in a web browser or on one's Facebook page. The world, Nunberg concluded, is getting more "creepy," but people are continually willing to accept more and more "creepiness" as they become comfortable with giving up evermore privacy and evermore information in order to access the goods and services they desire; in this way, people demonstrate the perpetual encroachment on their control over the conditions of their lives, and their decreasing inclination or ability to resist. Of course, this problem is far broader than the sharing economy; an increasing number of advocates and organizations—and whistleblowers such as Edward Snowden—have been trying for decades to raise awareness about the dangers of both

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[299] The company said one reason it wanted the data was to "track how often riders cross the street directly after a drop-off, which the company believes could indicate a safety hazard." The company could thus detect whether a driver dropped a passenger off in a risky place. Kate Conger, "Uber Begins Background Collection of Rider Location Data," *TechCrunch*, Nov. 28, 2016, https://techcrunch.com/2016/11/28/uber-background-location-data-collection/. The Electronic Privacy Information Center filed an FTC complaint alleging an "unlawful and deceptive trade practice." Only in 2017, when required to do so by Apple, did Uber let people select the intermediate option so that it was not constantly tracking them. Caroline Cakebread, "Uber Users on iPhones Can Now Block the App From Always Tracking Their Location, Thanks to Apple's New iOS Update," *Business Insider*, Sep. 21, 2017, http://www.businessinsider.com/thanks-to-ios-11-users-can-stop-uber-from-tracking-them-24-7-2017-9.

[300] Mike Isaac, "How Uber Deceives the Authorities Worldwide," *New York Times*, Mar. 3, 2017, https://www.nytimes.com/2017/03/03/technology/uber-greyball-program-evade-authorities.html. Uber has faced other controversies regarding its control of user data and the possibility of its being used for surveillance purposes. In 2014 a data breach at the company "exposed thousands of drivers' names and license numbers," a result of a failure to properly protect users' sensitive data through such commonly employed steps as two-factor authentication and data encryption. Nonetheless, the Federal Trade Commission did not fine Uber, agreeing to the firm's proposal to have an outside firm monitor its privacy practices. Brian Fung, "Uber Settles With FTC Over Allegations It Failed To Protect Customer Data," *Washington Post,* Aug. 15, 2017, https://www.washingtonpost.com/news/the-switch/wp/2017/08/15/uber-is-settling-with-the-ftc-in-a-major-case-over-privacy-and-security/?utm_term=.ad8aad5f5a1e. In another major data breach, hackers stole phone numbers, email addresses, and names from 57 million Uber driver and rider accounts; the company then paid the hackers $100,000 to keep the breach secret for over a year. Mike Isaac, Katie Benner and Sheera Frenkelnov, "Uber Hid 2016 Breach, Paying Hackers to Delete Stolen Data," *New York Times*, Nov. 21, 2017, https://www.nytimes.com/2017/11/21/technology/uber-hack.html.

[301] Geoff Nunberg, "Feeling Watched? 'God View' Is Geoff Nunberg's Word Of The Year," *NPR*, Dec. 10, 2014, https://www.npr.org/sections/alltechconsidered/2014/12/10/369740829/forget-creepy-nunbergs-word-of-the-year-is-bigger-and-two-god-view. Nunberg added that Uber's name also "already suggested a certain Teutonic grandiosity. "

government and private companies secretly compiling data on the population. But because participation in the sharing economy is seen as voluntary, and perhaps because the sector is still relatively new, these warnings have thus far failed to deter the use of the platforms in any significant way.

In short, by being rated and reviewed, people are being doubly scored. The first, obvious meaning is they are being reduced to a numerical judgment—literally given a score—based on a set of interactions each of limited duration and scope. The other meaning, I want to suggest, is that sharing economy users are figuratively scored in the way a notch or mark is made for keeping an account or record.[302] A record is kept by the sharing platform that is used for unknown purposes now and in the future. It may be claimed that such data is anonymized, but ultimately this is impossible to verify. Some people particularly interested in and cautious about information privacy may avoid sharing economy platforms for this reason, perhaps taking taxis instead of Uber or Lyft, and paying with cash to avoid being tracked by a credit card company. Doing so would be a minor act of resistance against the information-gathering regime. But most sharing economy users are unknowingly scored and recorded, branded like livestock—except livestock receive only one farmer's brand, whereas one person today could be branded by Uber, Lyft, Airbnb, and innumerable other platforms keeping data on the user's activities. To be sure, such tracking is pervasive in society, particularly online—Amazon and all of its competitors track online shoppers' clicks and preferences religiously—but the sharing economy intensifies and applies this scoring in new ways.

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There are also significant consequences of this "scoring" for democracy. Just as a reputation score will often imply a judgment about the whole person, and not merely the work performed in a specific sharing economy transaction—say, driving for Lyft—the impact of modulating one's behavior in response to the incentives and pressures of the platforms is likely to extend beyond one's time in the driver's seat. Particularly for those who use sharing economy platforms often, on either end of the transaction, their acceptance of certain social norms—such as that others are not to be offended, that conflict should be minimized, and that people ought not generally be personally challenged in public—could be reinforced. The reinforcement of these norms in particular (as opposed to, say, the norm of being obliged to care for one's parents in their dotage) is worrisome for self-government, in that these norms run counter to the spirit of rigorous debate and questioning that democracy requires. Put another way, reputation systems are problematic for self-government in that the fear of being punished in the ratings could lead Uber drivers and riders, Airbnb hosts and guests, and many others to temper their views on remotely controversial topics—or at least to get in the habit of keeping such views to themselves, which is counterproductive to the project of self-governing as a democratic *people*.

Put another way, by surveilling each other, both the watcher and the watched are simultaneously "marketized" and depoliticized. In their daily lives—including through

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[302] "Score," *Dictionary.com*, http://www.dictionary.com/browse/scoring. This idea of the body being marked is consistent with Foucault's argument that bodies are sites for the inscription of power.

participation in the sharing economy—people become "increasingly oriented by [their] digital rankings, ratings, and scores as consumers, less and less connected to [their] political status as citizens and private analog subjects."[303] This is the outcome of people conceiving of themselves more and more the way the platforms (in the case of the sharing economy) see them: as "subject-objects who are nothing more than watched, tracked, followed, profiled at will, and who in turn do nothing more than watch and observe others."[304] Objects have no wish or power to rule themselves, to control the present and future conditions of their society. They are tools in the hands of the platforms (and the financial interests behind them), carting each other around like ants observed from on high—and they are doing this to themselves, in large part through reputation systems. People's "sense of control over [their] destiny and self-confidence" gradually withers away as a result.[305]

At present, each sharing platform has its own reputation system, independent of all others. I may have an impressive 4.88 rating on Uber, but only a disgraceful three stars as an Airbnb host.[306] But many observers (and some eager entrepreneurs) have argued that such a decentralized system makes little sense and that it would be preferable for users, at least, to have what has been called a "universal reputation score" that would tabulate their ratings across and be useable on multiple platforms. Rachel Botsman is among those who have advocated for one's reputation score to be "portable" in this way. As she envisions it,

> we will be able to perform a Google- or Facebook-like search and see a picture of a person's behaviour in many different contexts, over a length of time. Slivers of data that have until now lived in secluded isolation online will be available in one place. Answers on Quora, reviews on TripAdvisor, comments on Amazon, feedback on Airbnb, videos posted on YouTube, social groups joined, or presentations on SlideShare; as well as a history and real-time stream of who has trusted you, when, where and why. The whole package will come together in your personal reputation dashboard, painting a comprehensive, definitive picture of your intentions, capabilities and values.[307]

Compiling all of this information in one place, she argues, will be more beneficial for users since it is "foreseeable that data giving a good indicator of character, such as reliability and helpfulness, in one marketplace is a baseline of how you will behave in another marketplace." Such a portable reputation score would, she says, be "the culmination of many layers of

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[303] Ibid., 22. However, others see the dispersal of power as also diffusing politics throughout society. Sociologist Scott Lash sees an era in which politics is ubiquitous, like power itself and the media and computing technologies through which it is disseminated: "power in the post-hegemonic age grasps us in our very being. … in the hegemonic order, politics was once confined to a set of more or less clearly defined institutions. After hegemony and the meltdown of the classic institutions and their regime of representation, politics leaks out." Scott Lash, "Power After Hegemony: Cultural Studies in Mutation?", *Theory, Culture & Society* 24, no. 3 (May 1, 2007): 75, http://journals.sagepub.com/doi/abs/10.1177/0263276407075956.

[304] Harcourt, *Exposed*, 26.

[305] Ibid.

[306] This is the author's actual Uber rating as of Nov. 27, 2017, although he is not, in fact, an Airbnb host.

[307] Botsman, "Welcome to the New Reputation Economy."

reputation you build in different places that *genuinely reflect who you are as a person*."[308] It is shocking, and almost difficult to believe, that Botsman sincerely thinks that one's reputation score—compiled largely on the basis of experiences in the sharing economy, and other people's judgments about your performance—could "genuinely reflect who you are as a person." But the notion encapsulates the neoliberal vision of the person's value as the sum of how they perform in all of the markets in which they participate. On Botsman's view, people are packages of behavioral traits and preferences—above all, performances—to be constantly evaluated and judged; the implication is that their genuine essence, if one exists, is best observed through the accumulated judgments of others.

Of more practical concern is the fact that such a universal reputation score would be liable to abuse if such a system were hacked into or tampered with. Reputation systems are managed through economic enterprises in a way that may seem to detach them from state surveillance apparatuses, and proposals for a universal reputation score call for it to be privately administered. But such a universal score could be especially dangerous if such data were harnessed by the government to control or manipulate citizens.[309] China is in fact in the process of launching a governmental "social credit" scheme, providing evidence that some governments, at least, would very much like to access such data for the purposes of social engineering and, to be sure, enhanced control over the population.[310] The Chinese Communist Party's plan is to keep a record of a wide range of online and offline behaviors engaged in (or not engaged in, as the case may be) by all of the country's well over 1 billion people. Using data collected online as well as "court, police, banking, tax and employment records," the government will rate each individual as a way to measure and reward trustworthiness. People will accrue credits through certain positive actions and lose points for others; on the list of demerits, for example, would be "defaulting on a loan to criticizing the ruling party, … running a red light … [or] failing to care for your parents properly." For those who score well, there will be rewards, such as the ability to "borrow money, get your children into the best schools or travel abroad," or even to "get a room in a fancy hotel, a seat in a top restaurant." The party's stated goal behind the system is to "build a culture of 'sincerity' and a 'harmonious socialist society' where 'keeping trust is glorious.'"[311] Critics outside the country have expressed alarm that the system is "Amazon's consumer tracking with an Orwellian political twist," or "Yelp reviews with the nanny state watching over

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[308] Ibid. (emphasis added). Botsman adds that by "the end of the decade, a good online reputation could be the most valuable currency in your possession."

[309] As Harcourt argues, "[t]he traditional limits placed on the state and on governing are being eviscerated, as we turn more and more into marketed malleable subjects who, willingly or unwittingly, allow ourselves to be nudged, recommended, tracked, diagnosed, and predicted by a blurred amalgam of governmental and commercial initiatives." Harcourt, *Exposed*, 187.

[310] Again Foucault comes to mind, particularly his concept of biopower and the associated argument that state power is used in the modern era not to restrict and punish individual citizens but to track and control entire populations.

[311] An early version of the project in one province encountered backlash, however, in part because the scores were used to determine preferential treatment for significant matters such as one's ability to become a Communist Party member. Simon Denyer, "China's Plan to Organize its Society Relies on 'Big Data' to Rate Everyone," *Washington Post*, Oct. 22, 2016, https://www.washingtonpost.com/world/asia_pacific/chinas-plan-to-organize-its-whole-society-around-big-data-a-rating-for-everyone/2016/10/20/1cd0dd9c-9516-11e6-ae9d-0030ac1899cd_story.html.

your shoulder"—a kind of soft totalitarianism. For the moment, participation in China's Social Credit System is optional, but it becomes mandatory in 2020.[312]

Even if a "universal reputation score" were not connected to the state, as it is in China, and even were it not abused by those in the private sector in control of the data, one all-encompassing reputation score would still be alarming. It would come to define the individual in his or her mind much more than a smattering of ratings across platforms currently do—only confirming the idea of the individual as a market consumer and provider first and foremost, if not exclusively. To this point, the interests of capital may have actually prevented steps in this forbidding direction. The last thing Uber wants to do, after all, is share its customer data with its arch-rival Lyft; that data is likely the company's most valuable possession. It is more conceivable that Uber could enter into a data-sharing partnership with a company in a different space, such as Airbnb; integrating the reputation systems of these two behemoths might well be in the companies' interest, but for sharing economy users and for society more broadly, it would also be a troubling step in a neo-Orwellian direction.

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[312] Rachel Botsman, "Big Data Meets Big Brother as China Moves to Rate Its Citizens," *Wired*, Oct. 21, 2017, http://www.wired.co.uk/article/chinese-government-social-credit-score-privacy-invasion.

Chapter IV

Talking to Strangers in the Sharing Economy: The Promise and Perils of the Face-to-Face Encounter

In the summer of 2014, Airbnb debuted a new logo, which it called the "bélo," as part of a rebranding of the platform as it grew into an ever larger, more professional company. While the logo was derided by some on aesthetic grounds, for company CEO Brian Chesky, it represented Airbnb's mission. as ambitious as any coming out of Silicon Valley: enabling all people to regain a sense of belonging in the world. As Chesky put it, "For so long, people thought Airbnb was about renting houses. But really, we're about home. You see, a house is just a space, but a home is where you belong. And what makes this global community so special is that for the very first time, you can belong anywhere. That is the idea at the core of our company: belonging."[313] The way Airbnb purports to create this sense of belonging is by supporting personal connections between its hosts and guests. Put another way, the company suggests that its hosts offer a different, more personal kind of hospitality that had eroded over time, partially reversing the long trend of the formalization and commodification of hospitality over the course of the 19th and 20th centuries. Airbnb and similar sharing economy enterprises claim to "disrupt" the professional hospitality industry by restoring what I refer to in this chapter as the face-to-face encounter. Airbnb's rhetoric is certainly lofty, but if the sharing economy is even partly successful in this mission, it could be a valuable service to democracy—particularly in the current neoliberal age when society and economy seek to further atomize individuals.

In the last three chapters I worked through some of the enormous problems with claims like Airbnb's: the way leading sharing platforms have in practice, if not in rhetoric, abandoned a commitment to such encounters over time under the pressures of financial capitalism; the way platforms have construed and constructed the subject in the neoliberal idiom, reducing the very humanity and multi-dimensionality of the self; and the way platforms' reputation systems have both compromised the genuineness of the interactions between customers and providers and turned sharing economy participants into veritable tools of power, surveilling each other and thus keeping other people further apart than ever. All of this said, it would be a mistake to outright dismiss the possibility that these platforms might yet contain the seeds of a renewal of sociality and even democracy; those seeds might be the face-to-face encounters that constantly provide new, if fragile, potential to work against the forces that threaten to make the sharing economy merely an especially concentrated, even dangerous form of neoliberal capitalism.

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[313] Andy Butler, "Airbnb Rebrand Gives its Community a Sense of Belonging," *Designboom*, July 16, 2014, https://www.designboom.com/design/airbnb-rebrand-gives-its-community-a-sense-of-belonging-07-16-2014/. The logo incorporates "elements of a heart, a location pin, as well as the 'A' in Airbnb," and was "designed to be completely customizable: It's so simple that anyone can draw it, but also so basic that it's not likely to be drawn the same way twice, a reflection of Airbnb's unique community of hosts." In Chesky's words, "Every single person can have their own impression of the brand." Austin Carr, "Airbnb Unveils a Major Rebranding Effort that Paves the Way for Sharing More Than Homes," *Fast Company*, July 16, 2014, https://www.fastcompany.com/3033130/airbnb-unveils-a-major-rebranding-effort-that-paves-the-way-for-sh.

In considering the prospects for the repair of the face-to-face encounter, I introduce and draw upon contemporary theories of the encounter by the French philosophical thinkers Emmanuel Levinas and Jacques Derrida. In the latter half of the chapter, drawing on Immanuel Kant as well as accounts of democracy in Ancient Athens, I consider and respond to several additional challenges to this argument, beyond those posed in the prior chapters. These challenges relate to the argument that sharing economy encounters cannot enable true connection because they arise in the commercial realm, with the commodification of the encounter preventing it from serving an ethical or pro-democratic function.

As in prior chapters, but even more so here, the arguments that follow will not apply equally or in the same way to all sharing economy platforms. The most direct application is to Airbnb; more than any other sharing economy platform, it is in the business of hospitality, and it presents the greatest likelihood of facilitating the face-to-face encounter. Even on Airbnb, however, there is enormous variety in the listings on offer, and the claims that follow are stronger concerning some arrangements than others (a point I take up below). The arguments are also relevant to Uber and Lyft, particularly to those rides in which "ordinary people" are the drivers using their personal vehicles. Potentially meaningful face-to-face encounters are possible, though less likely, via a platform such as TaskRabbit. As noted in the introduction, some TaskRabbit workers will end up working in the home of and possibly alongside a customer, while others will perform tasks such as making deliveries that generally would not induce a potentially meaningful encounter. Moreover, as I have argued throughout this dissertation, even if the number of valuable face-to-face encounters is only somewhat increased, or only increased for some people in some circumstances, this a change that remains theoretically and practically important and worthy of serious consideration.

In the previous chapter, I briefly introduced the distinction between particularized and generalized trust, the former referring to trust in specific individuals one personally knows, and the latter referring to trust in people beyond one's immediate communities. Political scientist Eric Uslaner argues that particularized trust can actually be problematic for democracy because it can lead people to stick together with those they know, their kin and "in-groups," rather than extending their scope of concern to consider and act in the interest of a notion of the common good.[314] Generalized trust, on the other hand, is vital in a healthy society; it is positively correlated with "economic growth, well-being, and happiness, and negatively correlated with

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[314] In other words, particularized trust may inhibit the production of social capital and thus social coordination and cooperation. Social capital "refers to features of social organizations, such as core values and norms (including social trust) and networks, that facilitate coordination and cooperation for mutual benefit." Uslaner, "Democracy and Social Capital," 122. Uslaner gives the Ku Klux Klan and militia groups as examples of excessive particularized trust; their creeds involve the belief that one should "[h]ave faith only in your own kind; others are out to get you." Ibid., 125. Particularized and generalized trust align with Robert Putnam's well-known concepts of bonding and bridging social capital, respectively. Bonding social capital connects people within homogenous groups, while bridging connects between different social groups. Bonding social capital can be advantageous for minority groups facing oppression in democracies, but it is primarily the outward-looking bridging form that supports democratic consensus-building and reciprocity. Robert Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York: Simon & Schuster, 2000).

crime and corruption" and can be considered a "basic constituent of a human society."[315] Generalized trust can be divided into two forms: trust in elected representatives and other political leaders, and trust in one's fellow citizens. Both are necessary in a representative democracy; a government could not long remain in power if citizens had little trust in those they elect, and if a widely distrusted government does remain in power, it may be because citizens have become cowed or disillusioned, putting in doubt the system's claim to be a legitimate democracy.[316] The creation of substantial trust between citizens, which is the focus of this chapter, is necessary if people are to empower strangers to take part in decisions that may deeply affect them, and to feel comfortable in a society governed largely by democratic norms rather than by omnipresent law enforcement. Of course, as argued in the prior chapter, the formation of this trust is undermined by rating systems and the resulting horizontal surveillance. But the sharing economy also creates opportunities for increased talking to strangers, which political theorist Danielle Allen argues is critical to political agency. Trust between citizens, Allen contends, is "not something that politicians alone can create. It grows only among citizens as they rub shoulders in daily life—in supermarkets, at movie theaters, on buses, at amusement parks, and in airports."[317] But Allen rubbing shoulders is not enough; only actually *talking* to strangers counteracts the fear citizens may have of being intimidated, and thus dominated, by their fellow citizens. This lack of domination, in turn, enables each person to have something closer to what Allen calls the "security and self-confidence of full-fledged political agency."[318] As is clear by now, it is characteristic of many sharing economy transactions that people not only *talk* to strangers but ride in their cars, stay in their homes, and taste their home-cooking. The increased quantity and quality of such encounters with others suggest the possibility of their usefulness to increasing generalized trust; in this way, the sharing economy has democratic potential. How this happens in the encounter in theoretical terms is the subject of the next section.

(1) Levinas and the Encounter with the Other

Western cultures have long recognized a duty to take in the outsider in his or her time of need, a duty of hospitality, evident today in the international agreements among nation-states and

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[315] Paolo Massa, "Trust It Forward: Tyranny of the Majority or Echo Chambers?" in Masum and Tovey, *The Reputation Society*, 152. See also Kate Pickett and Richard Wilkinson, *The Spirit Level: Why Greater Equality Makes Societies Stronger* (London: Bloomsbury, 2011), 49-57 (arguing that economic inequality undermines social trust and solidarity among citizens, and that distrust is correlated with negative effects on citizens' health and well-being).

[316] Norway, for example, has been deemed by *The Economist* the most democratic country in the world for a number of years partly on the basis of the high degree of trust its citizens have in their elected officials. Alexander Smith and Ben Adams, "Norway Is the 'World's Best Democracy'—We Asked Its People Why," *NBC News*, Feb. 22, 2017, https://www.nbcnews.com/storyline/trumps-address-to-congress/norway-world-s-best-democracy-we-asked-its-people-why-n720151. In the US, by contrast, Congress's approval rating fell to a record low of 9 percent in 2013. "Congress and the Public," *Gallup*, accessed Sept. 11, 2017, http://www.gallup.com/poll/1600/congress-public.aspx.

[317] Danielle Allen, *Talking to Strangers: Anxieties of Citizenship Since Brown v. Board of Education* (Chicago: U of Chicago P, 2004), 48.

[318] Ibid., 165.

national refugee laws and policies.[319] Despite claims that people today have become more self-absorbed and individualistic, the practice of hospitality at the individual or community level also persists; this is evident in the extension of person-to-person assistance by some to needy people in their communities on a regular basis, and more widely in times of ecological or other disasters.[320] In centuries past, however, before the emergence of a system of international law and the provision of welfare by the state, hospitality was associated almost entirely with the direct, personal provision of assistance. Duty required that people personally welcome the outsider. In those eras when welcoming the stranger into the home was a common practice, people would more frequently find themselves in what French philosopher Emmanuel Levinas calls the face-to-face encounter—an encounter that many people in today's mass commercial societies either seek to avoid, or are unlikely to experience due to their carefully controlled, limited interactions with strangers.[321]

According to Levinas, the interaction with the stranger is even more important than it is to Danielle Allen. Levinas argues that the provision of hospitality on an individual basis is ethically required because of the encounter with the stranger (or the "Other" in his terminology) it enables. Such an encounter allows the host to really *see* the other person, Levinas argues, and thereby to really understand him- or herself. In other words, a stranger standing before us, particularly one in need, issues a kind of challenge that demands our attention and forces us to contemplate our responsibility for that person; this, in turn, Levinas believes, forces us to reconsider our understanding of ourselves. In Levinas's view, the face is far more than a collection of physical features; truly encountering it, he says, is to encounter a "moment of infinity" that is fundamentally different from any mere "idea which I can produce of the other."[322] In other words, the face-to-face encounter eclipses any mere conception of the other

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[319] For instance, in 2015 Germany announced it would accept 800,000 asylum seekers fleeing the conflict in Syria and other areas of the Middle East, and that it had allocated $6.7 billion to handle the influx. Germany's open door policy was seen as an ethical obligation to offer hospitality to those in need, with Chancellor Angela Merkel hailed as an "angel of mercy and her country as a paragon of virtue for flinging open the doors" to refugees. Henry Chu, "Germany's Open-Door Policy In Migrant Crisis Casts Nation In A New Light," *Los Angeles Times*, Sept. 7, 2015, http://www.latimes.com/world/europe/la-fg-germany-migrant-help-20150907-story.html.

[320] To take one vivid illustration, when American air traffic was halted in the wake of the Sept. 11, 2001, terrorist attacks, the Canadian town of Gander, Newfoundland, suddenly had 38 planes full of stranded transatlantic travelers hailing from 100 different nations at its small airport. The people of Gander and surrounding villages welcomed the stranded into their "schools, community rooms and churches with cots"; in one village, "the mayor and most of the residents cooked elaborate meals, let [the travelers] use their showers, even borrow their cars." The locals refused to accept payment for the help they provided over the span of three days. Petula Dvorak, "On 9/11, A Tiny Canadian Town Opened Its Runways And Heart To 7,000 Stranded Travelers," *Washington Post*, Sept. 10, 2016, https://www.washingtonpost.com/local/on-sept-11-a-tiny-canadian-town-opened-its-runways-and-heart-to-7000-stranded-travelers/2016/09/08/89d875da-75e5-11e6-8149-b8d05321db62_story.html.

[321] The French Marxist philosopher Louis Althusser also wrote extensively about the encounter in the late 1980s, drawing on and interpreting Marx, including the idea that an encounter between the bourgeoisie and proletariat is the defining feature of capitalism. Althusser's theory of the encounter is part of his work on "aleatory materialism," which is primarily an ontological inquiry concerning the relationship between materialism and idealism in the history of philosophy, and thus less relevant for my purposes. See Andy Merrifield, *The Politics of the Encounter: Urban Theory and Protest Under Planetary Urbanization* (Athens, GA: U of Georgia P, 2013), 54-57.

