

1 The Weberian Concept of "Labor Constitution": The Recent 2 Case of Delivery Workers

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4 Received: 14 December 2019 Accepted: 3 January 2020 Published: 15 January 2020

5

6 **Abstract**

7 Introduction-The concept of *Arbeitsverfassung* (labor Constitution) was developed by Max
8 Weber, early in his career when he was considered a "specialist in agrarian affairs" 1 , that is,
9 between 1891 and 1896 2 . In his early works, this concept is tied to social organization.
10 Historically, it dates back to the transition from working conditions under slavery to
11 capitalistic forms of work.In this paper, I will first describe the emergence of Weber's concept
12 of *Arbeitsverfassung* and how he used it in the context of his analysis of the labor situation of
13 agricultural workers in the cases of Germany, east of the Elbe River specifically, and in the
14 province of Entre Ríos in the Argentine Mesopotamia. I will then compare the cases Weber
15 analyzes with a contemporary empirical case based on ongoing research on the concepts of
16 freedom, work, and alienation among delivery workers.So, this paper is organized as follows.
17 In section two, I will provide a fairly detailed account of the concept Weber discovered and
18 developed through his observation. I will then briefly discuss some of the theoretical
19 relationships between the concepts of alienation, work, and freedom (section three). Section
20 four will apply those concepts to the current neoliberal global context of flexibilization of
21 labor relations. Section five will take that application even further, looking at the figure of the
22 "platform worker" as expression of the "self-entrepreneur."

23

24 **Index terms—**

25 **1 Introduction**

26 he concept of *Arbeitsverfassung* (labor Constitution) was developed by Max Weber, early in his career when he
27 was considered a "specialist in agrarian affairs" 1 , that is, between 1891 and 1896. 2 1 See Marianne Weber
28 (1995, 161). 2 That is, from the time of the publication of his dissertation "Roman Agrarian History" through
29 the beginning of his study of Die Börse, in Heidelberg, when he came to be seen as a specialist in stock exchanges,
30 by way of his work for Verein für Sozialpolitik on the situation of agricultural workers east of Elbe River. In his
31 early works, this concept is tied to social organization. Historically, it dates back to the transition from working
32 conditions under slavery to capitalistic forms of work.

33 In this paper, I will first describe the emergence of Weber's concept of *Arbeitsverfassung* and how he used it
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39 Weber discovered and developed through his observation. I will then briefly discuss some of the theoretical
40 relationships between the concepts of alienation, work, and freedom (section three). Section four will apply those
41 concepts to the current neoliberal global context of flexibilization of labor relations. Section five will take that
42 application even further, looking at the figure of the "platform worker" as expression of the "selfentrepreneur." In
43 section six, I will draw some conclusions from the comparative exercise, and argue for the heuristic usefulness of

44 Weber's conceptualization to understanding the sort of often-unheeded alienation experienced by contemporary
45 workers like delivery workers.

46 **2 II.**

47 **3 Labor Constitution**

48 The concept of *Arbeitsverfassung* first appears in "Die Enquête des Verein für Socialpolitik" (The Survey for
49 the Association of Social Policy) 3 , a research report Weber wrote in late 1892 on the results of the "Survey
50 of the Situation of Rural Workers East of the Elbe River." The term can be translated as constitution and
51 condition of labor relations, and one of its dimensions is the legal tie between employers and the labor force 4
52 It is in that same text, "The VFSP Survey," that Weber first refers to Argentina . In that analysis of agrarian
53 establishments in the German provinces of Western Prussia, Eastern Prussia, Pomerania, Posnania, and Silesia,
54 Weber detects a number of modalities of "capitalist modernization," each of which he associates with a different
55 type of *Arbeitsverfassung* between the Junkers-the landowning nobility of eastern Germany-and rural workers.
56 Those workers might be wage-earners in the process of becoming the rural proletariat or sharecroppers who pay in
57 money or in kind for the right to farm the land; they might be engaged according to modalities closer to serfdom
58 such as *Instleute* (peasants paid half in money and half in kind). Weber places migrant workers paid per unit
59 elsewhere in the sociocultural structure, regardless of whether their contractual ties are permanent or temporary.
60 In the latter case, the workers come to the farming region during the sowing and harvest seasons and then leave,
61 at which point any relationship or obligation vis-à-vis the employer comes to an end. Weber is struck, in such
62 arrangements, by the fact that during the off-season, that is, the half the year when these nomadic workers do
63 not render services on the farm, the landowner has no obligation whatsoever toward them. He need not ensure
64 them access to food, housing, or any other basic need. 5 3 "Die Erhebung des Verein für Socialpolitik," published
65 on January 15, 1893. See Weber (1993). 4 As Lawrence Scaff explains in *Fleeing the Iron Cage*, there is no
66 precise translation for the term. It is a way of "characterizing the historically given "constitution", "condition",
67 and "organization" of labor, or labor-relations"; see Scaff (1989, 44). 5 He would do so three more times not
68 long after: in a 1894 study titled "Enterprises of Argentine Farmers?" -the text we will analyze shortly-; in a brief
69 review published in 1894 from Bohdo Lehmann's book *The Rights of Foreigners in Argentine* ; and in *Die Börse*,
70 his next research project, dated 1896, on the stock exchange.