[322] It is the "very existence of this face [that] challenges all our philosophical attempts to systematize and therefore to reduce the other." Sean Hand, *Emmanuel Levinas* (London: Routledge, 2009), 36. Put differently, the face is a presentation of one's needs; confronted with the disadvantaged other specifically, the face constitutes an "imploring, a plea of the weak to the powerful, of the poor to the rich." Michael L. Morgan, *The Cambridge Introduction to Emmanuel Levinas* (New York: Cambridge UP, 2011), 64.

that a person may conjure in his or her head. I take the "other" to stand in for the strangers we do not know, particularly people of whose situations we may generally be conscious, but whose circumstances and worldview we do not keenly comprehend. Such an encounter is (or at least can be) a profound experience that reaches the inner core in a way a cognitive perception cannot. As Levinas sees it, such an encounter is so important that the self actually *needs* it to be shaken out of its solipsistic tendency, which is to be "primordially immersed in the world of enjoyment."[323] This solipsism is truly disturbed only by the upsetting realization that the world is also populated by a "destitute other." Through this realization, the "'I' … is consumed and delivered over, dislocates itself, loses its place, is exiled."[324] That is, once one becomes aware of the suffering of the other, one's own untroubled sense of being at home in the world is fundamentally altered. As Levinas scholar Abi Doukhan explains: "The intrusion of the other … has the effect of expulsing the self out of its being-at-home in the world. The intrusion of the other exiles the self from its situation as center and sole possessor of the universe."[325]

By standing in the shoes of the other, to use a familiar (if inadequate) metaphor, I accept the reality of my own perilous condition in the world, and the extent of my own vulnerability. Philosopher Julia Kristeva comments that "living with the other, with the foreigner, confronts us with the possibility or not of *being an other*." Again, the face-to-face encounter is what pushes us past simple intellectual concern for and acceptance of those we may know, in the mind, are suffering. The issue, Kristeva adds, is not "a matter of our being able to accept the other, but of *being in his place*, and this means to imagine and make oneself other for oneself."[326] The self's view of the world must actually be fractured, which only happens through personally extending hospitality to and coming face to face with the other. Welcoming the stranger individually also has important positive effects at the societal level. The outsider does not pose a threat to the body politic, on Levinas's account; to the contrary, he argues, encountering the stranger itself creates or strengthens citizens' ability to form interpersonal bonds, which is necessary *within* the society doing the welcoming. This is because the "intrusion of the exiled other into the hereto[fore] solitary and self-centered world of the self" enables the person to experience what the true social bond with another entails.[327] This fracture of the self's view of the world can be compared with what I termed in Chapter Two, drawing on the argument of Richard Sennett, neoliberalism's fracture of the life narrative of the self. Both sorts of "fracture" disrupt one's self of being "at home in the world," but the fracture through the encounter does so in a way that ultimately brings people closer together, and closer to a fuller understanding of themselves. The fracture at

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[323] Abi Doukhan, *Emmanuel Levinas: A Philosophy of Exile* (London: Bloomsbury, 2012), 31. It is interesting to note that Levinas himself spent years in exile during World War II; born to a Jewish family in Lithuania, his family traveled west under the threat of anti-Jewish pogroms and settled in the Ukraine. When pogroms began there as well, Levinas moved to France, where he became a Nazi prisoner of war, held in a labor camp for Jews where, he later recalled, he was treated as subhuman.

[324] Emmanuel Levinas, *Otherwise Than Being* (Pittsburgh: Duquesne UP, 1981), 32.

[325] Doukhan, *Emmanuel Levinas*, 31. In fact, for Levinas this encounter is the fount of all ethical conduct: "We name this calling into question of my spontaneity by the presence of the Other ethics." Emmanuel Levinas, *Totality and Infinity* (Pittsburgh: Duquesne UP, 1969), 43.

[326] Julia Kristeva, *Strangers to Ourselves* (New York: Columbia UP, 1991), 13 (emphases in original).

[327] For this reason, Levinas argues, the stranger must not be *fully* integrated into society; the ever-present risk of disruption and the mere presence of an other ensures that the political realm remains "open." Doukhan, *Emmanuel Levinas*, 40.

the hands of neoliberalism, via its insistence on total flexibility, leads only to further isolation and drift.

Because admitting a stranger at the level of the nation-state does not necessarily yield a face-to-face interaction with the other, it is insufficient to produce the kind of profound encounter Levinas elevates, though it may indirectly satisfy some of the individual's ethical duty. This means that in contemporary society, in which the direct, personal provision of hospitality is rarely seen, it is necessary to look for ways to create the opportunity for such encounters. I want to suggest that sharing platforms partake of a dimension of the "Levinasian encounter." While I will argue that this is true to an extent on a commercial platform such as Airbnb, to see more clearly how these encounters transpire under more favorable circumstances, I turn first to consider the encounter in terms of a predecessor to Airbnb, couch surfing.

For as long as people have had homes, it may be assumed, they have allowed kin and friends to stay with them in a time of need or while traveling through. But this practice was extended widely beyond friends and family, at least among a certain set, when the website Couchsurfing.org was launched in 2004. Through this network, people generally in their 20s or early 30s stayed in strangers' homes (often on the couch) without cost.[328] The presence of a central digital platform through which users could be verified, along with a system by which they vouched for one another, dramatically increased the size and prevalence of this "hospitality exchange"; by 2011, there were some three million couch surfers in 81,000 cities, and 5.6 million stays had been arranged via the site.[329] In its first decade Couchsurfing.org was a nonprofit with a purpose stated in the organization's mission statement: "to create a better world, one couch at a time," by "facilitating 'meaningful connections'" among members.[330] Although a version of Couchsurfing.org still exists, it is now Couchsurfing.com—the change in top-level domains (i.e., from .org to .com) indicates in a nutshell what transpired. As with the transformation of peer-to-peer lending to marketplace lending analyzed in Chapter One, the platform became more profit-oriented (or moved right on the spectrum I introduced in the introduction). But in this case, the organization started out as a nonprofit before accepting millions in venture capital funding in 2011 and converting to a corporation (albeit a "benefit corporation").[331] The decision to become a for-profit led to outrage among users, who charged that the organization had lost sight of the "quality interactions, those which can't be quantified," that gave the group meaning in the first

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[328] The service was conceived in 1999 but did not fully launch until 2004. http://www.couchsurfing.com/about/about-us/. As of 2012, users' average age was 27, and 70 percent came from Europe or North America. Paula Bialski, *Becoming Intimately Mobile* (Frankfurt am Main: Peter Lang, 2012), 13.

[329] Nicole Perlroth, "Non-Profit Couch Surfing Raises Millions In Funding," *Forbes*, Aug. 24, 2011, https://www.forbes.com/sites/nicoleperlroth/2011/08/24/non-profit-couchsurfing-raises-millions-in-funding/.

[330] Jennie Germann Molz, "Social Networking Technologies and the Moral Economy of Alternative Tourism: the Case of couchsurfing.org," *Annals of Tourism Research* 43 (Oct. 2013): 211, http://www.sciencedirect.com/science/article/pii/S0160738313001096. To a lesser extent, these connections were also fostered by the fact that couch surfing relied on thousands of volunteers to contribute technical development for the website and services on the ground in major cities. Moreover, the organization "ran like a collective for almost ten years." Carmel DeAmicis, "How Couchsurfing Became the Friendster of the Sharing Economy," GIGAOM, Jan. 10, 2015, https://gigaom.com/2015/01/10/how-couchsurfing-became-the-friendster-of-the-sharing-economy/.

[331] Vicky Baker, "Not-for-Profit Couchsurfing Becomes a Company (with a Conscience)," *The Guardian*, Aug. 26, 2011, https://www.theguardian.com/travel/2011/aug/26/couchsurfing-investment-budget-travel. Benefit corporations are "for-profit companies that want to consider additional stakeholders in addition to making a profit for their shareholders." "What Is a Benefit Corporation?", http://benefitcorp.net/, accessed Dec. 14, 2017.

place.[332] Management, it was said, had prioritized metrics of organizational growth over preserving the service's distinctive accomplishment, which was the "organic" development of a community of travelers interested in sharing viewpoints and cultures.[333]

For a time, however, Couchsurfing.org was a major part of a movement to provide an alternative to the commercial hospitality industry, promoting travel through which tourists might actually become something more than visitors—they might become guests. Such tourists, who became increasingly prevalent in the late 20th and early 21st centuries, claim to travel not to collect souvenirs or to take photographs to post for envious friends and family back home, but for more personally constructive purposes; these include, for example, discovering "new emotions through encounters with unknown others," thus expanding and altering their own view of the world.[334] It is encounters of this sort that the commercialized, predictable hospitality industry cannot provide, or at least has not generally enabled.[335] Tourism studies scholars put the travelers' intention even more abstractly, arguing that couch surfers and other similar travelers hope to disrupt or abandon the "tourist gaze," which describes the way tourists tend to stand outside of and apart from the inhabitants of a given place. To critics of the tourist gaze, travelers have for too long seen local inhabitants as the *objects* of tourism, not unlike "gorgeous vistas and unfamiliar plants and animals"[336]; the encounter between native and guest is thus both artificial and unequal, to the point that tourists have been said to engage in a form of psychic violence by not wanting to truly know the people at whom they are gawking.

Some tourism scholars have argued that the tourist gaze is in fact propagated by a "tourism-industrial complex" that continuously separates tourists from locals in order to consistently turn a profit. In other words, while the tourist gaze may be considered desirable by most travelers, or at least is that with which they are comfortable, it has also been furthered and promoted over time in the interests of capitalists. This "complex" purposefully isolates tourists from locals and does not attempt to genuinely integrate them into the place they are visiting, since the opportunities for profit in genuine integration are (or have been seen) as less foreseeable. Tourists' interactions with hosts and locals are thus, to ensure the hegemony of the complex, prescribed by "codes of practice, contracts and rules of conduct" determined by

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[332] Nithin Coca, "The Rise and Fall of Couchsurfing," *NithinCoca.com* (blog), Mar. 27, 2013, http://www.nithincoca.com/2013/03/27/the-rise-and-fall-of-couchsurfing/. After the site ceased being a nonprofit, some users migrated to an alternative open source nonprofit site, BeWelcome. When Couchsurfing.com relaunched, usage dropped off, with one member lamenting it "just isn't what it used to be.… it was a community that gathered for drinks and outings, a place to make new friends. Unlike Airbnb, hosts of travelers were expected to, well, host." Kristen V. Brown, "A Rough Ride to Profit for CouchSurfing," *San Francisco Chronicle*, Nov. 26, 2014, http://www.sfgate.com/business/article/A-rough-ride-to-profit-for-CouchSurfing-5920089.php.

[333] Coca, "The Rise and Fall of Couchsurfing." Critics of neoliberalism have raised similar concerns in regard to the management of other nonprofit institutions, such as orchestras and universities. See, e.g., John Halle, "The Last Symphony," *Jacobin*, Nov. 27, 2013, https://www.jacobinmag.com/2013/11/the-end-of-classical-music/ (arguing that "crude market fundamentalism continues to guide the actions of the Minnesota Orchestra's board").

[334] Bialski, *Becoming Intimately Mobile*, 116-17.

[335] Molz, "Social Networking Technologies and the Moral Economy of Alternative Tourism," 211. Companies and groups serving those seeking what is known as "life-seeing" or "intimate" tourism thus aim to "challenge the for-profit logic of mass tourism and promote more intimate and authentic connections with people and places."

[336] Lisa Wade, "Travel, Privilege, and the Crush of the Tourist Gaze," *Sociological Images* (blog), *The Society Pages*, May 5, 2017, https://thesocietypages.org/socimages/2017/05/05/travel-privilege-and-the-crush-of-the-tourist-gaze/.

tourism bureaus.[337] Workers in the hospitality industry are limited in how they are permitted to interact with tourists; they must follow company rules and industry norms, or risk losing their jobs or being reprimanded. Traditional tourists continue to "gaze upon their chosen destination and its people and culture, while 'hosts' are working and must perform their expected everyday duties."[338]

By contrast, the home where the couch surfer might find him- or herself is quite different; it is a "liminal space of intercultural intimacy," straddling the public and private in a way the hotel or the "genuine" village constructed for tourists and fictionalized for the sake of commodification does not.[339] Granted, at some level all social interactions—not merely those in, say, Colonial Williamsburg—can be said to be performances. In fact, sociologist Erving Goffman argues that the face-to-face encounter in particular always involves participants' attempts to control what others think of them, which they seek to achieve by adopting a particular outward physical and characterological appearance as if they were actors performing on stage.[340] But the home, at least, has not generally been designed to facilitate such performance for the guest, and even if one acts in a somewhat stilted way with a stranger in their midst, it is not nearly so scripted as in the interaction manufactured or delimited by the tourism industry. The boundaries between participants are less clear, and more open to negotiation, than in a performed public encounter. In the intimate space of the home, engagement and negotiation may transpire in such quotidian activities as participating in impromptu conversation; preparing meals, and helping to wash dishes.

Successfully being integrated into a host's home and abandoning the tourist gaze to the extent possible only truly occurs when an intimate connection is forged between host and guest. This process is not likely to be as smooth as a hotel stay would be, but that is the point. Travelers hoping to "merge" with their hosts rather than commit violence against them must accept the fact that such a merger is neither guaranteed nor liable to be easy. By "[r]esisting, subverting and accommodating each other's needs and activities, subjects become entangled in action, generating forms of human exchange that [are] inventive, creative and constructive."[341] That is, by immersing themselves in the stranger's home life, travelers such as couch surfers take a risk in order to make something new together. But it is only by putting themselves in a position requiring what could be difficult negotiations as to issues of "difference, unexpectedness, unpredictability and ambiguity" that travelers can hope to fully escape the tourism-industrial complex. Such negotiation is virtually inescapable, Michael O'Regan argues, given the guest's entrance into a "private sphere" that "cannot be disciplined" to conform to one's expectations of what a locale *should* offer or how it *should* appear, unlike those inauthentic manufactured tourist experiences that aim to do precisely this to satisfy tourists and earn a profit.[342] In a Levinasian

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[337] Michael O'Regan, "Couchsurfing Through the Lens of Agential Realism: Intra-Active Constructions of Identity and Challenging the Subject–Object Dualism," in O. Moufakkir and Y. Reisinger, eds., *The Host Gaze in Global Tourism* (Wallingford, UK: CAB International, 2013), 165.
[338] Ibid., 162.
[339] Ibid., 170.
[340] Erving Goffman, *The Presentation of Self in Everyday Life* (New York: Anchor, 1959), Introduction and Ch. 1.
[341] O'Regan, "Couchsurfing Through the Lens of Agential Realism," 169.
[342] One might think here of Hawaiian hotel-organized luaus, overpriced tango shows in Buenos Aires, handicraft villages on a Vietnamese roadside—the examples are endless.

sense, this "liminality" of the semi-private space produces an unknowable encounter that causes discomfort, which in turn invites personal growth and a deeper understanding of the self and its place in the world.

This theoretical argument is corroborated by ethnographic research finding that couch surfers are indeed led to "renegotiate their definition of the stranger, trust, intimacy, and utility" through the process of interaction and exchange.[343] Couch surfers report that being forced to adapt to an unfamiliar space and environment and to compromise with another person creates intimacy and even a sense of love. They also acknowledge that sometimes the attempts at negotiation are intensely frustrating and even futile. Some couch surfing encounters thus result in "moments of tension, awkwardness, or distrust."[344] But even if there is a failure to achieve compromise—even if, in a worst-case practical scenario, the couch surfer and his or her host have a row, and the guest must vacate in the middle of the night—it does not follow that there has been no encounter, or that the encounter has not achieved some of its purposes. Recall that for Levinas, the value of the encounter lies in the way it changes the self's perception of itself and the world, not necessarily in whether a rapprochement is reached in the moment. Ensuring that there is no chance of conflict is to at the same time minimize the chance of the meaningful encounter. Hotel guests, after all, are unlikely to have to compromise much, if at all, with hotel staff, but they are equally unlikely to end their stays feeling as though they made an intimate connection with them.

The physical environment in which the encounter transpires is also highly relevant; this is apparent in considering the difference between staying in a hotel room and staying on someone's couch. In a sense, hotels are also semi-private spaces, but they are not intimate ones. They are public in that they are open to and used by the general public—as discussed in Chapter Five, they are regulated by law and open to all comers who can pay the requisite charges. Yet they include private spaces, too, within the confines of the guest rooms; indeed, these are places people may go for the very purpose of retreat from the world. Yet, while the hotel room may be private in the sense that it is removed from public scrutiny, it is not private in the sense that the home is—it is not intimate or personal. The typical hotel room is a sort of blank canvas encountered by the visitor; there is (or at least should be) a relatively seamless adjustment to the space, requiring little to no psychic accommodation. That is because there is no self, no personal identity, evident in the typical hotel's physical environment; the beds and chairs epitomize no one in particular, and in a way may be said to embody anonymous capitalism itself.[345] Even grand hotels with a long history do not generally convey a particular *person* behind their period decor. (Boutique hotels and bed-and-breakfasts may, in their furnishings and atmosphere, reflect the personal

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[343] Bialski, *Becoming Intimately Mobile*, 11, 19.

[344] Ibid., 47, 52-53. Couch Surfers said that by adapting to their hosts' spaces, "certain sentiments also arose … a sense of comfort, coziness, intimacy, and love" leading to a sense of "returning to a holistic oneness." Ibid., 38.

[345] A similar argument can be made about the difference between taxis and many sharing economy vehicles. Aside from the occasional presence of small personal trinkets on a cab's dashboard or ornaments hanging from the rearview mirror, most taxis are roughly alike in their absence of personality relative to the personal cars of UberX and Lyft drivers. In some localities, however, including New York City (Uber's largest U.S. market), UberX rides are provided by licensed black car drivers, due to local regulations. "Get Started with Uber: Drive in New York City," Uber, accessed Dec. 13, 2017, https://www.uber.com/drive/new-york/get-started/.

identity of their designer or proprietor, but the number of bed-and-breakfasts pales in comparison to that of hotels and motels, and even to Airbnb, especially in the United States.[346])

By contrast, the couch on which the couch surfer stays is one of the host's *own* objects, surrounded by countless other personal belongings; such objects, psychologist Mihaly Csikszentmihalyi and sociologist Eugene Rochberg-Halton argue, ought to be considered not merely *reflective* of the self, but in fact part of "the endogenous being of the owner."[347] The self would not be the same without the objects that customarily surround it, and in terms of which one perceives and understands the world. These objects, in other words, make up a "framework of experience" through which we understand and make meaning of our lives, giving some sense of "order to our otherwise shapeless selves."[348] If any objects within the home *conflicted* with one's idea of self, they would be discarded; the objects one chooses to keep around—assuming one has the choice, which lower-income households may not, to a degree, as well as the inclination to pay some mind to one's surroundings—are "expressions of one's self," as are one's clothes and car.[349] The home, however, is privileged in that it typically "contains the most special objects: those that were selected by the person to attend to regularly or to have close at hand, that create permanence in the intimate life of a person, and therefore that are most involved in making up his or her identity."[350] Because the home is the place most bound up with the self, it is the space where the encounter with the other is liable to be the most psychologically affecting for the host. In the case of Airbnb, in units decorated with the host's belongings, there is a potentially useful encounter to be had even if the host is absent. Spending time in a stranger's home, surrounded by personally meaningful material objects, can foster a greater understanding or awareness of the way other people live, compared with the anonymous environment of a hotel. As noted in prior chapters, however, Airbnb properties are increasingly never occupied by the homeowner, with some owned and operated by property managers or landlords. In these cases, the host has likely selected those objects not because they are personally meaningful, but because

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[346] In 2015 there were an estimated 17,000 bed-and-breakfasts in the U.S., less than 1/30th of 550,000 Airbnb listings that year. "Amazing U.S. Bed & Breakfast Statistics," *Little Hotelier*, June 23, 2015, https://www.littlehotelier.com/r/property-management/american-bed-breakfast-inn-statistics/; Scott Shatford, "2015 in Review–Airbnb Data for the USA," *AirDNA* (blog), Jan. 7, 2016, http://blog.airdna.co/2015-in-review-airbnb-data-for-the-usa/. Many bed-and-breakfasts also now offer their rooms on Airbnb, making the distinction between the two increasingly immaterial.

[347] Mihaly Csikszentmihalyi and Eugene Rochberg-Halton, *The Meaning of Things: Domestic Symbols and the Self* (Cambridge, UK: Cambridge UP, 1981), 15. The authors say they mean this claim not "in any mystical or metaphorical sense but in cold, concrete actuality," taking the living-room chair of one of the authors as an example. The chair, "with its worn velvet fabric, musty smell, creaking springs, and warm support … has often shaped signs in my awareness. … and because my self is inseparable from the sign process that constitutes consciousness, that chair is as much a part of my self as anything can possibly be." Put more simply, the author would not comprehend the world in the same way, and thus would not be the same person, without that chair.

[348] Ibid., 16.

[349] Ibid., 15.

[350] Ibid., 17. The lack of intimacy of the typical commercial lodging may even strengthen the privileged status of the home by providing an alternate vantage point from which to appreciate one's intimate space and the belongings contained within it. Any traveler who has a positive regard for his or her home has likely had the experience during or at the end of a period of travel of being eager to return home, to be reunited with a sense of place and belonging that may have been simultaneously attenuated and solidified in the course of one's meanderings.

they are thought to be pleasing and inoffensive to potential guests. In such circumstances, the idea of the encounter with the other through his or her objects does not hold water.[351]

Levinas argued that in the absence of the face-to-face encounter, there is no *necessity* to confront the condition of the other and one's own place in the world. But given the array of choices offered by sharing platforms, the degree of meaningful interaction among strangers will vary; which options the customer chooses will largely determine the kind of encounter they have, if any at all. People already drawn to social interaction may opt for more social options, while those who abhor social connection—and thus who might most benefit from it—will avoid them, if they opt to use Airbnb rather than book a hotel room in the first place. On Airbnb, sufficient information is provided to make it apparent what kind of experience one is liable to have. A property where the host lives on site obviously presents a higher chance of interaction. Hosts also provide photos of their dwellings, allowing prospective guests to choose between those that look sanitized and those clearly lived-in or more eccentric. In addition, hosts describe the extent to which they are usually present and how much they tend to communicate with guests. If the traveler desires an experience more like couch surfing, he or she can probably find it; if something closer to a hotel is preferred, that is available too.[352]

Some degree of choice is also provided by ride-sharing platforms; on both Uber and Lyft, riders choose to ride alone or to "pool" with others. An outgoing person who talks to taxi drivers anyway may be more likely to choose UberPool and talk to fellow passengers, while a more

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[351] A 2014 government report found that hosts listing more than two properties (and as many as 272) accounted for a third of all Airbnb bookings and revenue in New York City. "The Rise of the Professional Airbnb Investor," Priceonomics, Jan. 19, 2017, https://priceonomics.com/will-real-estate-investors-take-over-airbnb/. Airbnb also does not preclude individual hosts from employing so-called "host management services," an increasingly popular business comprised of independent "third-party companies that assist with hosting responsibilities like key exchanges, cleanings, and listing management." Hosts who use such a service are simply "held to the same standards and policies as other Airbnb community members." "Can I Use a Host Management Service?", Airbnb, accessed Dec. 13, 2017, https://www.airbnb.com/help/article/970/can-i-use-a-host-management-service.

[352] To be sure, the impersonal nature of a hotel or motel (or an Airbnb or Uber with minimal contact between the two parties) has a value of its own, providing a kind of relief from the risks of intimate association that some people desire, at least some of the time. The existence of couch surfing, Airbnb or any other option does not remove the possibility of more conventional commercial forms of hospitality, nor make them choices necessarily to be disfavored in all circumstances from a normative perspective. However, it is typically the cast in both home- and ride-sharing, that the options more likely to provide (or provoke) an interpersonal encounter are less expensive; thus it could be said that such options are in a way foisted upon those of lesser means.

hermetic type will prefer UberX, sit in the back seat, and keep to him- or herself.[353] But even the environment of the UberX or Lyft car itself may promote more dialogue than that of a conventional taxi, a private car, or a mode of public transit. Unlike in many taxis, no divider separates the driver from his or her passengers; riders also often sit in the front seat adjacent to the driver. The driver and riders know each other's names before a ride begins, likely having seen a photo of and possibly some biographical information about one another as well; Lyft offers space for riders and drivers to say where they are from and what their favorite type of music is, although many users do not avail themselves of this opportunity. When a ride is shared among multiple passengers who do not know one another, as in UberPOOL and Lyft Line, conversation among the whole group may also ensue.[354] Even compared to public transit, the Uber or Lyft environment may promote greater dialogue. In at least some urban settings it is unconventional—and possibly dangerous—to begin speaking to strangers on a bus or in a subway car. Today many people wear headphones while riding public transit, or are otherwise engaged with their electronic devices, making them essentially unreachable.[355] But in the confined space of a car, even among strangers, it is not considered so odd if one does strike up a conversation; in fact, it might be considered rude to continue listening to one's headphones and

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[353] In fact, BlaBlaCar is so named because each user's profile includes a "BlaBla" score, "which indicates how much they're willing to chat during a trip." Joe McGauley and Daniel Cole, "The European Hitchhiking App That Beats the Hell out of Uber," *Thrillist*, June 24, 2016, https://www.thrillist.com/tech/nation/blablacar-ride-sharing-apps-hitchhiking-road-trips. This measurement includes three levels of chattiness ("Not very chatty," "Enjoys a good chat," and "Won't shut up"), enabling participants to roughly determine how interactive their rides will be. "How Chatty Are You in the Car?", BlaBlaCar, accessed Dec. 13, 2017, https://www.blablacar.in/blablalife/journeys/travel-tips/take-blabla-test. Earlier sharing economy enterprises such as Zipcar, in which a company owns and maintains the vehicles, also provide no chance to interact with strangers, except in the rare case one drops off the car at the same time another member is there to pick it up; cars are locked and unlocked via electronic access cards (as they often are through a platform such as Getaround, in which individuals own the cars and "share" them with others). According to one study, Zipcar users feel little connection to other members; one woman likened renting a Zipcar to renting a hotel room, and others reported little sense of obligation even to treat the cars with respect. The authors conclude that Zipcar members "do not have or want to have communal links with the company or with each other" and found a "distinct lack of community among Zipcar users." Fleura Bardhi and Giana M. Eckhardt, "Access Based Consumption: The Case of Car Sharing," *Journal of Consumer Research* 39 (Dec. 2012): 892, https://www.cass.city.ac.uk/__data/assets/pdf_file/0011/203789/Access-Based-Consumption.pdf.