71 . He does so in a single paragraph that he would later expand on and include in T Volume XX Issue VII
72 Version I

73 **4 47**

74 **5 (H)**

75 a second article, published the following year, on agricultural production in the Mesopotamian region of that
76 distant country. In the first of these two texts, then, Weber interrupts his analysis of the situation of workers
77 to the east of the Elbe River with remarks on a case on the Paraná River in Argentina. That case struck
78 Weber precisely because of its specific *Arbeitsverfassung*, which he presents as analogous to slavery as mode of
79 production. Regarding slavery, Weber appealed to the knowledge of ancient Rome he had acquired in writing his
80 dissertation, published just one year earlier 6 We find a counter example in the labor relations in a number of
81 farms elsewhere, in places where there is no slavery, like rural Argentina. The farmers there, who produce wheat
82 for export, rarely employ more than one permanent worker, usually the foreman, even when they own hundreds
83 of hectares of land . In his analysis of an agricultural establishment in rural Argentina, Weber asserts that wheat
84 production is not performed by slaves-there was no slavery in Argentina-but by a labor force he describes as
85 "seminomadic" and "semi-savage." The workers arrive for the harvest, during which time they live in deplorable
86 conditions and are paid per unit harvested, and then leave. Once again in this case, what struck Weber most
87 was that, after the workers had departed, the owner of the rural establishment was released of any responsibility
88 for their subsistence. That is entirely different from the situation of the slaver owner, who must at all moments
89 ensure the subsistence of his slaves.

90 In a comparative exercise, Weber shows that, if in situations of literal slavery, slaves must be fed and maintained
91 throughout the year, not only during the harvest, 7 In practice, they don't maintain their own laborers all the
92 time, just during sowing and harvest seasons, when semi-nomadic workers come in from other regions. They are
93 employed on a per-unit basis and in exchange for food with no contract. In the best case, they live in a shed that
94 protects them from the rain ? or they are just left to camp out in an open field or a tent . And Weber goes on,
95 underscoring the characteristics mentioned above: . Weber closes his description, indicating that, once all the
96 wheat has been harvested, loaded into sacks, and sold, the entire "swarm" of workers leaves? "and the farmer
97 sits down all alone in his deserted house."

98 Weber then attempts to explain what he has described. He cites as among its causes the "backward and
99 irrational" way wheat is produced in Argentina, where, he says, "fertilization, for instance, is an unknown
100 concept". But he goes on to mention another factor-a social factor-that he deems more important than the
101 natural advantages of the soil: the *Arbeitsverfassung*, the material and legal condition of the work. That, in
102 his view, is not all that different from slavery, which-he addshas not existed in Germany for thousands of years.

103 Both Arbeitsauffassungen-slave labor and the labor of seminomadic workers in Argentina-are, basically, equally
104 barbarian. Weber writes: Let's dwell briefly now on the expansion of this idea in an article published one year
105 later under the title "Rural Enterprises of Argentine Farmers.