[354] According to BlaBlaCar, half of its members say ride-sharing "has made them more open to others." The company's CEO argues that users "hail from all manner of walks of life, and cover a huge variety of ages, professions or cultures. They might never have met otherwise, but they have chosen to share a city-to-city trip together in the same car; they're not only sharing a ride, but a conversation, and an enriching social experience." Frédéric Mazzella, "How the Sharing Economy Is Strengthening Human Connections," Virgin (blog), July 7, 2016, https://www.virgin.com/entrepreneur/how-sharing-economy-strengthening-human-connections. There have even been reports of people intentionally using shared ride services to meet romantic partners. Carmel DeAmicis, "Cruising the Carpool: Are Lyft Line and UberPool the New Tinder?", *Recode*, Sept. 3, 2015, https://www.recode.net/2015/9/3/11618278/cruising-the-carpool-are-lyft-line-and-uberpool-the-new-tinder ("As people share the ride to their respective destinations, they have a bit of downtime to get to know one another. It's a natural, maybe even inevitable, perk of the sharing economy."). See also Karley Sciortino, "Breathless: Is UberPool the New Tinder?," *Vogue*, Sept. 24, 2015, https://www.vogue.com/article/breathless-karley-sciortino-uberpool.

[355] Sociologist Esther Kim traveled thousands of miles on Greyhound buses to study the ways in which strangers avoid each other in such a setting. Kim found that the people she observed engaged in "all sorts of behavior to avoid others, pretending to be busy, checking phones, rummaging through bags, looking past people or falling asleep," with some also putting on "a 'don't-bother-me face' or what's known as the 'hate stare.'" Jeanna Bryner, "Strangers on a Bus: Why Fellow Travelers Avoid Interaction," *Live Science*, Aug. 1, 2012, https://www.livescience.com/22030-how-commuters-avoid-each-other.html.

thus shutting out the others around you while in such a traditionally intimate and physically confined space.

In the prior chapter, I argued that discussion in shared rides (or in Airbnb rentals between host and guest, when such conversations happen) is likely to be warped by participants' concerns about the impact on their ratings of saying anything controversial or that might be considered even slightly offensive, and also by the incentive to appear a certain way even when it is a performance. These factors clearly cut against the possibility of a meaningful encounter with the other, which seems to require a face-to-face encounter that reveals something true about the interiority of each participant. If the encounter is artificial, it would be likely to yield less of a confrontation with the other and more of an easy acquiescence—perhaps, worst of all, making one *think* he or she has had a meaningful encounter when it has been a performance enacted for commercial purposes. On the other hand, even if conversation begins innocuously with small talk about, say, where the rider or guest is going or coming from, events taking place in the city, or the weather, once the conversants establish a rapport, it is possible that this initially superficial "talking to strangers" opens the door to deeper topics, including personal or political subjects. There is also the possibility that a rider or guest would eventually learn about a specific political issue, rally or campaign from a driver or host, or vice versa; in this way, the sharing economy could enable explicitly political communication, even if it is not the first thing the parties discuss. Such topics are rarely if ever broached at the concierge desk or front desk of a hotel, where dialogue is kept "professional" by etiquette and often by corporate mandate. Finally, even dialogue that goes no further than light small talk can make people more comfortable with the practice of talking to strangers in general.

To be clear, my claim is not that valuable interactions among strangers can *only* take place via sharing platforms; it is not necessary to take an Uber or stay in an Airbnb to strike up a conversation with somebody, and interactions between strangers can and do take place all the time on city streets, in line at the post office, in hotel lobbies, and so on. What I am arguing, rather, is that the sharing economy has the potential to make these interactions more frequent and more customary. This is because the interactions take place in relatively contained, intimate spaces in which norms governing *not* talking to strangers have not been established—and in which the driver or host is not exactly the same as a stranger in any event, as the connection through a platform has built a kind of bridge between the users, a bridge they may choose to cross. People not inclined to strike up a conversation on the street or the public bus might be influenced by the change in environment to open up to others in new ways.

Of course, such communication will not occur in all or even most sharing economy experiences. One writer spent a week as an Uber driver in Los Angeles and concluded at the end of the experiment that passengers often saw him as invisible as a taxi driver.[356] But another journalist who quit his job as a television news anchor to drive for Lyft equipped his car with microphones and set out to capture riders' "authentic stories" and intimate details of their lives, which he found he was easily able to do given "the intimacy of sharing a small, private space,"

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[356] "I learned quickly that there's an unspoken contract between driver and passenger … I vow to look the other way while you, say, make out in the backseat (that happened) or refer a friend to your coke dealer (that, too). It's an understanding, arrived at with no words: We'll never see each other again, therefore you may act like an animal." Mickey Rapkin, "Uber Cab Confessions," *GQ*, Mar. 2014, https://www.gq.com/story/uber-cab-confessions.

the car, which he describes as "one of the most natural places for conversation."[357] Given this fact and his effort to initiate conversation, he found that very few riders—only about 10 percent—chose to mostly stay silent. The upshot is that the driver's (or host's) own attitude may be largely determinative as to the extent to which conversation takes place. Interestingly, and favorably with respect to increasing interaction among sharing economy participants, one study of Finnish Airbnb hosts also found that sharing economy providers' motivations became more oriented toward interaction over time.[358]

It must also be acknowledged that sharing economy encounters differ from that envisioned by Levinas in a significant way. In Levinas's theory, the stranger is a person in need, pleading to be welcomed across a threshold; it is in part that person's state of need that is responsible for opening the host's eyes to his or her own precarious place in the world. On platforms like Airbnb and Uber, the "outsider" is hardly so vulnerable. He or she is someone of at least modest means, able to freely travel to the place of accommodation; with Uber, similarly, passengers are all smartphone-equipped and able to afford more than the public bus. But it is often the case (as noted in prior chapters) that sharing economy providers, particularly Uber and Lyft drivers, *are* likely to be in at least a relative state of need compared to their passengers. This class difference could provide some basis for seeing the "other," if only through the rear-view mirror. If neither customer nor provider is destitute, Levinas's theory remains relevant in that even a well-to-do other may confront the host with certain truths the host has not accepted. For instance, hosting someone in one's home who has traveled thousands of miles and comes from a different culture can prompt a rethinking of customs and assumptions about one's own culture. Sharing the private space of the home with such a traveler can expose the host to other lifestyles in a way that an encounter in a meeting room or on the street might not. People also deal with innumerable forms of struggle and hardship, many of which do not have to do with financial resources. Bringing strangers into close contact, even if those people are of the same cultural background and similar economic class, can expose the host and guest alike to new ways of understanding their place in society, the opportunities they have or lack, and the way those around them are living their lives.[359]

At bottom, the houseguest (or passenger in the case of Uber or Lyft) remains to some extent an unknown entity whose entrance into one's private space threatens to cast doubt upon or

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[357] Anthony Ponce, "How to Talk to the Stranger Driving You Around Town," *CityLab*, Sept. 15, 2017, https://www.citylab.com/life/2017/09/how-to-have-conversation-in-uber-lyft-ridesharing/537147/ ("When it comes to getting a ride around town, we're living in a Goldilocks Zone. Taxis, with their plexiglass dividers and often unsociable drivers, are on the decline. Driverless cars, which promise fleets of human-free transit options, are still at least a few years away. That leaves us in a unique window in history where we travel with others in one of the most natural places for conversation: personal cars.").

[358] Although the hosts studied initially had financial motivations to join the platform, "over time the social factors tended to gain in importance, even for some hosts who earlier had not been interested in the sociability that network hospitality can entail." Tapio Ikkala and Airi Lampinen, "Monetizing Network Hospitality: Hospitality and Sociability in the Context of Airbnb," *Proceedings of the 18th ACM Conference on Computer Supported Cooperative Work & Social Computing* (Feb. 28, 2015): 1041, https://dl.acm.org/citation.cfm?id=2675274.

[359] Sharing economy users in general are not poor, but they are also unlikely to be very rich; this is suggested by research showing that users' primary incentive is cost rather than convenience or quality of service. See Naji Bazzi and Christine Opie, "The Sharing Economy and Web 2.0: a Consumer Perspective" (Master's thesis, Umeå School of Business and Economics, 2016), http://www.diva-portal.org/smash/get/diva2:940356/FULLTEXT01.pdf (finding that survey recipients unanimously considered the price of sharing economy services "very important").

even potentially upend assumptions and habits the host (or driver) had taken for granted—and, often, vice versa. In making this argument I am suggesting the Levinasian encounter is not an all-or-nothing phenomenon, but one that can be experienced incrementally; the interactions enabled by the sharing economy may constitute important increments in this process.

(2) Hospitality, Risk, and Reciprocity: The Problem of Stranger Danger

Risk is an essential element of the productive encounter with the stranger; if one person truly knew, understood, and trusted the other, he or she would not be an "other" in the sense Levinas intends. One risk attendant to these encounters is that a guest will be excessively self-interested, a free-rider using the couch as a place to sleep and showing little genuine interest in interpersonal exchange or adaptation. But in fact, as defenders of couch surfing argue, such negative experiences actually serve to bolster one's general commitment to others and to the practice of sharing personal space by reminding them of the contingent nature of the enterprise and the kind of blind faith in the community it entails. That is, since there is no payment, there is no guarantee of mutual benefit. Someone who hosts a guest one week, for example, may be unable to find a host when traveling to another city the following week; there is no clear *quid pro quo* or guarantee of fairness, but there is a sense of identification with other participants in the sharing community.[360] By volunteering to host despite not knowing when or where the favor will be returned, people practice adopting a belief in "generalized reciprocity," that over the long run they will in fact benefit. Couch surfers demonstrate through their participation that they are "willing to contribute to a public good."[361] This commitment outlasts any particular experience of hospitality; many couch surfers claim a continuing impact after parting ways with a host or guest, even though they report remaining in contact with one another only about half the time. This is because many couch surfers come to see the world as a common place and to regard strangers *in general* as more approachable, which in turn leads them to question the widely accepted "idea of the 'faceless mob' of urban life."[362] In this way, participation in personal hospitality exchange—particularly when on an unpaid basis, because there is no guaranteed return—promotes a mindset essential to democracy. Accepting the risk of free-riding, and having faith in a broader common project, is what citizens in any democratic society must do; all pay into the system, literally through taxation and more generally by following the law, in the hope that most others will do the same, and that everyone benefits in the long run.

But the risk entailed in opening one's intimate space to another is not limited to a guest being a surly free-rider. To better appreciate this risk in theoretical terms, I turn to Levinas's contemporary, the French philosopher Jacques Derrida, who questions the Levinas's largely salutary view of hospitality. Derrida directs our attention to the fact that welcoming the stranger can actually be quite threatening, not merely unsettling. Derrida argues that hospitality has two general forms: unconditional (pure) and conditional (impure). Pure hospitality requires that no conditions be placed on entry, that the host not even insist on ascertaining the name or identity of the stranger; pure hospitality requires the host to say "yes" to anyone who might appear on his or

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[360] Molz, "Social Networking Technologies and the Moral Economy of Alternative Tourism," 222.
[361] Ibid.
[362] Bialski, *Becoming Intimately Mobile*, 11, 20.

her doorstep, suspending the power to exclude; no mastery or domination is exerted by the host over the potential guest. With impure hospitality, the host retains the power to exclude, and may also require something in exchange for admitting the stranger. When the host thus "controls the threshold," he or she remains "the master in the house, the country, the nation," maintaining his or her sovereignty.[363] Derrida argues that the host's "choosing, electing, filtering, selecting their invitees, visitors, or guests, those to whom they decide to grant asylum, the right of visiting, or hospitality" even constitutes a form of non-physical violence.[364]

Yet pure hospitality—welcoming everyone equally—can also lead to violence, and not just of the psychic kind. By being open to all comers, the host is rendered unable to keep out the stranger, and thus is exposed to violence at the hands of the uninvited and unknown person, who always poses a potential threat. In Derrida's words: "Even if the other deprives you of your mastery or your home, you have to accept this. It is terrible to accept this, but that is the condition of unconditional hospitality.… It is unbearable."[365] In this regard there is a role reversal; the host is now subject to the power of the guest who has been invited in. Derrida theorizes this as an inversion, in that it is "the master, the one who invites, the inviting host, who becomes the hostage… And the guest, the invited hostage, becomes the one who invites the one who invites, the master of the host. The guest becomes the host's host."[366] Through pure hospitality, the power relation is tilted in favor of the guest who may even destroy the host's property and come to rule over him or her. If, as Levinas claims, the face-to-face encounter with the other interrupts the self's understanding of itself and the world in a necessary way, it simultaneously sacrifices the self's sovereignty and authority over the home.[367]

Despite the risks, Derrida initially suggests that the most ethical thing to do would be to let everyone into one's home, giving up the power one has over the other person. But he knows that given the "unbearable" risk pure hospitality inherently poses—the risk of "the other coming and destroying the place, initiating a revolution, stealing everything, or killing everyone"[368]—it may never exist in the world; people and states alike instead observe a more limited duty to outsiders circumscribed within a legal system that preserves elements of hierarchy and domination.[369] Moreover, on further consideration, Derrida notes an upside to limiting the duty of hospitality that complicates the ethical equation—namely that it expresses a degree of interest in the *specific* person at the doorstep, as that person's story now has a bearing on his or her admittance. By contrast, if one simply admits everyone, there is no need to engage with or really

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[363] Jacques Derrida, "Hospitality, Justice and Responsibility," in *Questioning Ethics: Contemporary Debates in Philosophy*, eds. Richard Kearney and Mark Dooley (London: Routledge, 1999), 69.
[364] Jacques Derrida, *Of Hospitality* (Stanford, CA: Stanford UP, 2000), 55.
[365] Derrida, "Hospitality, Justice and Responsibility," 71.
[366] Derrida, *Of Hospitality*, 123-24. Derrida notes that etymologically, the word *hostis* could mean both host and enemy; he thus creates the portmanteau *hostipitality*, which itself "carries the danger of hostility." Karima Laachir, "Hospitality and the Limitations of the National," in *Mobilizing Hospitality: The Ethics of Social Relations in a Mobile World,* eds. Sarah Gibson and Jennie Germann Molz (Farnham, UK: Ashgate, 2007), 182.
[367] Mark Westmoreland, "Interruptions: Derrida and Hospitality," *Kritike* 2, no. 1 (June 2008): 6-7, http://www.kritike.org/journal/issue_3/westmoreland_june2008.pdf.
[368] Derrida, "Hospitality, Justice and Responsibility," 71.
[369] Derrida offers the example of the hospitality granted foreigners in Ancient Athens, where the duty was conditional, dependent on whether the foreigner had a family name; it was not extended to the barbarian, who had "neither name, nor patronym, nor family, nor social status." Derrida, *Of Hospitality*, 25.

see the person standing there. Precisely because it retains the threat of exclusion, that is, conditional hospitality may, in fact, be ethically preferable to the unconditional form.[370] It follows from this logic that the Levinasian encounter may *only* happen with impure hospitality, in the case-by-case determination— the interrogation at the threshold of the home or the border of the nation—as to whom to admit and why. Otherwise, there is no need to look the other in the face, or to recognize the humanity the face embodies. In the end, however, although pure hospitality may be an impossible expectation in light of the potential for violence and sacrifice of control it requires, Derrida suggests it is a moral horizon worth aspiring to, advocating aiming for an "intermediate schema" between the two conceptions of hospitality. This would require steps to draw the impure form toward the pure duty, via efforts to reform hospitality practices "in the name of the unconditional, even if this pure unconditionality appears inaccessible."[371] In a sense pure hospitality becomes what we could call an ethical goal; the purer the hospitality we offer, the closer we are to renouncing our own power to discriminate and thus respecting the humanity of the other. I take up this issue further in the next chapter.

Still, it is important to note that in a literal sense, the risk of violence at the hands of the stranger is inescapable on sharing platforms; even with pre-screening (in the reputation systems discussed in the prior chapter) the stranger may act in surprising and unwelcome ways.[372] Platforms do not voluntarily publish data about claims of assault or damage, but reported examples suggest that even though it offers "impure" or limited hospitality, at times sharing economy users are exposed to the kind of violence Derrida actually associates with pure hospitality. For example, numerous Airbnb hosts have returned to find their homes littered with drug and alcohol paraphernalia, or the remnants of massive, destructive parties.[373] Airbnb offers a $1 million "host guarantee" to cover property damage or legal expenses, but this may be inadequate in some situations. Greater physical risks face the providers of ride-sharing services since the driver is always present. Unlike in many conventional taxicabs, Uber and Lyft drivers are not separated from riders by a divider, which may reduce psychological barriers and thus improve the chances for interpersonal connection, but which also greatly increases drivers' (and

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[370] Derrida brings out this tension in a series of questions: "Is it more just and more loving to question or not to question? to call by the name or without the name? … Does one give hospitality to a subject? to an identifiable subject? to a subject identifiable by name? to a legal subject? Or is hospitality rendered… to the other before they are identified." Ibid., 29.

[371] Ibid.

[372] This, of course, is a claim made by critics of accepting refugees from war-torn nations, who assert that no matter how stringently strangers at the nation's door are screened, the risk they present may be too great to admit them.

[373] In 2011, one Airbnb host's apartment was ransacked after a one-week rental. Her guests "smashed a hole through a locked closet door, and found the passport, cash, credit card and grandmother's jewelry [she] had hidden inside." Harry Bradford, "Most Airbnb Rentals Go Perfectly. Then There Are These Horror Stories," *Huffington Post*, July 29, 2014, https://www.huffingtonpost.com/2014/07/29/airbnb-horror-stories_n_5614452.html. Prostitution is also an issue; one escort said her service rents an Airbnb unit and "cycles numerous hookers through the place for trysts around-the-clock"; Airbnb is preferred because it is "more discreet and much cheaper" than a nice hotel, which would also have cameras and staff who "ask questions." Dana Sauchelli and Bruce Golding, "Hookers Turning Airbnb Apartments into Brothels," *New York Post*, Apr. 14, 2014, https://nypost.com/2014/04/14/hookers-using-airbnb-to-use-apartments-for-sex-sessions/. In perhaps the clearest case of a guest exerting power over the host, a woman was shut out of her own home after a man who rented it via Airbnb stayed more than a month and claimed squatting rights as a tenant under California law. Julie Bort, "Airbnb Host: A Guest Is Squatting In My Condo And I Can't Get Him To Leave," *Business Insider*, July 21, 2014, http://www.businessinsider.com/airbnb-host-cant-get-squatter-to-leave-2014-7.

riders') physical vulnerability.[374] Uber drivers also do not receive safety training like most cab drivers; the company is hesitant to provide it as such a step would suggest drivers are employees rather than independent contractors.[375] Unsurprisingly, female drivers have been especially vulnerable to sexual assault and harassment.[376] Of course, these threats go both ways; the guest can also be threatened within the confined space of the home or car. In one instance, a man alleged that his Airbnb host locked him in his Madrid apartment and sexually assaulted him.[377] Cases of danger to Uber passengers have also been widely publicized.[378] In short, while much of the profit from these risky activities ends up in the hands of the platform and its investors, the

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[374] In one case, a 65-year-old driver was brutally attacked by a passenger who requested being dropped off in a secluded area; in another, three men punched out the window of an Uber driver's SUV and threw a beer bottle in his face. Luz Lazo, "Uber Says Most of its Safety Incidents Involve 'Abusive Riders on Drivers'," *Washington Post*, Aug. 11, 2016, https://www.washingtonpost.com/news/dr-gridlock/wp/2016/08/11/uber-says-most-of-its-safety-incidents-are-abusive-riders-on-drivers. In Southern California, an intoxicated man was recorded by a dashboard-mounted camera attacking his Uber driver after the passenger refused to get out of the car. The passenger "can be seen repeatedly hitting [the driver] and pulling his hair." The driver responded with pepper spray. Hailey Branson-Potts, "Man Who Attacked Uber Driver While Drunk Files $5-Million Lawsuit," *Los Angeles Times*, Jan. 18, 2016, http://www.latimes.com/local/lanow/la-me-ln-uber-attack-lawsuit-20160118-story.html.

[375] Instead of safety training, Uber has tried almost comical attempts to minimize risk to drivers, such as a "'toy' intended to distract drunk, obnoxious passengers: a Bop-It, a puzzle-type game that drivers put in their backseats," and "mirrors that face passengers—the idea is that seeing yourself behaving like an ass might prompt you to stop behaving like an ass." Molly McHugh, "Uber and Lyft Drivers Work Dangerous Jobs—But They're on Their Own," *Wired*, Mar. 10, 2016, https://www.wired.com/2016/03/uber-lyft-can-much-keep-drivers-safe/.

[376] One female driver describes a pattern of aggressive, "entitled" behavior by male passengers, many of whom comment on the fact that their driver is "a blonde, Caucasian millennial" which they seem to view as "extra treat." Many of her riders "make themselves at home, tapping my shoulder, grazing my arm or knee when they feel like it." In some cases the men go further, divulging personal sexual details unprompted, asking about the driver's romantic status and for descriptions of her sexual fantasies, and in one case attempting sexual assault. She says the overall feeling is, as Derrida foresaw, of being a "hostage" in her own car; the power is in the hands of the guest, with the host to a degree at their mercy. Maggie Young, "I Was Sexually Assaulted by My Uber Passenger," *Bustle*, Feb. 26, 2016, https://www.bustle.com/articles/138416-i-was-sexually-assaulted-by-my-uber-passenger.

[377] Ron Lieber, "Airbnb Horror Story Points to Need for Precautions," *New York Times*, Aug. 14, 2015, https://www.nytimes.com/2015/08/15/your-money/airbnb-horror-story-points-to-need-for-precautions.html. It is not always the host who poses the threat. One guest was attacked by his host's Rottweiler, suffering a major gash and puncture wounds; the guest initially received only a refund from Airbnb for his aborted stay. Ron Lieber, "Questions About Airbnb's Responsibility After Attack by Dog," *New York Times*, Apr. 10, 2015, https://www.nytimes.com/2015/04/11/your-money/questions-about-airbnbs-responsibility-after-vicious-attack-by-dog.html. In 2017, a man was allegedly murdered by his Airbnb hosts in Australia. The victim, who reportedly paid $30 a night, planned to cut his stay short but was attacked, raped and murdered on the front lawn by the home's three occupants. Katie Dowd, "Airbnb Guest Allegedly Murdered by Three Men Who Lived in the House," *SFGate*, Nov. 2, 2017, http://www.sfgate.com/news/article/airbnb-guest-allegedly-murdered-by-hosts-australia-12326330.php.

[378] One San Francisco driver reportedly became enraged when drunk passengers questioned the route he was taking, eventually trying to force them to leave his car; when they refused, the driver clobbered one with a hammer, leaving the man "on the ground, bleeding and drifting in and out of consciousness." Dara Kerr, "How Risky Is Your Uber Ride? Maybe More Than You Think," *CNET*, Oct. 8, 2014, https://www.cnet.com/news/how-risky-is-your-uber-ride-maybe-more-than-you-think/. Uber drivers in London are accused by passengers of sexual assault or rape almost three times a month, according to one report. Gabriel Samuels, "Uber Drivers Accused of 32 Rapes and Sex Attacks on London Passengers Over the Past Year," *The Independent*, May 19, 2016, http://www.independent.co.uk/news/uk/uber-drivers-accused-of-32-rapes-and-sex-attacks-on-london-passengers-a7037926.html.

physical—and sometimes financial—costs inherent to sharing one's space with the unknown other remain in the lap of the users.[379]

On home-sharing platforms including Couchsurfing.com and Airbnb, the host generally determines which guests to admit past the threshold of the home, making this decision by reviewing the prospective guest's profile and perhaps exchanging personal messages to determine if the guest is a good "fit." The decision about fit may depend on the hours the guests keep, the desired level of interaction between them, or their shared interests and hobbies. The prospective guest makes the same decision about the host based on the host's self-description in their profile as well as photographs of the space to be "shared." By considering the host or guest in this specific, somewhat personal way, the sharing economy participant might be said to demonstrate the ethically redeeming aspect of impure hospitality, recognizing the other as a distinct person and not merely another interchangeable guest, as hotels might view guests. The trouble with this personal evaluation of the other person—of deciding whether to host a guest or stay with a host through such a subjective process—is that it creates space for undesirable or even unlawful discrimination, should either party reject the other on the basis of race, religion, ethnic background, disability, or sexual orientation, among other factors. This concern, and the trade-off between intimacy and equality it might entail, is the subject of the next chapter.

(3) Commerce and the Encounter

I suggested in the prior section that while couch surfing provides a vivid demonstration of how a sharing platform can enable some of the key aspects of the Levinasian encounter, the prospects for a meaningful encounter diminish somewhat when commerce is introduced, due to the fact that participants' motivations for engaging in hospitality exchange may become largely economic. In this section, I thus consider directly what happens to the nature and significance of the face-to-face encounter when there is an explicit quid pro quo. With Uber, Airbnb, and other commercial sharing platforms, payment is not directly exchanged between provider and consumer, but handled electronically via the platform. Still, no one is under the misimpression that the transactions take place on a purely voluntary basis. I want to argue, however, that the commercial nature of these sharing platforms does *not* completely undermine the possibility of a relationship of personal hospitality and thus of a meaningful encounter between strangers. In fact, a long and sometimes neglected tradition in political thought and practice suggests quite the opposite, namely that it is precisely in commercial spaces that essential political bonds may be forged. On this point I want to turn first, briefly, to Immanuel Kant, who argues that commerce and hospitality are not at odds with one another; rather, Kant contends, there is a general moral duty to welcome the outsider, a welcoming that entails permitting people to encounter one another on the terrain of commerce. Commerce and the encounter with the stranger are this intertwined.

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[379] While barring those who commit these assaults from their platforms, Uber and Airbnb have sought to disclaim responsibility, arguing the wrongdoers were independent contractors and that, in the case of Uber, the "fine print" of its terms and conditions "clearly says that passengers accept a risk by using the service." Kerr, "How Risky Is Your Uber Ride? Maybe More Than You Think." Uber's terms of service read: "You understand … that by using the application and the service, you may be exposed to transportation that is potentially dangerous, offensive, harmful to minors, unsafe or otherwise objectionable, … and that you use the application and the service at your own risk."

The question of the duty of hospitality arises in Kant's 1795 work "Toward Perpetual Peace," in which he seeks to determine how it might be possible to obtain lasting peace in the world, given that people are in what he considers to be a natural state of war with one another. On Kant's account, lasting peace requires three elements, including a "Law of World Citizenship [that] Shall Be Limited to Conditions of Universal Hospitality."[380] Kant thus calls for a limited global citizenship consisting of the right of hospitality, which he defines as "the right of a stranger not to be treated as an enemy when he arrives in the land of another." Kant is not calling for a universal cosmopolitan state, however; the stranger must only be admitted for a "temporary sojourn," not on a permanent basis. But rights imply duties, and the provision of hospitality is not a matter of choice. Kant traces the source of the right to each person's "common possession of the surface of the earth," and the fact that people "cannot infinitely disperse and hence must finally tolerate the presence of each other."[381] Because people inherited the earth together, and given the finite amount of land, that is, natural law commands that all have at least a limited right to move across and temporarily stay in land claimed by another, and to be treated well during that time.[382] Hospitality provides a more dependable avenue to achieving perpetual peace, Kant argues, because, as comparative literature scholar Tracy McNulty explains, it "is not dependent upon the particularities and contingencies of a political treaty, but is instead grounded in a universalizable moral maxim."[383]

What, if anything, on Kant's account is due to the stranger who must be admitted? On this point scholars have turned to the original German text of Kant's slightly later *Metaphysics of Morals* (1797), in which he explains that people's initial "common possession of the surface of the earth" engendered a "community of possible physical *interaction (commercium)*, that is, of a universal relation of one to all others to *present* oneself for possible commerce [*Verkehr*] with each other."[384] The German word *Verkehr* (or "traffic") can mean relations between persons generally, but can also mean commerce in terms of the exchange of goods and services. McNulty argues that Kant conflates these meanings, such that "the two connotations are virtually indistinguishable; relations between men are reduced to the regulated circulation of goods and

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[380] The other two elements are that the "Civil Constitution of Every State Should Be Republican" and that the "Law of Nations Shall be Founded on a Federation of Free States." Immanuel Kant, "Toward Perpetual Peace" (1795), http://www.constitution.org/kant/perpeace.htm.

[381] Ibid.

[382] This duty of hospitality undoubtedly applies in cases where refusing entry to the stranger would lead to "his destruction"—a refugee situation—but Kant does not limit the duty to particular circumstances of the stranger's entry. Other Enlightenment thinkers echoed Kant's theory of a universal right to hospitality. Legal theorist William Blackstone emphasized a right of freedom of movement in English law; the French Revolutionaries made a freedom to travel central to their founding documents. Andrew K. Sandoval-Strausz, *Hotel: An American History* (New Haven, CT: Yale UP, 2008), 140. Kant adds that the *awareness* of the duty of hospitality may be greater in an increasingly integrated world in which the "wider community of the peoples of the earth has developed so far that a violation of rights in one place is felt throughout the world." But in theory, this historical development merely makes the duty more apparent or more deeply felt; the ethical obligation is timeless.

[383] Tracy McNulty, *The Hostess: Hospitality, Femininity, and the Expropriation of Identity* (Minneapolis: U of Minnesota P, 2007), 47.

[384] Immanuel Kant, *Toward Perpetual Peace and Other Writings on Politics, Peace, and History*, ed. Pauline Kleingeld, trans. David L. Colclasure (New Haven, CT: Yale UP, 2006), 146 (emphases in original).

services."[385] For Kant, then, trade is central to the relationships the duty of hospitality entails, as an outgrowth of the common inheritance of the earth. The right to engage in commerce is an entailment of hospitality, and even part of its justification, in that it helps bring about perpetual peace in the world by increasing communication between different types of people from different lands.[386]

Kant is relevant in considering the nature of the interpersonal relationships in today's sharing economy in that his argument provides a basis for recognizing that commercial interactions need not and ought not be set apart and considered as ethically removed from the social and political realms; commerce itself is a means through which people connect with, recognize, and understand each other as fellow human beings worthy of moral respect—so much so that it is central to ensuring a peaceful world. Commerce, for Kant, "brings people together and makes them want to be neighbors," in Pheng Cheah's words.[387] Admittedly, Kant's account is directed at duties at the level of the nation-state to citizens of other states. But the interactions and encounters the fulfillment of this duty generates take place directly between persons. Similarly, in a sense, encounters enabled by the major for-profit sharing economy platforms also occur in the realm of commerce, bringing people together in interactions with the other and thus serving as a reminder that people share a society, and the world, in common. In short, Kant helps us see that although commerce rests on and enables the exchange of private property, it simultaneously serves as a reminder of human commonality and as a site of sociality.

Economic sociologist Viviana Zelizer shares some of Kant's reasoning about the connection between communication and commerce, and is helpful in further linking such reasoning to the sharing economy. Zelizer argues that people are tied to each other through what she calls "circuits of commerce," where commerce means "conversation, interchange, intercourse, and mutual shaping," encompassing a range of interactions from "the most intimate to quite impersonal."[388] Zelizer contends that a misguided idea has persisted through the late 20th century and into the 21st: that an unbridgeable gap exists between market rationality on the one hand (*Gesellschaft* in German) and sentiment and culture on the other (*Gemeinschaft*)—the view that the principles that animate each are competing and incompatible, leading to two

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[385] McNulty, *The Hostess*, 64. See also Sankar Muthu, *Enlightenment Against Empire* (Princeton, NJ: Princeton UP, 2003), 195 (Kant intends the right to hospitality to protect those engaged in market-oriented trade but also, more broadly, to those engaged in other types of possible interactions). On McNulty's reading, the idea of hospitality for Kant has more to do with an impersonal "right to visit" than with giving the stranger a warm welcome, which would be associated with the German word *Gastlichkeit* (lavish hospitality) rather than *Verkehr*. In a sense, this is an interpretation of hospitality that Levinas and Derrida share with Kant. None of these thinkers sees hospitality in an especially warm light, with each finding its ethical importance instead in the way it facilitates and reflects respect for the individual. But this respect could, in some circumstances, itself engender a sense of warmth toward the other.

[386] "Kant's vision of a peaceful world was dependent upon travelers as agents of communication among nations, and for this reason the safety and proper reception of wayfarers had to be guaranteed as a precondition." Sandoval-Strausz, *Hotel*, 312. This reading of Kant, suggesting a kind of utilitarian justification for the provision of hospitality, may appear inconsistent with the general deontological thrust of Kantian moral reasoning. But some scholars have argued that the two approaches are not as mutually exclusive as might be assumed. See, e.g., R.B. Brandt, *Value and Obligation: Systematic Readings in Ethics* (New York: Harcourt Brace, 1961).

[387] Pheng Cheah, "Necessary Strangers: Law's Hospitality in the Age of Transnational Migrancy," in *Law and the Stranger,* eds. Austin Sarat, Lawrence Douglas, and Martha Merrill Umphrey (Stanford, CA: Stanford UP, 2010), 34.

[388] Zelizer, *Economic Lives*, 315. For Zelizer, the difference between the intimate and the impersonal is that on the former information is shared that is "not widely available to third parties"; impersonal relations convey "only widely available information."

separate spheres that are essentially "hostile worlds."[389] In Zelizer's view, rather than contaminate one another, the principles of commodification and markets on the one hand, and intimacy and "solidarity-sustaining personal relations" on the other, are complementary and should be "bridged."[390] Zelizer argues that people participate simultaneously in many "circuits" in which they exchange goods and services with each other, on both commercial and non-commercial bases, and that no one circuit itself comprises a community "in the sense of closed-off, all-encompassing social relations." For example, in cases in which monetary exchange enters intimate relations between family members or between caregivers and care recipients, Zelizer observes that "people manage to integrate monetary transfers into larger webs of mutual obligations without destroying the social ties involved."

In short, "monetary payment systems do not obliterate caring relations."[391] An oft-encountered situation may be instructive on this point, if not too quotidian. It is customary in the United States and other societies for both employee and customer to say "please" and "thank you" (or a variant of the same) in commercial interactions. To take the most common example, in interactions with cashiers at supermarkets and elsewhere, the customer will generally express thanks upon receiving change or otherwise completing the transaction, and the cashier will thank the customer or wish him or her a nice day. Certainly, upon leaving a friend's dinner party, one would express thanks, but thanking a cashier when paying for goods and services may seem superfluous; the cashier is doing his or her job and being compensated for it.[392] To *not* say thank you or something of the sort might strike many as unfeeling, even absurd—a failure to recognize the other person's humanity and even their existence—to treat that person as a kind of automaton. Even if it is not rationally necessary, that is, saying "thank you" connects people to one another. It "doesn't just acknowledge someone's effort, thoughtfulness, intent, or action. It acknowledges the person himself … [which is] our basic responsibility as human beings living in community with other human beings."[393]

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[389] For example, this theory appears in the work of critics of globalization who worry that global market expansion "inexorably erode[s] intimate social ties and narrow[s] the number of settings in which intimacy could prosper, while increasing contrasts between such settings and the cold world of economic rationality." Ibid., 311, 313.

[390] Ibid.

[391] Home-care workers, for instance, do not "transform themselves into unfeeling bureaucratic agents" despite their participation in bureaucratized payment systems that structured much of their work. Ibid., 328-29. Other examples might be therapists, nannies, and teachers, all of whom can be expected to establish emotional connections with their clients or students despite being paid for their services.

[392] In a personal reflection on this phenomenon, one writer wonders on a trip to a local market whether the customer has an obligation to thank the cashier: "When I got home, I wondered, as I always do, when the customer became the person in a transaction to say 'thank you,' instead of the clerk. 'Thank you' for what, exactly? For letting me shop in your store? For allowing me to hand you my money?" Tom Nichols, "It's Not Oppression To Say Thank You," *The Federalist*, Sept. 21, 2015, http://thefederalist.com/2015/09/21/its-not-oppression-to-say-thank-you/.

[393] Peter Bregman, "Do You Really Need to Say Thank You?," *Harvard Business Review*, Nov. 21, 2012, https://hbr.org/2012/11/do-you-really-need-to-say-than. The "circuit" of interpersonal recognition may even negate some of the capitalist nature of the relationship or, at a minimum, soften the edges of market capitalism with mutual respect, even if it fails to establish any deeper bond. On the other hand, a more cynical (and Marxist) view would be that this culturally requisite politeness helps sustain the capitalist order by slightly easing the conditions under which people live, while doing nothing to question systematic exploitation or the inevitability of capitalism itself. To further this line of thought, it can be argued that the expectation that the employee initiates a "thank you" further exploits the likely underpaid, exploited worker through the added expectation of the performance of emotional labor.

The sharing economy is a site in which these expressions of civility, and the human respect and connection they imply, may be expanded in both length and depth, to the benefit of a deeper sense of respect and connection among citizens.[394] The commercial aspect of sharing platforms does not inherently divorce them from the social contexts in which they arise, and ought not be taken to prevent these "circuits" from including components of both the impersonal and the intimate—the "conversation, interchange, intercourse, and mutual shaping" between participants that would be customary in the circumstances were money not changing hands. The connection felt with a host in his or her home, or even with a driver in his or her car, can survive being monetized through a platform like Airbnb in the same way that the participants in what Zelizer calls "interpersonal caregiving circuits" incorporate monetary exchange without having it completely define or limit their intimacy with one another. In fact, Zelizer could be talking about the founders of Uber or Airbnb when she describes how new circuits, bridging intimacy and impersonality, arise: "[C]ulturally embedded, problem-solving people devise solutions to pressing new social challenges by inventing novel commercial circuits." Sharing platforms can, in a sense, be said to have arisen, and to continue to emerge, as commercial solutions to social and economic problems, but in so doing create new circuits that include intimate elements.[395]

(4) Sites of the Encounter: The Agora and the Modern City

I turn finally to the physical setting in which most sharing economy encounters take place: the city. Though I do not cabin the analysis of sharing platforms to the realm of the city, they began as and largely remain urban phenomena. In particular, usage and awareness of ride-hailing apps are far heavier in urban areas.[396] Some sharing economy apps do not operate in rural areas at all; TaskRabbit, for example, is available only in 39 U.S. metropolitan areas and in London. To better understand how this urban setting might further enable the meaningful encounter, I want to start by examining a particular aspect of what is regarded as the first democratic city, Ancient Athens: the agora. The agora was a public space in the polis, located between the household (*oikos*) and the city-state's formal political institutions (*ecclesia*), where citizens casually interacted on a regular basis, engaging in *both* conversation and commercial exchange. Perhaps due to Hannah Arendt's influential account of life in Ancient Athens, in which

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[394] The expansion of these qualities seems unusually important today when, some have argued, expressions of civility in public life have become increasingly rare. In 2011, 76 percent of survey respondents said Americans are becoming ruder and less civil. "76% Say Americans Becoming More Rude, Less Civilized," *Rasmussen Reports*, Aug. 4, 2011, http://www.rasmussenreports.com/public_content/lifestyle/general_lifestyle/july_2011/76_say_americans_becoming_more_rude_less_civilized. Anecdotally, Atlanta psychiatrist Gregory E. Smith says he has observed a change in commercial interactions: "Go through any drive-through at a fast-food restaurant in America. Go through any checkout line in a grocery store. Stand in line at a convenience store. If you are very lucky, the person waiting on you will make eye contact. Maybe they will speak. More likely, they will hand you your drink and bag while looking back over their shoulder, never even acknowledging your personhood much less your status as a customer. … Worst of all, … a kiosk worker will blandly bag your item, swipe your debit card, hand you your receipt, all while having a conversation on her cellphone." Linton Weeks, "Please Read This Story, Thank You," *NPR*, Mar. 14, 2012, http://www.npr.org/2012/03/09/148295675/please-read-this-story-thank-you.

[395] Zelizer, *Economic Lives*, 336.

[396] Aaron Smith, "On-Demand: Ride-Hailing Apps," Pew Research Center, May 19, 2016, http://www.pewinternet.org/2016/05/19/on-demand-ride-hailing-apps/. One partial exception to this urban emphasis is Airbnb, which has a presence in small towns and rural areas throughout the world, although it remains primarily associated with its heavy concentration in major cities that are also frequently visited destinations.

she claims there existed a clear demarcation between political life and the economic realm of the household, political theorists have often overlooked the importance of the spaces in which the two actually mixed. Based in part on her reading of life in Athens, Arendt claims that only in the political realm—which she separates from the private and the "social" spheres—can one participate in "agonistic" confrontation with the other, a kind of verbal combat in which citizens, in face-to-face encounters, confront their different viewpoints and participate in what she calls "action" on the public stage.[397] In fact, however, many historians have noted that the agora was a critical mixed space where the people of Athens congregated and communicated, engaged in commerce, *and* periodically participated collectively in political decision-making; it was thus essential to their popular sovereignty. The agora was the key democratic civic space, "open to all, where matters of common concern [could] be defined and lived by citizens who regard each other as equals." But it was also, political theorist John Keane explains, an "enlivening" public space more characterized by "fun and games" and other forms of entertainment than "dead-serious communication through reasonable words."[398]

Similarly, Richard Sennett argues that the key feature of the agora was that its mixed uses made it a "complex, teeming space" in which Athenians congregated and interacted with or overheard each other; this interaction was critical for democracy because it led citizens to "consider views other than their own."[399] The agora was physically designed to encourage overlapping activities, Sennett adds, including "commerce, religious rituals, [and] casual hanging out"; it was a large open space ringed by temples and buildings, including a law court "surrounded by a low wall, so that citizens banking or making offerings to the gods also could follow the progress of justice." The Athenian could thus move from public, open space, through a transitional zone, into more sheltered spaces. While some encounters consisted in verbal exchange with other citizens, watching and listening were also important, with the nature of the communication depending in part on which section of the agora one was in at the time. Thus, "communication through words became more fragmentary as people moved from one scene to another."[400] In sum, the agora is a key historical precedent for the way in which urban spaces can simultaneously serve as sites of economic exchange, casual conversation, and political decision-making; in this variety of uses it suggests that such a multivalent space may be critical to the people's ability to be self-governing.

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[397] Hannah Arendt, *The Human Condition* (Chicago: U of Chicago P, [1958] 1998), especially 38-49. Arendt expresses concern about the "rise of the social" which, she claims, is a realm in which household matters and public matters—formerly clearly delineated—become mixed, to the detriment of the political: "since the admission of household and housekeeping activities to the public realm, an irresistible tendency to grow, to devour the older realms of the political and private as well as the more recently established sphere of intimacy, has been one of the outstanding characteristics of the new realm. Ibid., 45. See also Seyla Benhabib, "Feminist Theory and Hannah Arendt's Concept of Public Space," *History of the Human Sciences* 6, no. 2 (May 1, 1993): 101-2, http://journals.sagepub.com/doi/abs/10.1177/095269519300600205?journalCode=hhsa.

[398] John Keane, *The Life and Death of Democracy* (New York: W. W. Norton, 2009), 13. See also Zygmunt Bauman, *Collateral Damage: Social Inequalities in a Global Age* (New York: John Wiley & Sons, 2013), Ch. 1.

[399] Richard Sennett, "The Spaces of Democracy," in *The Urban Moment: Cosmopolitan Essays on the Late 20th Century City*, Robert A. Beauregard, Sophie Body-Gendrot and Line Beauregard, eds. (Thousand Oaks, CA: Sage, 1999), 275.

[400] Ibid., 275-77.

Numerous contemporary urbanists have drawn on the agora as a model for open public spaces designed to bring people together in casual encounters. As Thomas Bender notes, theorists "in search of the modern agora … have explicated a public domain in which the individual sees and is seen by others who make up the city. Seeing and being seen in this view … is the central act of being in public."[401] One urbanist, William H. Whyte, argues in a landmark study of the American city in the late 20th century that echoes of the Ancient Greek agora can be perceived in truly vibrant city centers—which, in Whyte's time, were on the wane, given the mid-20th century's embrace of suburban development in light of the dominance of the private automobile. Whyte shows that people living and working in dense cities (particularly New York, his main case study) frequently engage in face-to-face interactions, often on the sidewalk outside commercial establishments where they encounter one another in "*un*planned, informal encounters."[402] Similarly, the renowned urbanist Jane Jacobs argues in her 1961 classic *The Death and Life of Great American Cities* for the necessity of the impromptu sidewalk meeting—part of what she refers to as the "sidewalk ballet"—because only in the in-person meeting do both parties engage in "the subtle sizing up" of, and have "the chance to bring the full weight of personality to bear" on, the other.[403] The accumulated benefits of these encounters, Jacobs contends, include reduced crime and increased economic development, particularly greater creativity and innovation.[404]

On the streets of Greenwich Village studied by Jane Jacobs, the encounters were generally between people already acquainted in some way, and the unplanned nature of the encounter was critical; interactions in the agora may also have been among acquaintances, and were also generally unplanned. But in a mass, diverse society like today's United States, encountering a stranger in a somewhat intimate way is likely to be more beneficial than encountering an acquaintance. Extending Levinas's argument, bringing strangers together is, in fact, critical for democracy, in that encountering and developing a deeper understanding of the stranger advances citizens' respect for people from different backgrounds whose experiences they might otherwise fail to appreciate or acknowledge. (On certain platforms, especially Airbnb, the people one meets may well not be citizens of one's own society; but encountering even *greater* diversity than one might at home is unlikely to pose a problem for democracy.) Indeed, while Whyte and Jacobs emphasized meeting one's acquaintances, the increased diversity of the United States and other societies—or at least the increased recognition of the importance of such

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401 Thomas Bender, *The Unfinished City: New York and the Metropolitan Idea* (New York: NYU P, 2007), 228.
402 William H. Whyte, *City: Rediscovering the Center* (Philadelphia: U of Pennsylvania P, [1988] 2009), 340 (emphasis in original).
403 Quoted in Peter L. Laurence, *Becoming Jane Jacobs* (Philadelphia: U of Pennsylvania P, 2016), 225. In the full passage concerning the sidewalk ballet, Jacobs writes that "wherever the old city is working successfully, [there] is a marvelous order for maintaining the safety of the streets and the freedom of the city. It is a complex order. Its essence is intricacy of sidewalk use, bringing with it a constant succession of eyes. The order is all composed of movement and change, and although it is life, not art, we may fancifully call it the art form of the city and liken it to the dance … an intricate ballet in which the individual dancers and ensembles all have distinctive parts which miraculously reinforce each other and compose an orderly whole." Jane Jacobs, *The Death and Life of Great American Cities* (New York: Vintage Books, 1961), 50.
404 Jacobs, *The Death and Life of Great American Cities*, esp. Part Two. In order to increase the likelihood of such face-to-face encounters, Jacobs prescribes public policies that would maintain or increase neighborhood density, keeping blocks short, and permitting buildings of different types and ages with mixed uses.

diversity—has led some more recent scholars of urban life to focus instead on these encounters with difference.[405] Paula Geyh argues that the very nature of belonging to a city is defeated if the denizen sees him- or herself as belonging only either to the city taken as a whole, or to a single community within it. Rather, she argues, "to ensure [the] fullest and most productive life in the city, one must sometimes simultaneously both belong and not belong… Our experience of urban life is marked by everyday encounters with unassimilable difference, and it is in these encounters that much of the pleasure and challenge of city life lies."[406] In this observation and argument for the necessity of transcending boundaries, Geyh echoes Levinas's claim that the life force of the political, as it were, is the recognition of the one who does not belong, or in Levinas's terms, of the Other. One must sometimes be an outsider within his or her own city, Geyh suggests, in order to truly reap the psychic benefits of urban life. It is interesting here to note that Airbnb's slogan launched in 2014 is "belong anywhere," by which the company means "venturing into neighborhoods that you might not otherwise be able to see … bunking in someone else's space, and having an experience that person 'hosted' for you."[407] However, though intended to promote the idea that Airbnb allows one to feel comfortable in and a part of local communities anywhere in the world, it also can be read to carry the connotation of disrupting the host's sense of his or her own belonging by insisting that the outsider belongs in the space of others as well.

By making both guest and host feel a bit like an "other" in the host's intimate space, the sharing economy promotes the attitude Geyh says is required of the modern urban citizen: "Living side by side, we need above all to be open to exchange and otherness …. What can emerge from this is an acceptance of otherness, both external in the otherness of individuals different from ourselves, but also the internal otherness of our own complex and multifaceted identities."[408] Levinas, Derrida and contemporary urban theorists such as Geyh thus see the face-to-face encounter with the stranger—not the acquaintance—as necessary in an ethical way, in that it leads to a proper understanding of one's place in a diverse city and an even more diverse world. Indeed, much as Levinas emphasized the necessity of confronting the impoverished other, Geyh notes the importance of the face-to-face encounter for the recognition of the poverty the city contains, particularly as people's "separation from one another grows." In such an environment, "our experience of the city becomes increasingly limited and fragmented…. Since we rarely see them, our sense of the vital roles played by the diverse members of American society grows hazy and vague or disappears entirely, along with our awareness of the misery of many who have been excluded or relegated to the margins of society."[409]

I have conceded that the encounter between an Airbnb host and guest or an Uber host and driver is not liable to be as intense as Levinas theorized or as risky as the one Derrida imagined.

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[405] Whyte, Jacobs, and other urbanists of their generation were primarily interested in the encounter for its usefulness in securing the practical benefits of urban life, particularly safety and economic activity. The revitalization of the urban core in many American cities in the late 20th and early 21st centuries—to which Jacobs herself likely contributed—may have allowed other, more ethical considerations about urban life to come into practical and theoretical focus.