106 For Weber, then, a symptom of the barbarism in the Argentine case is that the employer, unlike the slave
107 owner, is not at all concerned with the subsistence of the semi-nomadic workers and their families during the
108 off-season. Weber is shocked by the fact that the workforce wanders around, left to its own devices, with no one
109 to feed it. 10 " This time Weber focuses his analysis on a rural establishment in the northern part of Entre Ríos
110 province, an area on the banks of the Paraná River 11 Weber's analysis draws on the German school of historical
111 economics . The more precise location he provides is near the port of La Paz in northern Entre Ríos, close to
112 the border with Corrientes province which itself borders on Brazil and Paraguay. It is from there, according
113 to Weber, that sacks of wheat are shipped to Buenos Aires to then set sail for the world market. And, Weber
114 explains, the masses of temporary workers and their semi-nomadic families would journey to Entre Ríos from
115 Corrientes. 12 9 Ibidem. 10 Argentinischen Kolonistenwirthschaften, originally published in two issues of the
116 weekly Deutsches Wochenblatt, the first dated January 11 and the second February 1, 1894, Berlin. 11 Weber
117 mistakenly refers to it as Río De la Plata, which is actually the name of the river that opens up into the Atlantic
118 at the altitude of Buenos Aires. 12 Weber took part in a postgraduate seminar given by Gustav v. Schmoller,
119 the leader of that school, when he was studying in Berlin. Clearly these two extremes in the constitution of work
120 (Arbeitsverfassungen) are symptoms of a social barbarism that is more or less the same, but the greater degree
121 of neglect is found in the second case, the case of the free workers; [in the first case] the Master had an essential
122 interest in the slave's subsistence, in keeping him well enough fed to be able to reproduce his labor force 9 .

123 production, but also of the cultural customs-and even the nutritional habits-of the workforce. In analyzing
124 the type of Arbeitsverfassung at stake, Weber addresses the total composition of the labor force at the rural
125 establishment by means of a sort of "microphysics of power relations" between ethnic-cultural positions. In
126 addition to the two owners of the farms-an English and a German settler, whom Weber calls "The Masters"-he
127 mentions the few permanent workers (just five in all) and the large contingent of temporary workers whom he
128 calls a "swarm," as well as "a rabble" and "a horde" (Gesindel).

129 The permanent workers are what is called a capataz, or foreman (a Swiss fellow who lives with his wife in
130 the farmer's house), and his brother-in-law, who lives with his wife in a hut he built himself. He and his wife
131 are tasked with milking the Masters' cows and with "cooking for the people." The foreman, along with his wife,
132 receives sixty pesos per month in paper money as well as a place at the "manorial" table for meals. The brother-
133 in-law and his wife are paid forty pesos in paper money together, for a total of one hundred pesos. The cost of
134 maintaining the two families is calculated at about 2.5 pesos per day, or about eighty pesos per month-though
135 that is certainly an overcalculation. In addition, a shepherd-a young man who keeps watch over the livestock day
136 and night-is employed year round for ten pesos per month, and a keep valued at 0.5 pesos per day? 13 migrant
137 workers-or, rather, nomadic masses snatched up from regions of Corrientes province in the upper portion of La
138 Plata River In all, some five permanent workers that the owner of the establishment must maintain year round
139 (my italics), whereas ? 14 that are still covered by thick virgin woods-come in to sow and harvest crops. It is not
140 clear where or how these people subsist during the season they are out of work ? 15 [?] appears only during the
141 season it is needed and disappears once that time has come to an end, after having squandered the day's wages
142 on moonshine.

143 Once again we see the importance for Weber of the fact that for prolonged periods this workforce's sustenance
144 and survival is of no concern whatsoever to the farm owner. This is, as established above, by no means the
145 case with the Lord and his serfs or slaves. At stake in the mode of production used to produce Argentine
146 wheat is a workforce that The farmer then sits back down, all alone on his deserted ranch. 16 Regarding the
147 Arbeitsversfassung and the status of these workers, Weber explains that they "are hired for a month with no
148 contract of any sort.