[406] Paula Geyh, *Cities, Citizens, and Technologies: Urban Life and Postmodernity* (New York: Routledge, 2009), 123.

[407] Leigh Gallagher, *The Airbnb Story: How Three Ordinary Guys Disrupted an Industry, Made Billions... And Created Plenty of Controversy* (Boston: Houghton Mifflin Harcourt, 2017), 64-65.

[408] Geyh, *Cities, Citizens, and Technologies*, 128.

[409] Ibid., 124-25.

But it *is* likely to reflect the density, and often the diversity, of life in the modern city. Urban economist Edward Glaeser emphasizes the importance of embracing this physical closeness to the success of the city, declaring that the "real city is made of flesh, not concrete."[410] What is most important and distinctive about cities, that is, is the "absence of physical space between people and companies." Cities *are* in essence "proximity, density, closeness."[411] Glaeser worries that despite the recent renewal of urban cores once abandoned due to crime and the ideology of suburban home ownership, people continue to view cities as primarily *physical* concentrations of skyscrapers and other objects—especially since technological improvements have enabled people to work and play remotely, even if they are living side-by-side in luxury high-rise apartments (not unlike the hotels discussed earlier in this chapter that bring people together but simultaneously keep them apart). The sharing economy, in contrast, takes advantage of urban density by putting people together in shared semi-private spaces and thereby encouraging direct interaction between them. Indeed, whereas the agora and city streets are typically open public spaces, another difference with sharing economy spaces is that the latter are typically confined and semi-private. But it is their very nature as such that makes them spaces in which different kinds of people are spurred to connect in ways they likely wouldn't on the street or in a public park. In the end, while sharing platforms do not guarantee that people talk to strangers, that they talk with a representative sample of strangers, or that they have life-changing philosophical encounters, they are somewhat more likely to create the conditions in which such connections may be made than the private cars, taxi cabs, public buses, or hotels these services supplant or supplement. Such interactions build bridges between citizens that may cumulatively be beneficial to the health of democracy in a diverse society.

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The argument of this chapter has been that the semi-commercial environment of the shared home or car can be a site for people to experience meaningful face-to-face encounters they may fail to experience, and perhaps actively avoid, in commercial and political life. Such encounters are rare in a democracy in which most people's participation is limited to periodic voting, occasional protests among those of like mind, or political discussion online (again often with those with whom one is already in agreement). Physical spaces for face-to-face encounters like those that transpired in the Ancient Athenian agora have also been in short supply, at least in the United States since the mid-20th century. Some might suggest that public squares and parks are modern-day urban spaces in which encounters with other citizens occur, but these in fact tend to be places where individuals engage in private activities, on their own or with friends or family, in view of others but not in connection with them. The commercial aspect of sharing platforms, then, may be helpful, or even essential, in bringing different together people who might not otherwise associate in a small space that induces them to communicate and engage.

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[410] Edward Glaeser, *Triumph of the City* (New York: Penguin, 2011), 15.
[411] Ibid., 6.

Chapter V

Anti-Discrimination Law in a Semi-Private Space: Sharing Platforms, Equality, and the Encounter with Diversity

I have argued that the increasing standardization of the sharing economy—due in large part to the pressure brought to bear on these platforms by neoliberal capitalism—is problematic in that it diminishes the possibility of the face-to-face encounter between people that these semi-commercial spaces can provide. On home-sharing platforms such as Airbnb, I have noted, such standardization results in reduced, and increasingly monetized, forms of interaction between hosts and guests. As Airbnb has moved in the direction of the hotel, that is, it has sacrificed some of its potential for more genuine interactions in more authentically personal spaces. In this chapter, however, I argue that one element of this standardization—the reduced ability of users to determine the particular people with whom they interact via the sharing economy—may be both necessary in a society living by the core moral and legal principles of liberalism, and actually to the good for democracy in a diverse society. It is necessary in terms of liberalism to ensure tolerance of difference by making wrongful discrimination illegal on sharing platforms. But it also may be good, in a less expected way, for the encounter itself. Limiting the ability of users to determine the people whom they encounter in the sharing economy by making discrimination clearly illegal (and thus at least more costly, in an economic sense)—preventing people from using immutable characteristics such as race to determine who may and may not enter their semi-private space—should open the door (literally and figuratively) to people with whom users are less comfortable. This is ultimately beneficial to democratic life and the people's capacity for collective self-rule in a diverse society.

If anti-discrimination laws are not made to clearly apply to sharing economy platforms, the risk is that the sharing economy offer an end run around, and thus somewhat undermines, these hard-won laws—even to the point that some say "the segregated lunch counter is making a stealthy comeback, thanks to the innovations (and regressions)" of the sharing economy.[412] More broadly, by extending commercial offerings such as housing and transportation into traditionally private spaces—enabling people to provide services that amount to public accommodations within their own homes and cars—the sharing economy actually highlights and expands a pre-existing gray area in U.S. anti-discrimination law. This inquiry, then, invites a valuable rethinking of some of the assumptions and exceptions long made in this area of the law that is relevant beyond its applicability to the sharing economy itself.

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[412] Julie Carrie Wong, "Airbnb: How US Civil Rights Laws Allow Racial Discrimination on the Site," *The Guardian*, May 6, 2016, https://www.theguardian.com/technology/2016/may/06/airbnb-racism-civil-rights-laws-sharing-economy. I focus on American law as it is American law to which many leading sharing economy companies would generally be subject. Moreover, to the extent I invoke empirical academic studies in this chapter, fewer have been published on discrimination in other countries where sharing platforms are active. Chitra Ramaswamy, "'Prejudices Play Out in the Ratings We Give'–The Myth of Digital Equality," *The Guardian*, Feb. 20, 2017, https://www.theguardian.com/technology/2017/feb/20/airbnb-uber-sharing-apps-digital-equality.

(1) Discrimination by Users of Sharing Economy Platforms

In 2015, Rachel Botsman noted the existence of a problem that had come to plague several sharing platforms in the preceding years: that they enable some users to discriminate against others on the basis of race, among other factors. The "big question" facing the sharing economy, she said, was "how do these profiles not start a whole new era of discrimination?" The sharing economy was at risk of being not a "system of empowerment to many people," but a "system of discrimination" instead.[413] Airbnb has often been cited in particular as facilitating "virtually unregulated discrimination—both implicit and intentional—in housing and accommodations. … [which] jeopardizes the integrity and efficacy of our civil rights laws."[414] Since 2015, however, concern about discrimination in the sharing economy has grown rapidly. In mid-2016, Airbnb hired former U.S. attorney general Eric Holder to lead a high-profile effort to minimize discrimination among hosts and guests.[415] In doing so, Airbnb founder and CEO Brian Chesky admitted that he and his co-founders "weren't fully conscious of this [discrimination] issue when we designed the platform," and that there has "at times been a lack of urgency to work on this." Such a lack of awareness, if true, is a bit surprising, given that Airbnb and other platforms from the start offered a form of public accommodations—in which discrimination has by and large been illegal under U.S. law since 1964, with the passage of Title II of the Civil Rights Act.

Evidence suggests that sharing economy platforms often allow individuals, whether intentionally or not, to engage in discriminatory practices that would not pass legal muster in traditional economic enterprises such as hotels and taxicabs. A number of academic studies have demonstrated the prevalence of such discrimination and pointed to certain design features of the leading platforms as partly to blame. Would-be renters on Airbnb can see photos and read profiles of prospective hosts before requesting a stay, intended as a means of building trust and of "humanizing a physically distant person on the other side of an Internet transaction" with an unintended consequence: unleashing prejudice.[416] One study found that non-black Airbnb hosts in New York City charged approximately 12 percent more than black hosts for the equivalent

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[413] "It's Like Uber but for Racism: How Prejudice Crept Into the 'Sharing Economy'," *Stilgherrian* (blog), *Crikey*, Aug. 6, 2015, http://www.crikey.com.au/2015/08/06/its-like-uber-but-for-racism-how-prejudice-crept-into-the-sharing-economy/?wpmp_switcher=desktop&wpmp_tp=1.

[414] Michael Todisco, "Share and Share Alike? Considering Racial Discrimination in the Nascent Room-Sharing Economy," *Stanford Law Review Online* 67 (Mar. 2015), https://www.stanfordlawreview.org/online/share-and-share-alike/.

[415] Alison Griswold, "Airbnb Has Hired Former US Attorney General Eric Holder to Help Weed Out Racist Hosts," *Quartz*, July 20, 2016, https://qz.com/737445/airbnb-has-hired-former-us-attorney-general-eric-holder-to-help-weed-out-racist-hosts/. In early 2017, Uber also hired Holder (along with its own board member Arianna Huffington) to investigate accusations that the company discriminated internally against female employees. A company report revealed that "36 percent of Uber's work force is made up of women, while the technology jobs at the company—some 85 percent—are overwhelmingly held by men" (although such numbers are not out of line with other leading technology companies). Mike Isaac, "Uber Releases Diversity Report and Repudiates Its 'Hard-Charging Attitude'," *New York Times*, Mar. 28, 2017, https://www.nytimes.com/2017/03/28/technology/uber-scandal-diversity-report.html.

[416] Nancy Leong, "The Sharing Economy Has a Race Problem," *Salon*, Nov. 2, 2014, http://www.salon.com/2014/11/02/the_sharing_economy_has_a_race_problem/. The authors could not say whether the discrimination was "taste-based," meaning hosts knowingly "favor or disfavor a group based on pure user preference," or "statistical," in which hosts' decisions are "grounded in inference," a means of establishing confidence that a guest can be trusted.

rental, holding all other variables about the rentals constant to the extent possible.[417] A more recent study by the same authors similarly found that using distinctively African-American names compared with distinctively white names made them 8 percent less likely to be able to obtain lodgings via Airbnb.[418] Discrimination against potential guests with African-American sounding names was widely practiced, regardless of a wide variety of variables including whether the host was white or African-American, or was male or female; whether the host offered an entire property or just a room; whether the host was an experienced user on the platform or relatively new; and how expensive the property was.[419]

Press reports have also raised awareness of racial discrimination on Airbnb. For example, in May 2016, an African-American man sued Airbnb, claiming his request for lodging in Philadelphia was rejected when using his real profile but accepted when he set up two fake profiles as white men. Thereafter stories of discrimination against African-Americans using Airbnb proliferated, with anecdotes shared on Twitter using the hashtag #AirbnbWhileBlack.[420] Beyond race, another problematic area for sharing platforms, particularly ride-sharing platforms like Uber, has been the accommodation of (and thus non-discrimination against) the disabled. In 2014, the National Federation of the Blind and a blind rider sued the company in federal court under the Americans with Disabilities Act, alleging that Uber drivers in more than 30 cases

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[417] Benjamin Edelman and Michael Luca, "Digital Discrimination: The Case of airbnb.com," Harvard Business School NOM Unit Working Paper No. 14-054, Jan. 10, 2014, https://hbswk.hbs.edu/item/digital-discrimination-the-case-of-airbnb-com. In raw terms, the authors found that non-black hosts earned $144 versus $107 per night earned by black hosts on average, even greater than a 12 percent difference; this disparity was reduced to 12 percent when other variables such as the apartment's size, degree of privacy, and "guest perceptions of location, quality, and other factors" were taken into account.

[418] Employing otherwise identical accounts in seeking accommodations in five cities over 6,400 listings, the authors found "widespread discrimination" against guests with distinctively African-American names, "who received a positive response roughly 42 percent of the time, compared to roughly 50 percent for White guests." Although the relative racial "penalty" is in line with gaps observed in other contexts, including labor markets, classified ads, and taxicabs, the 8 percent disparity is significant considering there should be zero disparity when booking lodgings through a platform such as Orbitz or Expedia, or through a hotel directly. Benjamin Edelman, Michael Luca and Dan Svirsky, "Racial Discrimination in the Sharing Economy: Evidence from a Field Experiment," "Racial Discrimination in the Sharing Economy: Evidence from a Field Experiment." *American Economic Journal: Applied Economics* 9, no. 2 (Apr. 2017): 2, https://www.aeaweb.org/articles?id=10.1257/app.20160213.

[419] Only one factor was observed consistently among hosts who discriminated: they had not recently had an African-American guest. The authors attempted to determine whether the host recently had an African-American guest by analyzing reviews posted by recent guests, which are accompanied by photographs of the guests. Ibid., 3-4.

[420] Griswold, "The Dirty Secret of Airbnb Is That It's Really, Really White." Another widely publicized incident involved not an Airbnb host but a host's neighbor. In late 2015, five African-American men reserved a home via Airbnb in a suburb of Atlanta. On their second day at the property, a neighbor called police alleging a robbery in progress. However, not all racial incidents have involved African-Americans. A 2017 dispute between a host and guest about whether the guest could bring additional guests to a property in Big Bear, CA, turned ugly when the host wrote in a text message that she "wouldn't rent to u if u were the last person on earth… One word says it all. Asian. … And I will not allow this country to be told what to do by foreigners. It's why we have trump [sic]." Ryan Grenoble, "Airbnb Bans Host Who Dumped Guest Because She's Asian," *Huffington Post*, Apr. 6, 2017, https://www.huffingtonpost.com/entry/airbnb-asian-guest-racist-host-big-bear_us_58e665dfe4b07da81324755e.

nationwide refused to pick up passengers with guide dogs, or if they did, mistreated them, in one case locking a guide dog in the trunk for the duration of the ride.[421]

In at least some sectors where discrimination has been largely eradicated, then, the sharing economy threatens to be a step back, even if hosts or drivers acting in a discriminatory manner are not aware that they are doing so.[422] In addition to upfront discriminatory rejection of hosts and guests, there is also an opening for discrimination after the fact, when (as discussed in Chapter Three) the parties are pressured or required to rate and review their experience. These steps present a venue for the expression of implicit bias, especially since there is "no consequence for leaving a bad rating for a renter you have never met or a passenger you will never see again."[423] The anonymity of the system also makes biased behavior less costly to engage in, since the host or driver "doesn't have to look the passenger in the eye" when rating.[424] A few poor ratings can have a major effect on one's reputational score, however, since low ratings can become "self-perpetuating," priming future platform users to see that provider in a negative light and resulting in a "vicious cycle of self-reinforcing bias."[425]

In addition to enabling individuals' discriminatory behavior, sharing platforms (and Airbnb in particular) may be discriminatory in a broader sense, harming minority communities as a whole because the platforms' benefits accrue disproportionately to racial and ethnic majority groups.[426] According to one tenant advocacy group, Airbnb is speeding up the gentrification of historically black neighborhoods in New York City; across 72 predominantly black neighborhoods, Airbnb hosts were found to be 74 percent white, though the general population in those areas was under 14 percent white. Moreover, the report argued, the costs of the economic

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[421] Bob Egelko, "Blind Riders Sue Uber, Allege Discrimination," *San Francisco Chronicle*, Sept. 11, 2014, http://www.sfgate.com/bayarea/article/Uber-accused-in-suit-of-refusing-customers-with-5746412.php. Uber initially said such driver conduct violated company policy and that such drivers would no longer be permitted to use the platform, but disclaimed liability on the basis that drivers were independent contractors; eventually, however, it settled the suit, committing to notify all drivers "that they must provide transport to customers with service animals," with the National Federation of the Blind testing enforcement of the policy. Colin Lecher, "Uber Agrees to $225,000 Settlement in Lawsuit Alleging Discrimination Against the Blind," *The Verge*, Apr. 30, 2016, https://www.theverge.com/2016/4/30/11543922/uber-blind-customers-lawsuit-settlement.

[422] Such expressions of prejudice are often called implicit bias, defined as "attitudes that affect our behavior without our awareness." Leong notes this phenomenon has been observed in other economic transactions as well; for example, baseball cards and iPods sell for considerably more online if the hand holding them in the listing photograph is white rather than black, suggesting buyers at some level assume white sellers to be more trustworthy or otherwise desirable as business partners. Leong, "The Sharing Economy Has a Race Problem."

[423] Leong, "The Sharing Economy Has a Race Problem."

[424] Nancy Leong, interviewed by Manoush Zomorodi, "The Customer Isn't Always Right," *On the Media*, Apr. 25, 2014, http://www.onthemedia.org/story/customer-isnt-always-right/transcript/.

[425] Ibid. African-American guests with positive reviews have been shown to receive similar treatment as white guests with positive reviews, suggesting that so-called statistical discrimination is the culprit—that is, discrimination against African-Americans is driven not by "intrinsic aversion" but by the use of race "as a source of information" because available information about prospective guests is insufficient. Yet, while having a positive review may blunt discriminatory action by hosts, this is a hurdle white guests are less subject to, an unequal burden that requires African-Americans to find non-discriminatory hosts in order to establish a record of positive reviews. This is also the inverse of what was described in Chapter Three as the "J-curve."

[426] Minorities are less represented on Airbnb than in American society generally. Whereas 13 percent of white adults report having reserved accommodations via home-sharing sites, just 9 percent of Latino adults and 5 percent of African-American adults have done so. Aaron Smith, "Shared, Collaborative and On Demand: The New Digital Economy," *Pew Research Center*, May 19, 2016, http://www.pewinternet.org/2016/05/19/the-new-digital-economy/. Pew found no significant differences across racial or ethnic groups in the case of ride-sharing apps, however.

rewards reaped by Airbnb hosts and by the platform itself are borne mainly by African-American residents, who lose "rentable homes, apartments and rooms to tourist accommodation."[427] This ought to be considered a kind of structural discrimination against minority communities as a whole, with discrimination considered to include disparate impact despite neutral intent by individual actors.[428]

Scholars have argued that platforms could reduce the likelihood of discrimination by individual actors through steps such as minimizing the size of photos and the prominence of personal information that both hosts and guests likely use to ascertain racial and ethnic background. Especially when the rental of an entire property is involved (as opposed to one where the host is present), they argue, "there is no fundamental reason why a guest needs to see a host's picture in advance of making a booking—nor does a guest necessarily even need to know a host's name (from which race may be inferred)."[429] Leong suggests that Airbnb and other platforms "require participants to provide specific verbal feedback in addition to, or instead of, numerical ratings" in order to require people to articulate and confront the reasoning behind their rating"; she also calls on businesses to "voluntarily make their practices transparent" by disclosing race-related data, in the hopes that increasing awareness of implicit bias will yield further examination by users of their own behavior.[430] Airbnb has enacted several of these measures, particularly in 2016. The company claimed that discrimination violated the ethos of sociality it aimed to promote, and the interpersonal connections that supposedly distinguished it from hotels. Saying it aimed to "bring people together," the company pledged to "fight the hidden biases that can prevent people from connecting."[431] The company committed to increased

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[427] The report also found that in terms of income earned, white hosts in black neighborhoods earned $159.7 million in total, compared to only $48.3 million for black hosts. The study was conducted by Inside Airbnb, "an independent, mission-driven data activist project" affiliated with housing advocacy and tenants' rights organizations. To categorize hosts by race it applied facial detection and recognition software to hosts' profiles. "The Face of Airbnb, New York City: Airbnb as a Racial Gentrification Tool," *Inside Airbnb*, Mar. 1, 2017, http://brooklyndeep.org/wp-content/uploads/2017/03/the-face-of-airbnb-nyc.pdf.

[428] Fred L. Pincus, "Discrimination Comes in Many Forms: Individual, Institutional, and Structural," *American Behavioral Scientist* 40, no. 2 (Nov. 1, 1996), http://journals.sagepub.com/doi/abs/10.1177/0002764296040002009. On the other hand, it has been argued that the sharing economy provides opportunities to earn income that some members of minority groups have difficulty finding in traditional economic enterprises. One conservative economist tells the story of a disabled 30-year-old woman who says she "has been able to stay in her home only because of Airbnb" and that the platform has been "the difference between keeping our chins above water and drowning." Arthur C. Brooks, "Start Helping the Helpers," *New York Times*, Oct. 17, 2014, https://www.nytimes.com/2014/10/18/opinion/arthur-c-brooks-start-helping-the-helpers.html.

[429] Edelman and Luca, "Digital Discrimination: The Case of airbnb.com." The authors note that other platforms, such as sharing economy progenitor eBay, do not provide such information. Other scholars, however, argue that reducing available information, including by minimizing photograph size, could have the opposite effect as intended, causing hosts to put *more* weight on racial stereotypes in the absence of other information. Ruomeng Cui, Jun Li and Dennis J. Zhang, "Discrimination with Incomplete Information in the Sharing Economy: Field Evidence from Airbnb," Jan. 9, 2017, 5, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2882982.

[430] Leong, "The Sharing Economy Has a Race Problem."

[431] David King, "A Fair Community for Everyone," May 11, 2016, *Airbnb Citizen* (blog), https://www.airbnbcitizen.com/a-fair-community-for-everyone/. The company noted it already had anti-discrimination policies, that it required users to comply with local laws and regulations, and that it removed hosts who wrongly discriminated, although clearly, these policies had been insufficient to that point.

anti-bias training and said it would emphasize reviews more than photos in property listings to minimize the use of racial or ethnic preferences.[432]

The most significant way Airbnb has sought to reduce discrimination through its platform, however, has been expanding its "Instant Book" feature, which allows guests to book certain listings "on demand," without being specifically approved by the host. This process greatly reduces the opportunity for a host to reject a would-be guest on any basis, including racially discriminatory grounds. The feature was launched in 2014, and as of June 2017, the company reported that 1.7 million out of its more than 3 million listings (about 57 percent) were "instantly bookable."[433] Expanding this option likely serves the company's corporate interests, in that it makes the booking process more efficient, and eliminates the chance of either party changing its mind before completing the transaction. At the same time, since guests can book properties without any advance communication with the host, there is also a loss in personal connection and sociality at the beginning of the relationship, though a connection one or both of the parties find meaningful can still ensue during the stay. Instant Book does likely serve the purpose of reducing discriminatory actions, however. In this respect, it moves the platform in a direction that, to return to the theories considered in the prior chapter, both Levinas and Derrida might approve. By encouraging hosts to accept any (platform-approved) comers, Instant Book contributes to hosts' likelihood of encountering the other as Levinas urged, edging closer to what Derrida called pure hospitality—which, though entailing the risk of violence and the loss of authority over one's own space, is worth aspiring to insofar as it brings people closer to renouncing their power to discriminate, and thus respects the humanity of other people.

Instant Book also makes Airbnb more similar to the structure of ride-hailing sharing platforms like Uber and Lyft, which use algorithms to pair drivers and riders; drivers can reject riders, and riders can cancel on assigned drivers, but these steps pose greater hurdles than selecting in advance which guests to accommodate in one's personal space. Nonetheless, there is ample evidence of discriminatory behavior by drivers and riders using both Uber and Lyft. Since drivers can reject riders and riders can cancel on drivers for any reason, the parties cannot know whether a rejection is due to one's rating, name (which may be used to infer race), or in the passenger's case, their location (not unlike taxicab drivers Uber and Lyft drivers may attempt to avoid neighborhoods associated with particular racial and ethnic groups).[434] One study found names to be especially significant: Riders with African-American sounding names were more than twice as likely to get canceled on as other riders, with especially high cancellation rates for

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[432] Ibid. Airbnb in practice offers such training to only a small fraction of its hosts.

[433] Airbnb also said that 60 percent of its bookings from guests are now being handled via Instant Book. Deanna Ting, "Airbnb Ramps Up Push to Get More Hosts to Choose Instant Booking," *Skift*, June 14, 2017, https://skift.com/2017/06/14/airbnb-ramps-up-push-to-get-more-hosts-to-choose-instant-booking/.

[434] Jenna Wortham, "Ubering While Black," *Medium*, Oct. 23, 2014, https://medium.com/matter/ubering-while-black-146db581b9db. Lyft permits drivers to see potential riders' photos, which may provide another means of discriminating. But the company claims it monitors "how often drivers decline rides, and single out any individuals who are not regularly accepting requests," and requires all drivers to agree to an anti-discrimination policy.

African-American males, three times that experienced by white males.[435] Proposed solutions to the problem of racial discrimination by Uber drivers are similar to those suggested regarding Airbnb, mainly the removal of names and photos of both driver and passenger prior to the trip. But this step would not solve the problem of bias expressed in the form of low star ratings after a ride has been completed; as with Airbnb ratings, both parties may give each other lower ratings on the basis of their race or ethnicity, whether consciously or not.[436] Removing names and photos on Uber and Lyft profiles could actually worsen the problem of prejudiced ratings if drivers or passengers were led to share a car with someone of a racial or ethnic background they disliked and acted out their prejudice by giving that person a low rating. In a sense, this is what I described in the prior chapter as a failed encounter, one in which hospitality was not offered and negotiation failed to take place. A more effective idea may be increasing penalties on both sides for cancellations or ride refusals. A different kind of solution would be to make sharing economy platform users, and/or the platforms themselves, liable for discrimination. That is the subject of the next two sections.