149 With that paragraph-and the solemn image of the lone farmer looking out on the horizon from his desolate house
150 once the temporary workers have left-Weber ends "The VFS Survey." 17 Have relatively long-term monogamous
151 ties, but there is rarely any religious or civil ceremony How these exceedingly filthy "wives" and their
152 even filthier children manage to subsist and grow up is [for me and] for the farmers, an unsolved mystery "He
153 adds that "along with their daily wage in cash, they are usually provided with food." Weber even describes in
154 detail what their meals consist of-the basis for breakfast, lunch, and dinner is barbequed beef and mate (Weber
155 misnames it "tea")-the diet, in his view, of "semibarbarian nomads." He goes on to explain that these workers 18
156 We will not engage here the Eurocentric nature of these passages of Weber's analysis with their social darwinist
157 bent and problematic notion of civilization and barbarism. In its evolutionary determinism, as well as its disdain
158 for, yet ignorance of, non-Western contexts, Weber's vision is like that of most early sociologists (Compte, Marx,
159 Durkheim, and others).

160 . 19 What we will address, rather, is that "unsolved mystery" of how the nomadic workforce subsists during
161 the off-season without the care and food of the Masters. That is what puzzles Weber so. In Argentina, Weber
162 says, "care for the poor, or anything like it, or any other legal obligation on the part of the one who give work
163 to workers is entirely unknown." 20 III.

164 6 Alienation, Work and Freedom

165 Over a century later, we witness in Argentina-but not only in Argentina, due to the scope of today's global
166 capitalism-a level of employment precarity that would undoubtedly have shocked Weber. He would have compared
167 it to slavery. But the case Weber studied and the one I will present here are separated by a series of social and
168 technological transformations that must be considered, if only in brief and cursory fashion.

169 It might be useful to bear in mind specific aspects of the work of Hegel, Marx, and Simmel on the heuristic
170 ties between the three concepts in the title of this section (alienation, work, and freedom) as we undertake the
171 comparison formulated at the end of the article.

172 Hegel was the first one who, in discussing the implications of the phenomenon of alienation, gave work
173 an anthropological value. His notion of alienation (*Entfremdung*) refers to a woeful state associated with
174 estrangement, otherness, and foreignness-being for the other-but also with inversion, disruption, and upset.
175 Alienation leads human beings to estrangement from themselves.

176 In chapter four of *The Phenomenology of Spirit*, Hegel tackles the problem of work and its historical genesis
177 under the heading "Mastery and Servitude". The Lord and the bondsman: "Two figures of consciousness: one is
178 the independent consciousness whose essential nature is to be for itself, the other is the dependent consciousness,
179 whose essential nature is to live and to be for another; the former is the master, the other the slave." 21 After
180 asserting that the two figures are linked by "a form of recognition . . . that is one-sided and unequal," 22 Hegel
181 conceives of work not as punishment, but as activity that constructs individual and social life. "Work is not part
182 of a divine plan, but represents man's turn to the secular world and the dialectical process of his history." 23 But,
183 Hegel points out, the Master's relation to things is mediated; the object that pleases him requires elaboration
184 through the slave. 24 Marx upholds Hegel's point of view. For him, work is "the confirmation" of the human
185 being, the realm in which humans are able to produce themselves, to render their essence reality. But whereas
186 Hegel, in his mystic idealism, refers to work in a spiritual and metaphysical sense, Marx conceives of it in the
187 material and concrete terms of real people. For Marx, Hegel only heeds the positive side of work. "Hegel knows
188 and acknowledges only labor of the abstractly spiritual kind."

189 He needs the slave. 25 In the section of his *Economic and Philosophical Manuscripts* of 1844 on alienated
190 work, Marx asserts that "the worker sinks to the level of a commodity and becomes indeed the most wretched
191 of commodities." 26 21 Hegel (2012, 117). 22 Idem (118). 23 Astrada (1965, 45). 24 Idem (50). 25 Marx (2004,
192 193). 26 Idem (104).

193 In the same proportion that the worker produces commodities-Marx writes-she produces herself as commodity,
194 which is essential to the worker's selfperception of herself as an interchangeable good in a commercial process.
195 And that has psychological and existential consequences for the worker. First, because it means the worker
196 cannot realize herself through work.

197 Second, as an interchangeable piece that leaves no personal mark on the work system, the worker is more
198 vulnerable to the whims of the owner of the establishment; she can be replaced by another worker. Fear of losing
199 one's job is an underlying source of despair for workers and employees.