(2) Applying American Anti-Discrimination Law

Current U.S. law makes it difficult to hold either individuals or sharing platforms responsible for discrimination.[437] The problem, in the words of legal scholar Naomi Schoenbaum, is that American anti-discrimination law has long been "organized largely around the distinction between the family and market"—that long-assumed division between *Gemeinschaft* and *Gesellschaft* that is itself problematized by the sharing economy. On this view, some discrimination has been legally permitted in the home, yet banned "in the labor market, in the housing market, and in public accommodations."[438] The sharing economy alters this picture, given that "transactions increasingly occur in a space that blurs the traditional distinctions of home and market." The fact that these transactions occur in these more intimate spaces "limits the law's ability to have the transformative effect that it has had in the traditional economy. While some may celebrate a realm of market transactions with greater freedom to express

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[435] Yanbo Ge, Christopher R. Knittel, Don MacKenzie, and Stephen Zoepf, "Racial and Gender Discrimination in Transportation Network Companies," Oct. 27, 2016, https://faculty.washington.edu/dwhm/wp-content/uploads/2016/10/TNC_Main_NBER.pdf. The study also found that cancellation rates are much higher in areas of low population density, and that African-American riders wait between 29 and 35 percent longer than white riders for an UberX ride (provided by an "ordinary" person rather than a professional chauffeur), likely reflecting the greater number of cancellations before a willing driver is located. The study also found that drivers treat female riders differently than men, subjecting them to longer and more expensive rides, likely due to "a combination of profiteering and flirting to a captive audience." Ibid., 18.

[436] Of course, passengers and drivers could also give each other *higher* ratings on the basis of their race, but this factor alone is unlikely to mitigate racial discrimination on these platforms by the majority against a minority.

[437] Milton Friedman, whose intellectual influence on neoliberalism was discussed in earlier chapters, would likely disagree with the notion that law ought to intervene in the market in the name of combating discrimination. According to Friedman, the market itself is the most effective mechanism for reducing discrimination since, he asserts, the "development of capitalism has been accompanied by a major reduction in the extent to which particular religious, racial, or social groups have operated under special handicaps in respect of their economic activities; have, as the saying goes, been discriminated against." His argument is that despite a pervasive belief to the contrary, competition is a better antidote to discrimination than law since discrimination imposes a cost and thus will tend to be eliminated from the market. Friedman, *Capitalism and Freedom*, 108.

[438] Naomi Schoenbaum, "Gender and the Sharing Economy," *Fordham Urban Law Journal* 43, no. 4 (2016): 1050-51, http://ir.lawnet.fordham.edu/ulj/vol43/iss4/4.

intimate preferences, this expanded realm of freedom risks undermining the project of sex [and other kinds of] equality."[439] In other words, by interweaving labor, housing and public accommodations with settings traditionally associated with the family and privacy, the sharing economy poses a challenge to the "equality project" highly valued by many in American society since the end of the Civil War, and in American jurisprudence since the 1960s. But ensuring equal access to public accommodations, Aaron Belzer and Nancy Long argue, is "critical to the equal participation of people of color in society" in that it extends the guarantee of equality beyond the political and into the economic realm.[440]

Understanding why American law as it stands is likely to be effectual in combating discrimination in the sharing economy, and the problems with the existing legal regime, requires a trip back to the late 19th century, specifically to 1883. In that year, in the *Civil Rights Cases* the U.S. Supreme Court took up a question left unanswered since the end of the Civil War nearly two decades earlier: Did the 14th Amendment to the Constitution give Congress the power to prohibit racial discrimination by private actors in places of public accommodation? The way the Court answered this question, I will argue, problematically assumed a rigid separation between the public and commercial realms belied by the actual experience of life in the Jim Crow South, reasoning that also does not reflect the political possibilities of semi-commercial spaces as discussed in Chapter Four. In the *Civil Rights Cases*, in an 8-1 decision the Court dismissed the importance of equal admission to places of public accommodation to the citizen's sense of belonging and ability to actually participate in all aspects of American society. In the words of Americanist Eric Sundquist, in separating "social" from "political" rights, and starkly limiting the power of Congress, the Court "emasculated the amendments that had made blacks whole."[441] A closer look at the Civil Rights Act in question and the court's decision is necessary to explain the majority's logic, and to see where it went wrong, at least from a modern perspective.

In 1875, President Ulysses S. Grant signed into law a bill outlawing racial discrimination in public accommodations and entertainment.[442] A compromise following a disputed presidential election in 1876, however, led to the withdrawal of Federal troops from the South, and with them enforcement of the new law. State and local Jim Crow laws were quickly passed to enforce widely existing practices of racial segregation.[443] These laws clearly violated the Civil Rights Act of 1875, *if* the Act was constitutional. The plaintiffs in the *Civil Rights Cases* were five African-Americans denied equal access to a hotel, a theater, and a railroad's ladies' car.[444] In ruling

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[439] Ibid., 1027.

[440] Aaron Belzer and Nancy Leong, "The New Public Accommodations," *Georgetown Law Journal* 105 (2017): 1275, https://georgetownlawjournal.org/articles/234/new-public-accommodations.

[441] Eric J. Sundquist, "Mark Twain and Homer Plessy," in Philip Fisher, ed., *The New American Studies: Essays from Representations* (Berkeley, CA: U of California P, 1991), 120.

[442] Eric Foner, *A Short History of Reconstruction* (New York: Harper & Row, 1990), 226.

[443] Under Jim Crow, named after a white 1830s minstrel show performer, intermarriage was forbidden; bus stations, railroad cars, and restaurants were segregated by race; employers were required to provide separate toilets for white and black workers, and schools and jails were segregated. In Alabama, for instance, restaurants were required to separate white and black diners "by a solid partition extending from the floor upward to a distance of seven feet or higher" with separate entrances to each section. In Georgia, mental hospitals were prohibited from treating white and black patients together; public parks and baseball diamonds were allocated to one race or the other, and even liquor stores had to keep the races separate. Elizabeth Abel, *Signs of the Times: The Visual Politics of Jim Crow* (Berkeley, CA: U of California P, 2010), 180.

[444] *Civil Rights Cases*, 109 U.S. 3 (1883).

against these plaintiffs, the Court held that Congress had exceeded its authority under the 14th Amendment, which covered only state action and not private actors violating individual rights.[445] The amendment granted Congress the power "to adopt appropriate legislation for *correcting the effects* of such prohibited state law and state acts, and thus to render them effectually null, void, and innocuous," but did not permit Congress to "create a code of municipal law for the regulation of private rights." Congress had done this in the first two provisions of the Civil Rights Act, making them unconstitutional in violation of the 10th Amendment.[446]

Congress also invoked the 13th Amendment (which, of course, abolished slavery) as authority for the Civil Rights Act. The Court granted the amendment's potential applicability, noting that Congress was empowered to enforce it through "appropriate legislation … necessary and proper for abolishing all badges and incidents of slavery." But the Court rejected the idea that the denial of "equal accommodations and privileges in all inns, public conveyances, and places of public amusement … [was] in itself a subjection to a species of servitude within the meaning of the amendment."[447] Rather, the 13th Amendment only empowered Congress to "declare and vindicate those *fundamental rights which appertain to the essence of citizenship*, and the enjoyment or deprivation of which constitutes the essential distinction between freedom and slavery"; it did not extend "to adjust what may be called the *social* rights of men and races in the community."[448] The segregation of public accommodations, in the majority's view, had little to do with "the essence of citizenship," and nothing to do with slavery, since before the Civil War free blacks were segregated in the Northern states as well. The majority's logic was that "no one" considered blacks' "personal status as freemen" denied because they did not enjoy all of the same "privileges enjoyed by white citizens," or because they faced discrimination in places of public accommodation.[449] As far as the Constitution was concerned, the Court held, each American was entitled to decide "as to the guests he will entertain, or as to the people he will take into his coach or cab or car, or admit to his concert or theater, or deal with in other matters of intercourse or

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[445] Ibid., 10. Some argue the Court erred on this point, and that Congress did, in fact, intend the 14th Amendment to be broader in precisely this way, i.e., "to insure that the care of the civil rights of the recently emancipated Negroes would be firmly in the hands of the federal government, regardless of the source of the threat to those rights." Jerre S. Williams, "The Twilight of State Action," *Texas Law Review* 41, no. 3 (Feb. 1963): 349, http://heinonline.org/HOL/LandingPage?handle=hein.journals/tlr41&div=25&id=&page=.

[446] This amendment "declares that powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states respectively or to the people." The Court drew a contrast between the unconstitutional provisions and a different provision of the Act, Section 4, which forbade disqualifications from jury service on the basis of race; the Court had previously held that part constitutional because it clearly addressed state action rather than private actors. *Civil Rights Cases*, 11-12, 15 (emphasis added).

[447] Ibid., 20.

[448] Ibid., 22 (emphases added).

[449] Ibid., 25. Likely in part due to the decision, segregated practices continued in the North well after 1883. See Jason Sokol, *All Eyes Are Upon Us: Race and Politics from Boston to Brooklyn* (New York: Basic Books, 2014), ix ("rampant segregation in cities across the country rendered racial inequality a national trait more than a southern aberration").

business."[450] African-Americans aggrieved by segregation could pursue remedies available under state law if they felt wrongly excluded from public accommodations, but Congress lacked the authority to legislate in this area.

The majority claimed that the social and economic realms were neatly distinguishable from the political, and that a systematic degradation of social and economic rights and power would not translate to a stark encumbrance on political power. Setting aside the literacy tests and other formal mechanisms employed to keep blacks from voting, however, the informal communications between and mutual understanding among citizens that transpire in commercial and semi-commercial spaces, as seen in the discussion of the agora in the prior chapter, are undeniably related to political power.[451] Thus, regardless how *many* Americans before or after the Civil War considered blacks' "personal status as freemen" denied because they were excluded from certain places of public accommodation, the majority's assessment of society itself seems blind to reality and to the Civil War Amendments' affirmations of political equality.

This argument is not one arrived at only by virtue of the historical consideration of what transpired after the Court's decision in 1883—namely, the expansion and intensification of the regime of Jim Crow segregation. In fact, Justice John Marshall Harlan articulated these points in a lengthy and impassioned dissent in the *Civil Rights Cases*. Harlan, though himself a former Kentuckian slaveholder, accused the majority of subverting the intent of the Civil War Amendments by resting its logic "upon grounds entirely too narrow and artificial," sacrificing their "substance and spirit" by insisting on the existence of a rigid wall of separation between the public and private, the political and social realms.[452] The amendments implied a broader freedom from the essence of slavery, Harlan wrote—a freedom from being seen in the eyes of the law as inferior, no matter *where* that sense of inferiority was brought to bear and how it was enforced on black Americans.[453] This freedom from being treated as inferior, Harlan argued, required not merely formal political equality but also that citizens be allowed to exercise and enjoy their rights "in common with others," in the same public spaces. When kept separate, those in the less advantaged group were injured as citizens; when "deprived of [the] enjoyment" of public accommodations, the "freeman is not only branded as one inferior and infected," thus suffering a

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[450] In a line that prefigures the reasoning and rhetoric of contemporary opponents of affirmative action, the majority added that mandating equality in public accommodations would unnecessarily prolong preferential treatment and special rights for former slaves: "When a man has emerged from slavery, and by the aid of beneficent legislation has shaken off the inseparable concomitants of that state, there must be some stage in the progress of his elevation when he takes the rank of a mere citizen, and *ceases to be the special favorite of the laws*, and when his rights as a citizen, or a man, are to be protected in the ordinary modes by which other men's rights are protected." *The Civil Rights Cases,* 25.

[451] In terms of political power, the Court's decision was advantageous for the Southern states as it meant they could count the large number of blacks among their populations for the purposes of national political representation, while practically "reducing them before the law, and at times literally in body, to human fragments," excluding them from *both* white society generally and from political power. Sundquist, "Mark Twain and Homer Plessy," 120.

[452] *The Civil Rights Cases*, 26. The amendments, adopted "for the purpose of securing, through national legislation, if need be, rights inhering in a state of freedom, and belonging to American citizenship, have been so construed as to defeat the ends the people … supposed they had accomplished by changes in their fundamental law."

[453] Slavery "rested wholly upon the inferiority, as a race, of those held in bondage," and therefore, "their freedom necessarily involved immunity from, and protection against, all discrimination against them, because of their race, in respect of such civil rights as belong to freemen of other races." Further, the determination of the means through which the "liberated race" should be protected is within the purview of Congress. Ibid., 36.

psychic injury, but also faces a practical injury in that, "in the competitions of life, [he] is robbed of some of the most necessary means of existence."[454] The guarantee of political equality, Harlan argued, includes an economic component, the right to make a living, which in turn requires interaction with other people unfettered by law—a distant echo of Kant's logic, discussed in Chapter Four, that the universal right to hospitality entails the right to engage in communication and commerce with all people.[455]

Despite what may now appear as persuasive reasoning, Harlan convinced no other justices to join him in dissent, and Congress would not again pass a bill banning discrimination in public accommodations on the grounds of race, color, religion, or national origin until 1964.[456] This time Congress invoked its authority under the Commerce Clause of the Constitution, partly so that the Court would not have to overturn the *Civil Rights Cases* to uphold the Act's constitutionality. Congress argued that discrimination in public accommodations was tied to commerce in that hotels and motels affected interstate commerce if they were open to interstate travelers, as did restaurants, provided that a substantial portion of the food served or products used had traveled in interstate commerce.[457] Such connections were more than adequate for the time; by the 1960s the Court's interpretation of the clause was so broad that discrimination that merely affected the volume of interstate commerce or of interstate travel by African-Americans would likely have legitimated congressional action.[458]

Nonetheless, the Act's constitutionality was immediately challenged in the case of *Heart of Atlanta Motel v. United States*, brought by a downtown Atlanta motel that claimed its business was "so essentially local in character as to be outside the stream of interstate commerce."[459] At the same time, the Act's applicability to restaurants was challenged by a Birmingham restaurant, Ollie's Barbecue, in the case of *Katzenbach v. McClung*. Like the Atlanta motel, Ollie's argued it was outside the stream of interstate commerce since it was "remote from any state or interstate highways, railway or bus stations, or airports" and did not advertise to interstate travelers.[460] In a

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[454] Ibid., 40.

[455] Harlan's logic presages the idea that separate is not equal, the essence of his more famous dissent 13 years later in *Plessy v. Ferguson,* in which the Court upheld, 7-1, state segregation laws for public facilities. Harlan, the lone dissenter, again argued for a broader view of the Civil War Amendments, decrying state laws "cunningly devised to defeat legitimate results of the war, under the pretense of recognizing equality of rights." 163 U.S. 537, 561 (1896).

[456] The Act was passed in the wake of the assassination of John F. Kennedy and with an assiduous effort by Lyndon Johnson. The 1964 Act required overcoming a record-setting filibuster by southern senators.

[457] Movie theaters, sports stadiums and performance halls were also covered if they presented entertainment that moved in interstate commerce. The Commerce Clause, Article 1, Sec. 8, Clause 3, gives Congress the power to regulate commerce among the states or with foreign nations or "Indian tribes." Other sections of the 1964 act addressed, *inter alia*, protection of the right to vote in federal elections, the Department of Justice's ability to sue to desegregate public facilities, and the creation of the Equal Employment Opportunity Commission to enforce the law against discrimination in the workforce. Richard C. Cortner, *Civil Rights and Public Accommodations: The Heart of Atlanta Motel and McClung Cases* (Lawrence, KS: UP of Kansas, 2001), 17-18.

[458] Ibid., 24. See, e.g., *Wickard v. Filburn*, 317 U.S. 111 (1942). The Court had broadly construed Congress's power under the Commerce Clause since *West Coast Hotel Co. v. Parrish*, 300 U.S. 379 (1937), which ended the so-called *Lochner* era during which the Court had narrowly construed the clause. Republicans widely opposed rooting the Civil Rights Act in the Commerce Clause, however, because they opposed how Democrats had used the clause to expand the size of the federal government in the New Deal.

[459] Cortner, 36. The motel's lawyers also argued that the desegregation amounted to an unconstitutional takings without just compensation, and even involuntary servitude under the 13th Amendment.

[460] Ibid., 65.

pair of unanimous decisions authored by Justice Tom C. Clark, the Court, helmed by Chief Justice Earl Warren, held that Congress could enact legislation forbidding discrimination by the motel and the restaurant, given the "disruptive effect that racial discrimination has had on commercial intercourse." Even if Congress could be said to be legislating "against moral wrongs" in the Civil Rights Act, the effects on interstate commerce were sufficient to justify its action under the Constitution.[461] In the case of Ollie's Barbecue, the exclusion of African-Americans had "a close connection to interstate commerce," even absent direct evidence, in that restaurants would logically sell and thus buy less food from suppliers across state lines if they discriminated.[462] In this pair of cases, then, the Warren Court resoundingly upheld the prohibition on discrimination in public accommodations, for all intents and purposes ending a prolonged political and legal struggle to achieve that result. In the ensuing decades, even since 1995 when the Court moved away from an expansive reading of the Commerce Clause, the federal ban on discrimination in public accommodations has largely gone unquestioned.[463]

The problem with justifying the ban on discrimination in public accommodations via the Commerce Clause is that it leaves the troubling logic of the *Civil Rights Cases* unchallenged. Congress's decision to rely on the clause was politically expedient, allowing both lawmakers and the justices to avoid taking up the status of what the majority in the *Civil Rights Cases* called "the social rights of men and races in the community." Avoiding this issue was in the interests of those advocating a smaller government, since an expanded notion of social rights could bring about increased demands for greater public expenditures. But the majority decisions in *Heart of Atlanta Motel* and *Katzenbach* left largely unquestioned the idea that a clear boundary separates social and political rights, thus implicitly endorsing the dubious notion that the economic and political spheres are distinct from one another. During the Warren Court era, this concern may not have worried (or occurred to) supporters of the Civil Rights Act precisely because of the Court's expansive interpretation of the Commerce Clause.[464] That is, one deduction from an extremely broad reading of the clause, as the Court had to that point engaged in for decades, is that commerce itself cannot be logically disengaged from other aspects of society—which was precisely Justice Harlan's point in his dissent in the *Civil Rights Cases*. Put the other way around, by agreeing that effects on commerce could be found in nearly any situation, the Court denied the existence of a clear demarcation between economic and social or political life. Today, however, in light of the dramatic shrinking of the scope of the Commerce Clause under the

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[461] *Heart of Atlanta Motel v. United States*, 379 U.S. 241 (1964), 255-57, 258.

[462] Moreover, African-Americans would be deterred from traveling altogether by the limited, often undesirable dining choices to which they were restricted under segregation. Because Congress's logic was sound, it could be said to have had a "rational basis" for the Act, which the Court determined to be the applicable standard of review. *Katzenbach v. McClung*, 379 U.S. 294 (1964), 299-300. Two justices, while concurring in the judgment, would have upheld the Civil Rights Act under Sec. 5 of the 14th Amendment rather than or in addition to the Commerce Clause, which would have obviated the need to prove any connection to interstate commerce. Cortner, 179-80.

[463] Numerous states have also enacted laws banning discrimination in public accommodations on additional grounds, beyond those prohibited federally: discrimination based on marital status is barred in 18 states; on sexual orientation in 22; on gender identity in 19; and on age in 19. However, the trend of expanding the scope of such laws has slowed, and movements are afoot to undo certain of the past expansions. National Conference of State Legislatures, 2017, http://www.ncsl.org/research/civil-and-criminal-justice/state-public-accommodation-laws.aspx.

[464] The Warren Court lasted from 1953-1969; the Rehnquist Court refers to 1986 to 2005, when the chief justice was William Rehnquist. Although John Roberts succeed Rehnquist in 2005, the majority's jurisprudence has not substantially changed, at least as regards the Commerce Clause and anti-discrimination law.

Rehnquist Court, the implication is reversed. The current majority has argued that the Commerce Clause must be interpreted narrowly, emphatically holding that *not* everything can be considered tied to commerce; the economic realm and the social realm are, it is implied, distinguishable.

In the majority opinion in *United States v. Lopez*, Justice Rehnquist wrote that the criminal statute in question, pertaining to the regulation of firearms in school zones, had "*nothing* to do with 'commerce' *or any sort of economic enterprise*, however broadly one might define those terms."[465] Later, Rehnquist acknowledged that "depending on the level of generality, any activity can be looked upon as commercial," but rather than using this fact as justification for Congressional action, he employed it for the opposite purpose: to conclude that *some* activities had to be identified by the Court as having no substantial effect on commerce, for otherwise, the clause would give Congress essentially boundless legislative authorization.[466] A full doctrinal and historical consideration of Commerce Clause jurisprudence is clearly outside the scope of the current project; I cite *Lopez* here to make clear that the Court's logic concerning the imbrication of commerce (which, I suggest, stands in for economic life more broadly) and non-commercial life (including the political realm) has fundamentally changed over time, ending up over the last three decades inching backward toward the reasoning of the majority opinion in the *Civil Rights Cases*.

(3) Questioning American Anti-Discrimination Law

The legal premise that political and social rights are separate—that a sufficiently clear line can be drawn between commerce and non-commercial activity—also underlies certain provisions of relevant Congressional legislation, including the 1964 Civil Rights Act itself. More specifically, the claim of the majority in the *Civil Rights Cases* that the Constitution entitles citizens to decide "as to the guests he will entertain, or as to the people he will take into his coach or cab or car" persists to an extent in federal anti-discrimination law through two critical exceptions that permit discrimination in the home, as long as it directly affects a very small

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[465] 514 U.S. 549 (emphases added).

[466] Ibid. Law professor Deborah Rhode, writing about sex-segregated institutions, offers a similar critique of judicial attempts to apply "constitutional frameworks, which seek neutral principles, abstract categories, and sharp dichotomies," to questions of differentiation between public and private discrimination, or to use such frameworks to "distinguish associations that foster invidious stereotypes from those that promote healthy pluralism." Rather, she argues, "[w]e must begin to acknowledge the blurred character of our categories and the double-edged dimensions of our choices." Deborah L. Rhode, "Association and Assimilation," *Northwestern U. Law Review* 81, no. 1 (1986): 109, http://heinonline.org/HOL/LandingPage?handle=hein.journals/illlr81&div=9&id=&page=.

number of people.[467] These exceptions apply to, and therefore undermine, the legal provisions that could be used to make racial discrimination through sharing platforms illegal.[468]

The exceptions appear in Title II of the Civil Rights Act of 1964 and in the Fair Housing Act (FHA), enacted in 1968. Title II of the Civil Rights Act prohibits racial discrimination in "establishment[s] which provide lodging to transient guests," but in its Section 2000a(b), it exempts rental units in "establishment[s] located within a building which contains not more than five rooms for rent or hire and which is actually occupied by the provider of such establishment as his residence."[469] The Airbnb unit occupied by the owner who rents out a spare bedroom would thus be exempt under this provision, and yet it is precisely those instances when racial discrimination seems most likely. Moreover, so long as it can be shown that the owner resides at the property *some* of the time it may be considered his or her "residence." Not only need the owner not be present at the time of the rental, then, but the exemption could be found to apply even to those increasingly common Airbnb listings where the owner never truly lives in the unit, but can claim otherwise by staying there occasionally.[470] Similarly, while a section of the FHA prohibits discrimination in the sale, rental, or negotiation of housing on the basis of race, color, religion, sex, familial status, or national origin, here too a subsection (§3603(b)(2)) opens a loophole applicable to many listings on Airbnb and similar home-sharing platforms. Under this provision, known colloquially as the "Mrs. Murphy exemption," "dwellings intended to be occupied by four or fewer families" are exempt so long as the owner lives in one of the units.[471]

The rationale behind these exemptions is that they uphold the right of a homeowner (the theoretical Mrs. Murphy) not to be forced to associate with people with whom she does not wish to live in her private dwelling.[472] Then-Senator Hubert Humphrey said Congress's intent behind the five-room exemption was to balance the "right of privacy of one who hires out rooms in his own residence and the obligations of a proprietor who maintains a public lodging house."[473] Yet

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[467] I focus on federal law here as state laws banning discrimination in public accommodations are generally based on the federal model. However, plaintiffs in certain states might have additional avenues for legal action against sharing economy companies under state-specific statutes.

[468] Some have argued that the Civil Rights Act of 1866 (Sections 1981 and 1982 in particular) could be applied here as well, but it requires proving intent to discriminate—a high hurdle given that a host can easily come up with a non-discriminatory basis for having rejected the prospective guest, such as finding something objectionable in a prior review."Absent an overt statement of intent … proving intent is difficult, if not impossible, for a prospective guest who has been denied lodging by a host." Jamila Jefferson-Jones, "Shut Out of Airbnb: A Proposal for Remedying Housing Discrimination in the Modern Sharing Economy," *Fordham Urban Law Journal* 43 (May 26, 2016): 17. Section 1981 provides that all "shall have the same right … to make and enforce contracts and to the full and equal benefit of all laws and protections for the security of persons and property as is enjoyed by white citizens"; Section 1982 says that all citizens "shall have the same right, in every State and Territory, as is enjoyed by white citizens thereof, to inherit, purchase, lease, sell, hold, and convey real and personal property." 42 U.S.C. § 1981(a), 1982.

[469] 42 U.S.C. § 2000a(b)(1).

[470] Some courts require discriminatory intent here as well, but in other jurisdictions, disparate impact is sufficient to find unlawful discrimination has occurred. Jefferson-Jones, "Shut Out of Airbnb," 19.

[471] James D. Walsh, "Reaching Mrs. Murphy: A Call for Repeal of the Mrs. Murphy Exemption to the Fair Housing Act," *Harvard Civil Rights-Civil Liberties Law Review* 34 (Summer 1999): 605, http://harvardcrcl.org/wp-content/uploads/2015/07/Reaching-Mrs.-Murphy-A-Call-for-Repeal-of-the-Mrs.-Murphy-Exemption-to-the-Fair-Housing-Act.pdf.

[472] It is interesting to observe that the exception is informally named for a woman, perhaps because women were thought more vulnerable than men would be in such a situation, or that their tastes merit greater deference. The name Murphy conjures a white woman, perhaps of Irish descent.