200 Marx makes the fundamental assertion that the object of work comes before its producer as a strange being, as
201 a power independent of her: "The alienation of the worker in his product means not only that his labor becomes
202 an object, an external existence, but that it exists outside him, independently, as something alien to him, and
203 that it becomes a power on its own confronting him." 27 Because of this state of affairs, the worker places her
204 life in the object, that is, in the work that "has determined the relations in which he exists. But that object,
205 the product of his work, no longer belongs to him. The worker, rather, belongs to the object". Hence, that
206 product of work is a power independent of its producer, one that comes before her like an enemy and stranger:
207 "The life which he has conferred on the object confronts him as something hostile and alien." 28 Yet Simmel
208 was the one most engaged in developing a relational sociology to reconstruct the daily cultural meaning of the
209 monetary economy insofar as correlate to the growing predominance of calculation and rationalization. Freedom
210 is for Simmel, just as it is for Hegel's idealist tradition, a neuralgic question. Hegel holds, "Within thinking, I
211 am free because I am not in an other, rather I remain utterly at one with myself"

212 The work in which the worker finds herself alienated does not belong to her, but to someone else. What Marx
213 shows us here is modern work as a network of forced obligations and duties-the point of departure for any future
214 relational sociology.

215 7 29

216 In *The Philosophy of Money*, Simmel asserts that "Thought is free when it only follows its own inner motives and
217 has detached itself from its involvement with emotions and volitions that influence it in a direction that is alien
218 to it." 30 For Simmel, freedom-or at least one dimension of freedom-means "living according to one's own nature
219", "freedom signifies the independence and evolution of each one . . . according to their own laws of life." 220
221 ??1 Simmel draws a contrast between freedom and obligation. Work as obligation is tied to a (lack of) freedom.
222 He proposes a circular relation: there is no obligation without freedom and vice versa. Freedom is experienced
223 as the interruption of obligation, as the interregnum between two obligations. One is free (always in relative
224 or relational terms) when one is not bound by any duty. Thus, degrees of freedom depend on the type of duty
225 imposed on us by our work. The grounds for the connection Simmel draws between money and individuality is
the discussion of type of freedom, since "the individual is less and less likely to seize the opportunity freedom

226 offers to form oneself as person [?] and, in that, he gives up his 'freedom to'" 32 A monetary economy dissolves
227 traditional social ties, ushering in a "freedom from," that is, a negative freedom, a freedom with no direction or
228 content. "The debate on the problem of freedom necessarily encompasses the following two debates: what are we
229 free from and what are we free for?" ??3 The distinction between different conceptions of individual freedom, and
230 their relationship to new forms of work in the age of flexible and globalized capitalism, is useful to understanding
231 the sort of alienation described in section five-a contemporary form of labor alienation understood in opposition
232 to positive freedom. ??4 IV.