[473] Walsh, "Reaching Mrs. Murphy."

through these exceptions Congress implicitly endorses the view that it is justified to discriminate on the basis of age, race, gender and so forth, so long as this discrimination takes place in an arbitrarily specified intimate space—a realm that, as I have been suggesting, ought to be considered semi-private given the incursion of commerce. The home, that is, ought not be seen as sharply separated from the society outside it, especially when it has been opened up to economic activity in the form of rentals to the public. The general principle endorsed by the exemption is "that our nation still tolerates discrimination. … that there is something so unsavory about Mrs. Murphy's likely targets—African Americans, Latinos, Jews, families with children—that she should not have to live amongst them."[474] Humphrey claimed that "the relationships involved in such situations are *clearly and unmistakably* of a much closer and more personal nature than in the case of major commercial establishments,"[475] implying that the right to privacy trumps concerns about discrimination in society at large. But Humphrey's claim brings to mind the Shakespearean notion that the senator "doth protest too much"; it is not clear that, as a matter of fact, these relationships would generally be of a "much closer and more personal nature."

Judges could theoretically determine whether to apply the exemption based on the extent of the personal interaction between host and guest; the greater such interaction, the more likely would it apply—the more likely the host would be allowed to exclude people he or she did not wish to interact with in that way. But such a test is unlikely to be employed by the courts, as it would need to be adjudicated on a case-by-case basis, making it unworkable. Some have thus called on Congress to simply repeal these exemptions. Doing so would mean that sharing economy hosts could be held liable for discriminatory behavior under either of these statutes and would repudiate the logic of the *Civil Rights Cases*, conveying that discrimination on the basis of race and other protected classifications is always wrong.[476]

While there is an unmistakable appeal to the simplicity of repealing the exemptions and treating sharing economy space like any other public accommodations—and while this is an argument I will ultimately endorse—it is important to proceed cautiously. Eliminating these exemptions from anti-discrimination law and declaring the space in the home offered on Airbnb to be as commercial (and thus as covered by civil rights laws) as a hotel entails potential losses to the minority communities these steps aim to protect. When framed as a contest between individual rights—the right to choose with whom to associate against the right not to be discriminated against on the basis of certain characteristics—these losses become clearer. It is

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[474] Ibid.

[475] Ibid. (emphasis added) Humphrey also said that Congress's concern was for those people who "open their homes to transient guests, often not as a regular business, but as a supplement to their income." This statement is clearly applicable to Airbnb as a general matter, although an increasing number of people may be relying on home-sharing platforms as their primary source of income, if not a "regular business," including those "hosts" sometimes called "commercial users" who manage numerous properties at once, but do not live in any of them. The exemptions might be held inapplicable to these cases. Jefferson-Jones, "Shut Out of Airbnb," 20.

[476] Repealing the exemption would not eliminate the possibility of "case-by-case, as-applied, First Amendment challenges" where there might be a particularly legitimate claim on the basis of protected intimate or expressive association. Yet courts could also question whether there is *ever* a protected First Amendment interest in allowing an occasional proprietor to discriminate, so long as the individual is voluntarily involved in a business. While the host might assert the right to choose with whom she associates in her own home, it can be argued that this right is voided when she opens her home "to the public in return for consideration," so long as the home "is not intended solely for the use of members of a religious organization; nor is it a private club or community of thought," meaning the relationships within are not those among intimates. Walsh, "Reaching Mrs. Murphy."

argued that one voluntarily accepts limits to her associational freedoms when she makes the conscious decision to open her home to paying guests.[477] This logic is simplistic in its assumption that economic acts are inherently fully voluntary. In fact, many sharing economy hosts and drivers are pressured into such activity by economic necessity; to hold that they thereby disclaim their associational rights is to unfairly punish those of lesser means.

Some may also be worried about doing away with these exemptions because of the fact that sharing platforms may be a boon to members of groups that tend to be discriminated against by traditional businesses, especially in sectors where anti-discrimination laws are difficult to enforce. However, while some platforms are specifically geared to minority communities—including groups based on gender, race, sexual orientation and disability—it is hard to see how eliminating the exemptions as a matter of law would prevent these tailored platforms from continuing to exist. Only one such platform has actually sought to keep out a certain group from using its services. In Southern California, a start-up has attempted to accept only women as drivers and as riders, with the exception that men may ride in cars hailed via the platform if they are accompanied by a woman; if a man seeks to use the platform without a female accompaniment, he will be referred to Uber or Lyft.[478] The laudable idea is to ensure women's comfort and safety, but it is unlikely that forbidding male drivers would stand up to legal challenge.[479] A similar service launched in 2017 in Boston, Safr, proclaims that it is out to "transform[] neighborhoods into sisterhoods" by providing "safe transportation and job opportunities for women"—but does not limit access to female drivers or riders. To the contrary, it says it welcomes "all drivers who believe in and support our mission of the safety and empowerment of women."[480] Likewise, one San Francisco organization dubbed "Uber for drag queens," founded in 2010 to provide transportation to the city's queer community—specifically, to help drag queens who were having trouble getting rides in traditional taxicabs due to their

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[477] Ibid.

[478] The company, See Jane Go, says its mission is "to move women forward" by helping "women to earn a living [via] an alternative ride-hail service that provides peace of mind." https://seejanego.co/#about.

[479] Title VII of the Civil Rights Act of 1964 forbids sex discrimination "when it comes to any aspect of employment, including hiring, firing, pay, job assignments, promotions, layoff, training, fringe benefits, and any other term or condition of employment." "Sex-Based Discrimination," U.S. Equal Employment Opportunity Commission, https://www.eeoc.gov/laws/types/sex.cfm.

[480] Compared to Uber and Lyft it offers additional safety features including more in-depth driver vetting and an in-car "SOS" button for riders to use in case of discomfort or emergency. Safr says it does not discriminate against drivers or riders "on the basis of gender, gender identity, gender expression, sexual orientation and/or any other characteristic protected by law." https://www.gosafr.com/driver-faqs/.

appearance or because they did not conform to sexual or gender norms, making them a "target of rudeness, shame or violence"—professes to be equally welcoming to all who need a ride.[481]

In the home-sharing sector, tailored platforms also do not technically exclude anyone from participation. Noirbnb describes itself as having a "focus on including and celebrating travelers of color."[482] According to one of the site's founders, its aim is to relieve the fear among African-Americans of having to face discrimination or harassment while using mainstream platforms such as Airbnb.[483] The service is not formally restricted to African-Americans, however, claiming it was "created not to separate but to provide a premium alternative that intentionally caters to the global community of travelers of color."[484] Similarly, a France-based platform catering to gay travelers and hosts, Misterbnb, aims to enable gay men "to earn money from their spare space and affordably travel the world feeling welcome anywhere they go."[485] Although Misterbnb promises to let travelers "stay like a gay local," as with Noirbnb identifying

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[481] Homobiles is a nonprofit; it has a "social mission" and is volunteer-run, accepting only donations, with no one turned away for lack of funds. The terms of service state: "Donation is not a requirement of service. We are here to provide emotional safety to underserved communities who experience stress or discrimination on various forms of transportation due to their gender or sexual identity." http://www.homobiles.org/terms/. Homobiles operates on a small scale; as of March 2014, it averaged 150 rides a day, arranged via text messages, and had 10 volunteer drivers. Carolyn Said, "Homobiles: When Catching a Ride Can Be Such a Drag," *San Francisco Chronicle*, Mar. 25, 2014, http://www.sfgate.com/lgbt/article/Homobiles-When-catching-a-ride-can-be-such-a-drag-5312103.php. Perhaps in part for that reason, Homobiles provides riders more than just transportation: "The later it gets, the more Homobiles acquires an overall vibe that is one part car service, one part social services agency. Especially at night, many of the passengers have that air of emotional fragility that comes with being very young and very drunk in the big city, and the drivers have a seasoned, cool-older-aunt vibe." Heather Smith, "Homobiles, SF's Queer Ride Service, Is the Anti-Uber," *Grist*, Mar. 6, 2015, http://grist.org/cities/homobiles-sfs-queer-ride-service-is-the-anti-uber/.

[482] "About Us," http://noirbnb.com/about/. The site adds that its accommodations "take our guests all around the world to popular destinations and events inspired by the African diaspora."

[483] Another purpose behind Noribnb, says co-founder Ronnia Cherry, is financially empowering African-Americans: "The new sharing economy is lifting white people out of poverty and increasing the white middle class; but once again racism is thwarting our ability as black people to grow wealth." Danielle Moodie-Mills, "Editorial: Noirbnb Proves Racism Can't Stop the Next Black Renaissance," *NBC News*, Sept. 9, 2016, https://www.nbcnews.com/news/nbcblk/editorial-noirbnb-proves-racism-can-t-stop-next-black-renaissance-n645721.

[484] "About Us," http://noirbnb.com/about/. Its operations appear similar to Airbnb's, and the platform does not seem to offer additional tools to combat discrimination besides being clearly targeted to the African-American community. Another Airbnb competitor, Innclusive, aims to serve minority populations by "designing discrimination-free technology and processes" such as not disclosing the names and photos of prospective guests to hosts until a booking is confirmed. Sara Green Brodersen, "Working Together to Defeat Bias and Discrimination in the Sharing Economy," *deemly* (blog), Feb. 2, 2017, http://deemly.co/blog/defeat-bias-discrimination/.

[485] The service, which has about 90,000 listings in 135 countries, was launched when its founder booked a shared apartment in Barcelona for himself and his partner but discovered upon arrival that the host was not comfortable with gay men, asking whether they planned to sleep in the same bed. https://www.misterbandb.com/pages/join-us.

as gay is not required for either hosts or guests, and many hosts identify simply as "gay-friendly."[486] Some women report using the site because they feel safer with gay male hosts.[487]

Furthermore, even if mainstream sharing platforms actually improve service and quality of life for some people frequently subject to wrongful discrimination, this does not invalidate efforts to rid all businesses, whether part of the sharing economy or not, of discrimination; an improvement on the status quo is insufficient from the perspective of equity, particularly since the compensatory benefits would be preserved if discrimination is reduced on the platforms as a whole. The main example of such improvement on the status quo concerns the usefulness of ride-hailing services to people who have long faced difficulty hailing a taxicab, particularly African-Americans, and especially in certain neighborhoods.[488] While it no doubt happens that some small number of Uber drivers cancel pick-ups for conscious or subconscious racist reasons, it is often mere seconds before a new car is sent the rider's way. Compared to discrimination by taxi drivers, when one may be uncertain when a taxi with a willing driver will come along, Uber and Lyft ensure that a car will show up. In fact, the rider may never even know his or her ride request was rejected at all, let alone why. Sharing platforms thus can shield users from having to directly experience the discrimination many taxi riders (particularly African-Americans) still face, arguably respecting the dignity of members of minority groups more than the traditional businesses with which they compete, if only by reducing exposure to the detrimental

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[486] Ken Foxe, "Misterbnb: How an Airbnb Dedicated to Gay Travellers Is Taking Off Around the Globe," *Lonely Planet*, Mar. 30, 2016, http://www.lonelyplanet.com/news/2016/03/30/misterbnb-how-an-airbnb-dedicated-to-gay-travellers-is-taking-off/#ixzz4dudS9IVW.

[487] "'For women, the best-selling point of Misterbnb is safety,' says Adélaïde Kauffman… She and a friend booked a room in a Barcelona apartment through Misterbnb last summer. 'We felt better knowing that the hosts were not interested in women and that we wouldn't have any problem with them.'" About 10 percent of the platform's users are women. Steve Lee, "'Misterbnb' Offers a Community Alternative to 'Airbnb' for the Gay Traveler," *San Diego LGBT Weekly*, June 30, 2014, http://lgbtweekly.com/2014/06/30/misterbnb-offers-a-community-alternative-to-airbnb-for-the-gay-traveler/. A Swedish platform, Handiscover, allows users with physical disabilities to select accommodations suited to their level of mobility, but also does not prevent anyone from accessing its services. https://www.handiscover.com/index.php?option=com_content&view=article&id=6&Itemid=127&lang=en.

[488] In one incident, a New York City cab driver was ordered to pay $25,000 for refusing to pick up an African-American woman and her two daughters; the driver claimed he was off-duty and locked his doors before driving 25 feet and picking up two white female passengers. James Fanelli, "Taxi Driver Fined $25K for Refusing to Pick Up Black Executive and Her Kids," *DNAinfo*, Aug. 6, 2015, http://www.dnainfo.com/new-york/20150806/midtown/taxi-driver-fined-25k-for-refusing-pick-up-black-executive-her-kids. One writer declared that Uber "removes the racism factor when you need a ride." Tanvi Misra, "Ride-Hailing's Racial Reckoning," *CityLab*, Oct. 31, 2016, https://www.citylab.com/transportation/2016/10/ride-hailings-racial-reckoning/505958/. Another praised Uber for providing a service that offered passengers "a respectable transaction rather than take our chances on the street and be degraded in the process." Clinton Yates, "Uber: When Cabs Whiz By, It's a Pick Me Up," *Washington Post* (blog), Sept. 28, 2012, http://www.washingtonpost.com/blogs/therootdc/post/uber-when-cabs-whiz-by-its-a-pick-me-up/2012/09/28/06a41f0c-082f-11e2-858a-5311df86ab04_blog.html.

psychological and physical effects of racism.[489] But this effect depends on the nature and structure of the platform; Airbnb is more vulnerable to acts of racial discrimination than its established competitor (the hotel industry), while Uber and Lyft may feature less such discrimination compared to their established competitor (the taxi industry). Nonetheless, even if discrimination may be mitigated by the algorithmic efficiency of some platforms, the "fact that a black person finds it easier to summon an Uber than to hail a cab doesn't mean that black people and white people find it equally easy to participate in the sharing economy."[490]

(4) The Trade-Off Between Association and Equality

One countervailing theoretical argument ought to be considered as to whether to permit some discrimination in semi-private spaces that would clearly be illegal and unwanted in public accommodations. Some would suggest that there may be some value in permitting groups to "look[] out for their own" as they once did, especially in a society in which social institutions may still not accept them or treat them fairly.[491] That is, it might be said that exemptions to anti-discrimination law are warranted in intimate spaces because allowing people to associate in their homes with others of their choosing—even if their guests must pay for that privilege—can help members of minority groups (and others, for better or worse) strengthen their own sense of community and serve valuable political ends.

Political theorist Nancy Rosenblum argues that the value of association has too often been underestimated in thinking about liberal democracy. Although she writes about larger groups such as Rotary Clubs, homeowners' associations and citizen militias, the reasoning behind Rosenblum's argument is applicable to smaller environments and temporary groups such as can be said to form within the home of an Airbnb host, when the host has intentionally admitted guests with the creation of such associational bonds in mind. To take an example, although "Mrs. Murphy" may initially conjure an image of an old-fashioned, somewhat prejudiced older white woman, imagine instead that *Ms*. Murphy is a young black nationalist seeking to establish her home as a refuge from what she sees as the oppression of whiteness, and to build community with other like-minded black women. Surely she would be permitted to create such a haven in her home on a voluntary basis; the question here is whether she might also

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[489] See, e.g., Jason Silverstein, "How Racism Is Bad for Our Bodies," *The Atlantic*, Mar. 12, 2013, https://www.theatlantic.com/health/archive/2013/03/how-racism-is-bad-for-our-bodies/273911/ ("A growing literature shows discrimination raises the risk of many emotional and physical problems … [such as] stress, depression, the common cold, hyper-tension, cardiovascular disease, breast cancer, and mortality"). Another study of African-American boys found that "personal experiences of racism were related to self-reported internalizing symptoms, lower self-concept, and higher levels of hopelessness." Vanessa M. Nyborg and John F. Curry, "The Impact of Perceived Racism: Psychological Symptoms Among African American Boys," *Journal of Clinical Child & Adolescent Psychology* 32, no. 2 (June 2003): 264, https://scholars.duke.edu/display/pub660121. Admittedly, whether ignorance of racism constitutes a real benefit is very much open to debate; many would rightly question the notion that hidden racism is preferable to overt racism.

[490] Leong, interviewed by Zomorodi, "The Customer Isn't Always Right." Any sharing economy platform that allows or enables implicit racism, she adds, "denies non-white people the equal opportunity to access public accommodations" and thereby contributes to injustice.

[491] See, e.g., Lauretta Charlton, "Is Airbnb Good for the Black Middle Class?," *New Yorker*, Oct. 5, 2016, https://www.newyorker.com/tech/elements/is-airbnb-good-for-the-black-middle-class. (In 1920s Harlem, "black tenants would sometimes cram guests into their apartments, serve them food and drink, hire a musician to play boogie-woogie on the piano, and use the money they collected at the door to pay their rent for the month.")

be permitted to charge guests through a platform such as Airbnb to stay in her house—while continuing to exclude persons who she feels would threaten her mission.[492] On Rosenblum's view, such exclusion ought not be dismissed out of had, since even associations that are "indifferent or *patently averse to liberal public culture* can serve personal development and can be beneficially exploited; at a minimum they are not fatal to and may even serve political legitimacy and stability, though that is not part of their purpose."[493] In other words, even associations that appear distasteful or worse from the perspective of "liberal public culture" can be worth permitting both for their benefit for the "personal development" of the individuals involved and for the way they may actually promote "political legitimacy and stability." On the latter point, Rosenblum's logic is that these smaller, more intimate groupings can provide a sort of outlet for attitudes and behaviors that are not desirable in the public space at large. As she sees it, "generous freedom of association for groups and shifting involvements by individuals offer the best chance of correcting and containing the vices that subvert the general moral climate of democracy in everyday life."[494]

While tolerance is patently essential to liberal democracy, Rosenblum argues that other virtues including "cooperation and trust, generosity and civility" may require smaller, more intimate settings in which to be developed and cultivated. The cost of exposing all sharing economy providers to anti-discrimination law is that it could compromise the distinct nature of these spaces and give them the "look and feel of public accommodations rather than voluntary associations. Their common intentions and shared terms of sociability are necessarily attenuated…, their particular projects and expressive aspects … inhibited, diluted, or subverted."[495] In sum, the claim would be that the Mrs. Murphys who economically need to rent out a spare room on Airbnb to make ends meet, or who have a strong positive commitment to establishing bonds with people of their own gender or race (or some other characteristic), ought to be permitted to craft that community within the bounds of existing anti-discrimination law, including its exemptions for intimate spaces—a part of the cost of maintaining diverse communities within the broader context of a liberal society that generally prioritizes individual rights.[496]

Despite the appeal of such a concern, particularly in light of the value of sociality I have considered in earlier chapters, in the end legally preserving the intimacy of these spaces, even as they become semi-private, is not in the ultimate interest of a diverse democratic society. Even in the case that continuing to permit some discrimination in the home promoted in-group sociality among disadvantaged communities more than it enabled prejudice to persist or strengthen, it

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[492] While Airbnb guests generally do not stay more than a few nights—and Uber or Lyft passengers no more than a few minutes—it could be argued that a kind of community is nonetheless built over time and space, an idea supported by the guestbooks many Airbnb hosts have, and the fact that Uber or Lyft drivers may draw upon or specifically mention conversations with prior passengers as they continue to drive.

[493] Nancy L. Rosenblum, *Membership and Morals: The Personal Uses of Pluralism in America* (Princeton, NJ: Princeton UP, 1998), 5 (emphasis added).

[494] Ibid., 18.

[495] Ibid., 158-59.

[496] Alternatively, on the Foucauldian view considered in Chapter Three, it could be argued that the extension of state power into these semi-private spaces represents a concretization of power in general, making spaces that could otherwise serve as sites for development and expression of acts and ideas of resistance more intensely governed. I consider the prospect of using sharing platforms as spaces for resistance in the Conclusion.

would be detrimental to democracy in the long run. Not only would it entail permitting and even morally condoning a good degree of intolerance and perpetuating simple prejudice toward those who are different. More concerning from the perspective of the potential of the sharing economy, it would deny the prospect of encounters in intimate space that invite or even force the encounter with the other with whom people are uncomfortable. Of course, these encounters are not the goal of the vast majority of Airbnb hosts or guests, who instead seek to make (or save) money and, from the guest's perspective, to have a comfortable and/or interesting stay. But what the law does and does not permit can, in addition to the structure of the platform and its algorithms, affect who sharing economy participants are likely to interact with.

The question of how to address discrimination in the sharing economy is thus complex in part because the economic formations are new and evolving and there is a wide variety of platforms using different interfaces and technologies, and because it involves the perennial trade-off between rights to association and expression on the one hand, and equality on the other—particularly given the sharing economy's ambiguous status between public and private.[497] But instead of permitting acts of discrimination in the home, prejudice in the commercial sharing economy ought to be legally combatted both by eliminating these exemptions and by amending federal law in three ways to ensure platforms are doing all they can to reduce acts of prejudice, so that the platforms themselves cannot escape liability for discrimination.

First, Airbnb ought to be classified as a real estate broker within the meaning of the FHA, since brokers are liable for discrimination under the Act, even if individual property owners are exempt.[498] Second, the Communications Decency Act (CDA) of 1996, which shields online platforms from liability for user-generated content, including "users' violations of anti-discrimination laws,"[499] should be held inapplicable to sharing platforms. (Under Section 230 of the CDA, the providers of "interactive computer services" are not to be "treated as the publisher or speaker of any information provided by another information content provider."[500]) Third, a

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[497] This trade-off is an issue that surfaces frequently in the courts, most recently in the context of religious liberty and LGBT rights, with the case of a baker who refused to make a wedding cake for a gay male couple. The baker claims that by forcing him to make the cake, the Colorado Anti-Discrimination Act violates his right to religious liberty and expression. The state counters that "businesses serving the public must comply with state anti-discrimination laws." Robert Barnes, "In Major Supreme Court Case, Justice Dept. Sides With Baker Who Refused To Make Wedding Cake for Gay Couple," *Washington Post*, Sept. 7, 2017, https://www.washingtonpost.com/politics/courts_law/in-major-supreme-court-case-justice-dept-sides-with-baker-who-refused-to-make-wedding-cake-for-gay-couple/2017/09/07/fb84f116-93f0-11e7-89fa-bb822a46da5b_story.html.

[498] Jefferson-Jones, "Shut Out of Airbnb." "Airbnb and similar platforms 'broker' the short-term leasing transactions by facilitating host and guest introductions, information exchange, and remuneration. If courts consider Airbnb as the functional equivalent of a real estate broker."

[499] Ibid.

[500] 47 U.S.C. § 230(c). Federal circuit courts have split in applying this provision to online platforms. In one case, the Court of Appeals for the Seventh Circuit held Craigslist not liable for discriminatory statements made on its platform since it did not condone or encourage discrimination. *Chicago Lawyers Committee for Civil Rights Under Law v. Craigslist Inc*., 461 F. Supp. 2d 681 (N.D. Ill. Feb. 3, 2006). But the Court of Appeals for the Ninth Circuit held otherwise, ruling that Roommates.com "could not avail itself of CDA protections because the website required users to disclose personal information, such as sex, sexual orientation and familial status via pre-filled drop-down boxes." Jefferson-Jones, "Shut Out of Airbnb," discussing *Fair Housing Counsel of San Fernando Valley v. Roommates.com*, 521 F.3d 1157 (9th Cir. 2008). Jefferson-Jones notes that the outcome seemed to turn on whether the content was generated by the site or individual users. Airbnb could argue it is more like Craigslist in that it does not "condone or encourage discrimination," nor does it provide content for its users in the form of pre-filled drop-down boxes.

new exemption to the CDA, creating a "private right of action against the discriminatory practices of online real estate businesses" like Airbnb, also should be enaxted.[501] Such a right could be crafted to hold platforms to account for not taking steps to reduce the likelihood of discrimination, including when due to implicit bias. Proposals like that of Leong and Belzer that Congress target discrimination in the sharing economy by imposing data disclosure requirements on platform companies are also appealing, as is their suggestion that platform design itself be legislated—though such legislation would need to be carefully crafted so as to survive a First Amendment challenge.[502]

If such steps were taken, more socially and politically productive encounters would be likely to take place. Earlier in this chapter, I quoted Airbnb's founder and CEO saying that he and his co-founders were not "fully conscious" of the discrimination "issue" at first and that the company had in the past lacked a sense of "urgency" in addressing it. The reason for this may have been that sharing economy companies conceive of themselves, or at least publicly portray themselves, as "mere platforms" through which parties—independent contractors and customers—meet and transact. Airbnb, for instance, "doesn't hold inventory, set prices, or tell hosts how to handle their rental exchanges," and thus can argue that it is not responsible when hosts "deny guests accommodations on account of their race or gender."[503] In this way, they are distinct from, say, hotel chains that exert direct control over their staff and properties.

But sharing platforms also are clearly more than neutral interfaces with no influence on how users interact. Companies have taken steps on their own to address these shortcomings, but should be legally accountable for ensuring that they are actively *reducing* the chances of discriminatory behavior, including when such behavior is rooted in implicit bias. Congress and the courts would also be acknowledging through such an amended legal regime that it is in democratic society's interest to have people from all backgrounds encounter each other; this is, I have argued, what makes the sharing economy a potential vessel for greater sociality at a larger scale, and for reinvigorated self-government in a diverse society. In other words, more than serve as a corrective for discrimination, changes in the law might actually enhance democratic culture to the benefit of all.

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[501] Jefferson-Jones, "Shut Out of Airbnb," 25.

[502] Leong and Belzer. They also call more generally for Title II of the Civil Rights Act of 1964 to be amended to cover sharing economy businesses. One additional way the law concerning platform companies should be changed is to prevent platforms from foreclosing legal liability by means of mandatory arbitration agreements, as many including Airbnb currently do—but this is an issue that reaches far beyond the sharing economy. In late 2016, a federal court upheld Airbnb's clause, given that the arbitration provisions were technically made known to platform users in advance. Katie Benner, "Federal Judge Blocks Racial Discrimination Suit Against Airbnb," *New York Times*, Nov. 1, 2016, https://www.nytimes.com/2016/11/02/technology/federal-judge-blocks-racial-discrimination-suit-against-airbnb.html. The arbitration provision was located in fine print in Airbnb's 17-page terms of service. The company defends the practice in part by noting that it "pays its users' arbitration fees and conducts hearings wherever the user lives." Vauhini Vara, "How Airbnb Makes It Hard To Sue For Discrimination," *New Yorker*, Nov. 3, 2016, https://www.newyorker.com/business/currency/how-airbnb-makes-it-hard-to-sue-for-discrimination. The Supreme Court has upheld the constitutionality of mandatory arbitration clauses, most recently in 2015. David Lazarus, "Supreme Court's Arbitration Ruling Is Another Blow to Consumer Rights," *Los Angeles Times*, Dec. 18, 2015, http://www.latimes.com/business/la-fi-lazarus-20151218-column.html. Platforms can still be sued by governments at the local, state or federal levels.

[503] Alison Griswold, "The Dirty Secret of Airbnb Is That It's Really, Really White," *Quartz*, June 23, 2016, https://qz.com/706767/racist-hosts-not-hotels-are-the-greatest-threat-to-airbnbs-business/.

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As much as there are reasons to permit some discrimination in semi-private sharing economy spaces, the fact that hotels, restaurants and other public accommodations are legally required to maintain an open door policy remains of vital importance to society's continued recognition of equal individual rights—a legal and political ideal, but also one with powerful ethical and religious resonances. Andrew Sandoval-Strausz argues that the ethical duty of hospitality, requiring welcoming to any traveler or person in need, persisted in the background over the course of the 20th century as a "foundational cultural norm," and in the 1960s was particularly important in the political effort to ban discrimination in public accommodations. The capitalist system did not on its own "produce a hospitality that was open to all comers," Sandoval-Strausz notes; political actors had to instead draw upon a "much older, pre-Enlightenment, non-market commitment to the morality of offering shelter to strangers" on an equal basis to all. Thus, even though hotels were and largely still are characterized by "an impersonal, institutional procedure that often left guests feeling as if they were being processed rather than welcomed," these spaces have served as an essential refuge for the traveler, as fear and hatred of outsiders persisted in many communities into the 20th century, and continues to this day. The sharing economy ought not be permitted to undo this vital progress toward a diverse democracy that is more tolerant and more just.

Negotiating the Sharing Economy from Inside and Out: Small Steps to Revitalize Democracy and Temper the Ills of Neoliberalism

In the preceding five chapters I have considered the social and democratic meanings and implications of the sharing economy, and particularly those commercial sharing platforms that have become so prevalent in the lives of the millions of people around the world who are users of the services, providers on them, or both. As explained in the introduction, I have focused on these major platforms because they are consequential to (or at least a notable component of) the lives of so many, making them of both theoretical and practical interest and significance. The attempt to seek and identify potentials for increased interpersonal connection and understanding, and thus for more active democratic citizenship, within such a commercialized, increasingly standardized set of practices—practices that also represent and solidify the grip of neoliberalism and financialization on capitalist societies today—has made the endeavor more challenging but hopefully also more worthwhile.

My main argument has been that despite the essential role of finance capital in launching the most successful sharing platforms, and despite the way the platforms have become more standardized over time in the pursuit of profits to serve the interests of finance capital, some potential to revitalize democratic self-government in a diverse society remains. Whether this prospect will be realized, I argue in these final pages, is contingent in good part on two factors: individuals' everyday choices and behaviors as the sharing economy further develops, and (likely in part as a result of these individual actions and commitments) much greater societal regulation of the platforms' structure and function.

But first, to briefly recap where we have been: In the first three chapters I considered the development of sharing platforms over their first decade, arguing that the platforms have moved the sharing economy in a direction that is not conducive to fulfilling the democratic potential present in both the technologies used and in the aspirational (and at least partially genuine) rhetoric of early sharing economy promoters. The first chapter tracked the increasing imbrication of the platforms with finance capital, arguing that the sharing economy became a valuable channel for investors after the 2008 financial crisis and, in so doing, reflected the neoliberal philosophy of austerity that was the general governmental response to the crisis. Under the influence of neoliberal capitalism, I argued, sharing platforms were drawn toward standardization of their operations and offerings. In the case of Airbnb, for example, hosts increasingly came to manage multiple properties without living in any of them, and interaction and communication with guests became increasingly formal and less personal. In Chapter Two I turned to the way sharing platforms construe and influence the self, arguing that the platforms developed in such a way as to reflect and reinforce neoliberal values including flexibility, entrepreneurialism, risk-taking, and individual responsibility—and thus that the sharing economy may perpetuate the neoliberal self, despite claims to the contrary.

Chapter Three looked at the increased amount and variety of surveillance that accompanies sharing economy reputation systems, adapting a Foucauldian framework to argue that the horizontal, peer-on-peer surveillance encouraged by the platforms is a tool of social and economic power that governs and shapes platform users, often completely unbeknownst to them. In a somewhat underhanded way, I suggested, sharing platforms bring people together physically only to drive them apart psychically, and in the process further undermine their democratic promise—reinforcing the neoliberal immobilization of the citizen qua citizen, and its casting of the individual as an individualistic economic actor through and through.

Based on these first three chapters, the picture of the sharing economy may look bleak enough to warrant all the suspicion and hostility sharing platforms have aroused in recent years among academics, activists, economically-affected parties (particularly taxi drivers), and a large segment of the general public (who often have continued to use the platforms despite their reservations). But in Chapter Four I argued that despite these formidable challenges, the potential remains for the sharing economy to produce more direct, democratically productive "encounters" with strangers. The importance of the encounter with the stranger is that, as Levinas argues in what I consider an important (though perhaps excessively abstruse) contribution, it causes individuals to step out of, or emerge from, the focus on the self that has become evermore totalizing in contemporary capitalist societies. The successful encounter forces the person being encountered to confront the reality that there are others in various sorts of need, or at least in different kinds of need and to different extents than one may be. I noted that these encounters with the other are especially important in diverse democracies such as the United States, in which it is critical that citizens establish concrete bonds with and understandings of others with whom they may feel uncomfortable; in Paula Geyh's words, in such diverse societies a "vital public culture" depends on making connections that transcend our differences, so that citizens have some "familiarity with the unfamiliar."[504]

Although the sharing economy does not typically bring people in contact with the destitute other, it does bring people into somewhat intimate spaces, primarily the home and the privately-owned automobile, with people often struggling to make ends meet. It is largely these settings themselves—which are not yet governed by the same norms (or laws) that often keep people relatively isolated from one another in public spaces, even when in close physical proximity—that encourage closer interactions. They are likely to serve this end more effectively than professionalized commercial settings like taxicabs or hotels, or in shared public locations such as subways, buses, sidewalks, and public parks—and they do so despite, or even because of, their commercial nature. In this way, I suggested, sharing economy spaces may even replicate some of the desirable aspects of the agora of Ancient Athens, a mixed commercial and political space which played a central role in that city-state's democracy.

Finally, in Chapter Five, I considered another problem endemic to some of the major sharing platforms, the potential for enabling racial and other types of discrimination generally outlawed in public accommodations in the United States. I noted the reasonable concern that

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[504] Geyh argues that "formations of surveillance … constitute strategies and tactics of a war against difference. They seek not only to privatize formerly public spaces, but also to 'purify' them by expelling those who are 'different' in some way. Yet such purifications can only serve to increase our fear of 'the other." Geyh, *Cities, Citizens, and Technologies*, 100.

fully enforcing anti-discrimination law within the "shared" home would further erode any difference between semi-private, intimate spaces and those found in hotels or taxicabs. But I argued that such laws ought to be extended to these spaces—and in fact the law ought to be amended to even more clearly cover them—not only in the liberal interest of equality, but for the sake of increasing the likelihood that the sharing economy encounter is somewhat uncomfortable and requires some sort of negotiation, and is thus more advantageous to democracy conceived as collective self-rule.

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To sum up, the challenges are formidable, and the prospects for surmounting them fully seem minimal. But there remain opportunities to push against the forces that have turned the sharing economy increasingly against the people's long-run interests; the germ of openness to others and democratic connection so needed in these times remains in the conceptual and technological underpinnings of the leading sharing platforms, and so many others contending with them on a smaller scale or, of course, not yet created. As media scholar Douglas Rushkoff argues, with a dose of "reprogramming" to turn it away from the endless pursuit of economic growth, the digital technology behind the sharing economy could be put in service of the broader social good, and toward goals including "fairness, efficiency, and sustainability."[505] To achieve this reprogramming, both a more aggressive public policy toward sharing platforms and a modified orientation at the level of the individual sharing economy user may be required.

First, public policy and law regarding the sharing economy must be expanded and made more vigorous to reflect the platforms' influence and potential. Like other urbanists of her day and since, Jane Jacobs was concerned with how to plan the city to bring back some of what the agora featured. Today, sharing platform algorithms can be considered the relevant architectural plans. These algorithms play a major role in structuring the encounters that do or do not transpire, and thus should be directed to produce the kinds of encounters society deems most valuable. Of course, where city planning is generally a transparent, public endeavor, sharing economy algorithms are quite the opposite. But this needs to change. Structural changes by the platforms are necessary to increase the likelihood and depth of face-to-face interactions—which society could require through the democratic process.

In her recent book *Weapons of Math Destruction*, data scientist Cathy O'Neil notes that concerns about the fallibility, prejudice, and partiality of human beings—what O'Neil labels "human distortions"—in part drove the automation and the use of algorithms in the mid-20th

[505] Rushkoff generally sees the sharing economy as failing to move past the industrial age notion that growth is good and necessary. Douglas Rushkoff, *Throwing Rocks at the Google Bus: How Growth Became the Enemy of Prosperity* (New York: Portfolio, 2016), 218.

century.[506] But algorithms themselves are fallible, and will sometimes make decisions many people would regard as unfair or antithetical to democracy more generally, unless there is sufficient, ongoing oversight by society itself: "For all of their startling power, machines cannot yet make adjustments for fairness, at least not by themselves. Sifting through data and judging what is fair is utterly foreign to them and enormously complicated. Only human beings can impose that constraint." Accordingly, there is an important movement afoot at several universities to "audit" algorithms, including by creating "software robots" that pretend to have certain characteristics and then observing how those robots are treated by the algorithm.[507] But these efforts cannot replace the power of the law to not merely audit these critical algorithms, but to oversee and change them. Thus, it would behoove the people to come together through the democratic process and demand more control over the use of data and more fairness and accountability from algorithms.

But in this neoliberal era, which as we have seen puts great stock in processes that are quantified and cost-effective and always wants to "let the market decide," reintroducing a human component is likely to be shunned as unnecessary or worse, and expecting the people to effectively rise up and demand oversight seems naive. The idea of limiting the power of the algorithm by restoring human oversight in the name of fairness, justice, or even democracy will be decried and defeated, and unless enormous political will is exerted to the contrary, O'Neil concedes, "meddling humans will be instructed to stand clear of the machinery."[508] Thus I want to suggest a second way to begin to "reprogram" the sharing economy toward the goal of strengthening connection and thus democracy itself. This alternative (which operates alongside of, and does not displace, the first) is that people could individually work to nudge these platforms to the left on the "sharing spectrum" I introduced at the start of the dissertation. From an economist's perspective, people's goals in the economic realm are relatively straightforward: receiving a desired good or service with the best possible tradeoff between quality and price. Indeed, in a recent book on the relationship between the "modern digital revolution" and business, two professors write that "[r]esidents, tourists, and business travelers *all have essentially the same goal* when they want to go somewhere in a city: to get there quickly, safely,

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[506] Max Weber thought one of the advantages of modern bureaucracy was its relative neutrality and evenhandedness, and its application of laws and rules "without regard to persons"; this marked a departure from those systems it replaced in which people were treated differently depending on their proximity to those in power, or officials' whims. But rationalized bureaucrats are still human, and still therefore prone to taking into consideration certain facts about people and certain personal characteristics that ideally would be irrelevant. The computer algorithm, then, should appear as a further advance. Max Weber, "Bureaucracy," in *From Max Weber*, ed. and trans. H. H. Gerth and C. Wright Mills (New York: Oxford UP, 1958), 215.

[507] Cathy O'Neil, *Weapons of Math Destruction: How Big Data Increases Inequality and Threatens Democracy* (New York: Crown, 2016), 155. Facebook and other social networking services such as Twitter and Instagram could also be considered modern versions of the agora at a mass scale, although online encounters lack the face-to-face quality that I have argued is so important. More than 2 billion of the world's 7.6 billion people use Facebook, the world's largest social network, every month. Like the agora, Facebook mixes commerce (through the many advertisements that appear, including "paid posts" that frequently show up in one's "News Feed") with all manner of conversations and interactions, including the political. Like sharing platforms, however, social networking is also governed by secret algorithms and thus neither as spontaneous nor as transparent as the agora. O'Neil reminds us that although Facebook "may feel like a modern town square"—and although people report spending almost as much time on the site every day as they spend socializing in person—it is a publicly traded corporation that "determines, according to its own interests, what we see and learn." Ibid., 180.

[508] Ibid., 155.

and cheaply." Thus, they argue, platforms like Uber and Lyft have been quite successful at displacing taxis, because people don't care who provides the service as long as their goals are met—in business-speak, the "value proposition of getting efficiently from point A to point B" is more attractive with Uber, so it is bound to be successful.[509] But this narrowly economic view, emblematic of thinking in this neoliberal era, fails to recognize that the goals an individual has—even in something as seemingly humdrum as getting across town, and even (or perhaps especially) in the economic realm—can vary, and *should* vary, with the individual's normative priorities. Yes, trade-offs are involved, but among the factors to be considered are not only price, quality, and convenience, but also one's values and commitments. Along these lines, sharing economy users could attempt to pressure the dominant commercial platforms to, in various ways, reverse course, de-standardize, consider aims other than maximizing profit.

In addition, sharing economy users could work to open up the democratic potential of sharing platforms through acts of "everyday" resistance; though they may not ultimately succeed, when confronted with such financial and institutional power it is at least one available option.[510] In other words, individual choices about whether and how to interact on and with sharing platforms may be pivotal. One approach would be to essentially give up hope that the platforms could enable new kinds of significant connections between citizens, declaring them corporate products claiming to be something they are not that ought to be treated as such. That might mean taking an Uber when it's cheaper, but not acting any differently than you would in a taxi. This can hardly be said to constitute resistance. Other sharing economy skeptics, however, might resist by completely avoiding commercial sharing platforms such as Uber on the grounds that they are exploitative. These objectors might instead seek out and only use competing platforms that are either nonprofits or companies more oriented and committed to serving the communities in which they operate. These intentions are certainly noble. In the introduction I argued that although the "sharing economy" label is generally now used to refer to platforms such as Uber, Lyft, Airbnb, and TaskRabbit it would behoove society to hold on to a broader definition of the term, so as to keep those less commercial alternatives on the horizon, and in the people's imagination. Recapturing that label by insisting that it is not merely the province of

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[509] McAfee and Brynjolfsson, *Machine Platform Crowd*, 222 (emphasis added). They even make this claim across cultures, remarking that a "commuter in Jakarta, a budget traveler seeking to go from Bordeaux to Lyon, a trucker trying to make some extra money on what would otherwise be a trip back home with an empty rig—they all really want the same thing: to arrange a transaction quickly, advantageously, and with no unpleasant surprises." Ibid., 194.

[510] "Everyday resistance" is a term introduced by anthropologist James Scott in analyzing rural Malaysian villagers' everyday acts of resistance to, evasion of, and non-cooperation with the dominant class. James C. Scott, *Weapons of the Weak: Everyday Forms of Peasant Resistance* (New Haven, CT: Yale UP, 1985). Resistance is a Foucauldian concept. On the one hand, it would seem that on Foucault's understanding of the individual, one's choices are not freely made, but are the result of the discourses in which we are embedded, of power working upon us. This bleak picture that threatens to deny the usefulness of any human action, or perhaps even the existence of free will. Yet Foucault does in places suggest there is room for individual action *against* power, against the discourses through which power speaks. It is possible, in other words, to resist power through small acts of resistance. As he puts it, "points of resistance are present everywhere in the power network. Hence there is no single locus of great Refusal, no soul of revolt, or pure law of the revolutionary. Instead there is a plurality of resistances, each of them a special case: resistances that are possible, necessary, improbable." Michel Foucault, *The History of Sexuality, Vol. I* (London: Penguin, 1990), 95-96. Such small acts cannot make us free or independent of power—an impossible aim in his view—but they may make us *freer*, and give us at least somewhat more control in relation to power.

corporate behemoths would be a beneficial step, as would a commitment to use these alternative services.[511]

What I am suggesting would be more efficacious, however, is a form of resistance in which individuals do participate on the commercial sharing platforms, but with the conscious intention to *make* them more social, pro-democratic spaces. In the case of transportation, this might mean *choosing* to use that opportunity to strike up a conversation with the driver and fellow passengers—perhaps beginning with pleasantries but trying to go somewhere deeper (really anywhere, with the aim of making a substantive connection). In the case of travel, it could mean choosing an Airbnb over a hotel, and purposefully choosing a property where the hosts are present and have indicated their willingness or even eagerness to interact with guests in a substantial way. This strategy seems viable both because these shared spaces are by their nature "in-between" spaces, thus open to different ways of interacting, and because cultural norms with respect to appropriate and expected behaviors are still in flux in these spaces given that the sharing economy is less than a decade old. These facts are what differentiate the idea of everyday resistance in this realm—making it, I want to suggest, more potentially fruitful than would be similar actions and attitudinal shifts practiced on public buses or in hotel lobbies. It may be unwise or unfair to instruct people as to the specific means of implementing an intention to increase sociality, given varying individual proclivities, capacities, and circumstances, economic and otherwise. The critical thing is that one's motivation and orientation is to the long-term public good, wherever possible, and not primarily to expedience or thriftiness.

In the introduction I noted that it has recently been argued, *contra* Milton Friedman, that shareholder value is not the only thing that directors and managers of public companies can or should take into account; rather, shareholders should be permitted to vote as to the types of policies they want the company to pursue, ensuring that they are able to decide whether they want such policies to conform to their own value systems. For those sharing economy companies that are or will soon become public, this is an applicable and desirable course of action. But more broadly, the idea of aligning our aims and principles with our economic actions is one that can surely be applied to participation in the sharing economy. Just as the individual does not eagerly await the Levinasian encounter with the stranger, which will entail negotiation and unknown risk (as Derrida emphasizes), people will not necessarily be eager to sit up front and attempt to forge a connection with their Uber driver rather than scroll Instagram or play Words With Friends on their smartphones in the backseat. But like the encounter with the other at the threshold of the home, it is in our own long-term interest, and that of our democratic society, to do so. We must push ourselves in the direction of the encounter even when doing so is uncomfortable.

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[511] Michel Feher argues that understanding the neoliberal self as a tool of human capital that seeks to appreciate itself is essential if we are to realize the most effective strategies for resisting neoliberalism. Such resistance, Feher argues, must entail "refusing the expansion of the market and insisting that a genuine subject cannot be reduced to a mere consumer, that the free laborer has aspirations that cannot be reduced to calculations of interest (a longing for solidarity, justice, or *sharing*)." Feher, "Self-Appreciation," 31 (emphasis added). Feher's view suggests that people who wish to resist neoliberalism would refuse participation in the sharing economy, whether as producer or consumer, in part in an insistence on "sharing" itself. Here, to be sure, Feher means sharing in the sense described in the introduction as "sharing for sharing's sake"; he directly contrasts "sharing" with "calculations of interest." Such a refusal is clearly one approach to resisting neoliberalism, but as I am suggesting, not the only one, insofar as a "refusal" can also take the form of resistance from within the sharing economy rather than a boycott of it.

In his proposal for a right to the city, 20th century French philosopher Henri Lefebvre argues that such a right is not merely a right to *visit* the city or to look at it, as a traditional traveler locked into the "tourist gaze" might experience, say, Paris, but to actually confront one another in unexpected encounters—the kind Levinas extolled. For Lefebvre, there in fact *is* "no city without centrality, no urbanity, … without a dynamic core—a vibrant, open public forum, full of lived moments and encounters."[512] Lefebvre thus implores us to "reach out and steer ourselves toward a new humanism, a new praxis, toward another human being."[513] The sharing economy, I have argued, provides us new opportunities to do just this.[514] In fact, the democratic connections spurred through sharing economy interactions might have potential not just to revitalize our own democratic society (at various levels, from neighborhood to city, county, state, and nation) but even to build new forms of connection beyond borders; in the case of home-sharing platforms like Couchsurfing.com or Airbnb, this potentially is particularly evident, as hosts are often (or almost entirely in some locales) connected with guests traveling from far away. In this respect, the global reach of the most successful sharing platforms has an upside, despite their immense corporate influence over governments and economies the world over.[515]

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I argued earlier that the sharing economy has become a tool through which financial capitalists are enriched, the narrowly atomistic neoliberal view of the self is perpetuated, and horizontal and vertical surveillance is vastly increased. But through both government involvement in and regulation of sharing economy operations and algorithms, and through small acts of individual resistance, the sharing economy could ultimately become a tool not *only for* neoliberal hegemony but also against it—part of a larger effort to both regulate and resist the capitalist powers that have increasingly overwhelmed the public realm, and the people

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[512] Merrifield, *The Politics of the Encounter*, 24.

[513] Henri Lefebvre, "The Right to the City," in Lefebvre, *Writings on Cities*, trans. Eleonore Kofman and Elizabeth Lebas (Oxford, UK: Blackwell, [1968] 1996), 150. The "urban," Merrifield adds, "isn't a point in fixed absolute space. It's no longer a fixation on a center…, but a space of and for encounters: a space of and for a citizenship that might intervene in the current, rather dubious, neoliberal hegemony." Merrifield, *The Politics of the Encounter*, 24.

[514] Merrifield, *The Politics of the Encounter*, 34.

[515] Marx, of course, predicted an eventual worldwide proletarian movement, arguing that a successful communist revolution was impossible on anything less than a global scale; commenting on Lefebvre, Andy Merrifield argues that hopes for a rejuvenated politics of collectivity remain, as in Marx's theory, with the "rabble," the "toiling, disorderly throngs, the Lazarus-layered urban masses engaged in the ordinary wheeling and dealing of daily life." Merrifield, *The Politics of the Encounter*, 13. A rising portion of these throngs of people, particularly among the "urban masses" in the world's cities, are increasingly "wheeling and dealing" and living their daily lives in and through sharing platforms; they continue to toil, to be sure, if sharing platforms keep them more "orderly" than Merrifield suggests.

themselves, in recent decades.[516] Nonetheless, these suggested strategies may seem more like an ideal toward which to strive than a realistic plan of action. Indeed, it seems that with *every* emergent set of technological innovations, there is in some quarters a renewed hope to right the societal ship, or at least to steer it ever so slightly away from the rocks on which it may perpetually seem marooned. Put differently, optimism in the power and potential of technology is nothing new. Marshall Berman, the Marxist theorist of modernism, reminds us that in earlier eras thinkers as diverse in approach and concern as Marx, Tocqueville, Mill, and Kierkegaard saw the chance for humanity to combat the economic ills of modernity. Berman celebrates the writers of a later era—the 1960s—who similarly, despite plentiful flaws, made "attempts to connect the turbulent present with a past and a future, to help men and women all over the contemporary world to make themselves at home in this world … [springing] from a largeness of vision and imagination, and from an ardent desire to seize the day."[517]

While acknowledging that these final suggestions may be aspirational, I hope that in this dissertation as a whole I have realistically and cautiously, yet open-mindedly, explored the potential that the sharing economy presents to enable people "all over the contemporary world to make themselves at home in this world." By joining together to exert democratic control over the sharing economy—but also by opening the doors of one's home to all guests, no matter how different, or by entering the home of another, either literally as via Airbnb or metaphorically as in a discussion with an Uber driver, with a spirit of curiosity, willingness to take on emotional risk, and resistance—this home in the world might be increasingly forged together.

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[516] In speaking of "resistance" at length I would be remiss not to acknowledge at least a superficial connection with the very loosely organized political movement in the United States that calls itself "The Resistance." This informal movement in response to the election of Donald Trump as president in 2016 and encompasses an untold number of subgroups and causes. Despite its inchoate nature and somewhat partisan focus, the movement does share with my argument concerns about the domination of the people by financial capitalism and other corporate interests, and the need for greater citizen involvement and activation. See, e.g., Tim Dickinson, "How a New Generation of Progressive Activists Is Leading the Trump Resistance," *Rolling Stone*, Aug. 24, 2017, http://www.rollingstone.com/politics/features/how-progressive-activists-are-leading-the-trump-resistance-w499221; Sarah Leonard, "Is Donald Trump Turning Liberals Into Radicals?", *New York Times*, Oct. 20, 2017, https://www.nytimes.com/2017/10/20/opinion/sunday/trump-resistance-radicals.html.

[517] Marshall Berman, *All That Is Solid Melts Into Air* (New York: Penguin, 1988), 33.

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