233 **8 Flexible and Self-Entrepreneurial Work**

234 Social studies on new ways of organizing the world of work agree that a new post-Fordist paradigm for disciplining
235 the workforce has emerged. ??5 Authors point out new contract modalities characterized by a lack of guarantees
236 of any sort and, as such, by broader risks and uncertainty borne by workers as a structural feature of work at
237 the current stage of capitalism. ??6 Many have used the term precarization to describe the world of work under
238 neoliberalism. ??7 To what extent, we might well ask, is the workforce's adherence to the more and more unstable
239 and dangerous forms of work of the sort I will exemplify in the following section the product of the material
240 urgencies faced by those who have no employment alternatives? Or are cultural and ideological factors equally
241 important, factors resulting from a new "spirit" of capitalism? Luc Boltanski and Ève Chiapello have studied the
242 ideological configurations associated with transformations in the economic world. They argue that new modes
243 of justifying the adherence of individuals to the capitalist order took shape with the neoliberal ??2 Rammstedt
244 (2003: 38). ??3 Simmel (2007: 341). ??4 Jaeggi (2016: 199). ??5 Negri y Hardt (2002); Streeck, (2017). ??6
245 Boltanski y Chiapello (2010); Beck (2004). ??7 Standing (2011); Prestifilippo y Wegelin (2019). reforms of the
246 nineties. ??8 Sociologists like Richard Sennet and Axel Honneth, meanwhile, have observed the subjective effects
247 of the labor relations ushered in by neoliberal reforms. Ours is a "flexible capitalism" where there is little chance
248 for a steady job or the long-term planning and organization of so many aspects of life that it affords. Instead, we
249 are left with the widespread employment uncertainty associated with the imperative of ceaseless mobility: "The
250 conditions of the new economy feed off an experience of wandering in time from one place to another, from one
251 job to another". Boltanski and Chiapello observed how, in the corporate handbooks put out in that decade, the
252 new worker is valued insofar as "creative," "autonomous," and "flexible." ??9 What Sennett studies, then, are the
253 psychosocial consequences of an instability that affects all areas of life-the result of new modalities of flexible
254 work. At stake are new modes of alienation or derealization experienced by members of a culture according to
255 its normative historical criteria. Thus, under the new "web capitalism," the State is no longer responsible for the
256 trajectory of its citizens' lives because a neoliberal morality and compassionless law has been institutionalized.
257 As a result, "citizens tend, to a greater and greater extent, to perceive their performances, their successes and
258 failures, in individual terms. Indeed, it is practically impossible for them to connect to a larger whole". ??0
259 Today, under the triumphant reign of neoliberal capitalism, workers in every area perform whatever task is put
260 before them though they have not the slightest relationship to the contents of that task. The specificity of their
261 job matters not at all-what does is maximizing its potential benefit in the form of money. ??1 This is the case of
262 the so-called self-entrepreneurs, who heed the call to become "business agents of the self." The idea of vocation
263 no longer has any meaning. The sole motivation in the work sphere is to accumulate more and more money.
264 In the social sphere, what is sought is recognition through relentless over-demand. ??2 This diagnosis of our
265 times points to, first, the consequences of the corrosion of stability and security at work-by means of, among
266 other things, more flexible contract modalities-and, second, ever faster social life that "alienates the realms of
267 technology, social change, and the pace of life". ??3 That is the framework for what some authors call "platform
268 capitalism". ??4 V.

269 **9 Delivery Workers**

270 We experience how this contemporary phenomenon expands beyond the large and modern cities of capitalism
271 to reach every corner of the globe. The platforms are digital infrastructures that enable two or more groups
272 to interact and garner data from that interaction. Some of that data is immediately accessible to "platform
273 workers," that is, to those subjects whose labor practices are mediated by a web application. The rest of the
274 data is entirely inaccessible to those workers. That portion of the data makes up the contents of the platform's
275 "black box" useful for the management of its personnel.

276 In this new phase of capitalism, the main actors-the platforms-deposit all responsibility for the company's
277 performance and for the health and safety of its workers in the hands of those workers, as if they too were
278 "Self-entrepreneurs."

279 While this sector of the economy includes a wide range of enterprises, it is the ones Nick Srnicek calls "austere
280 platforms" (examples include Uber and Glovo) that most starkly show the changes underway in the realm of
281 work. As Srnicek argues, these companies own just two assets, albeit the most important ones: the software and
282 a large amount of data. Most of the capital required to perform the task is held by the workers. In the case
283 of Rappi, the example we will analyze shortly, the company takes out of the workers' first check the cost of the
284 thermal backpack the company gives them. The workers themselves must cover the cost of their bicycles, cell
285 phones, internet connections, and insurance. The workforce in this case is, then, flexible; the companies do not see

12 CONCLUSIONS

them as employees, but as "independent contractors"-or, to use their euphemistic jargon "partners"-individuals looking for some way to make ends meet in a context of high unemployment. Taking this alienation even one step further, this workforce is not valued for its objective performance-for the services it renders-but by means of a rating or reputation system in the hands of the platform's users.

Very quickly-from one month to the next-the landscape of Plaza Serrano in the Palermo section of Buenos Aires changed shape and color. Suddenly, delivery workers on motorcycles and bicycles were everywhere. These mostly young and immigrant workers are clad in uniforms of clashing tones of red and yellow, depending on which platform (Rappi or Glovo) they work for. k for. Hyper-connected, they lounge around one side of the plaza, waiting for the next call. ??3 Rosa (2011). ??4 Srnicek, (2018); Cant (2020).

We will talk to two of these gig workers about their working conditions. The first-we will call him Leo (L)-is twenty-six and from Cali, Colombia; the second we will call him Osvaldo (O)-is nineteen; he arrived in Buenos Aires from Ciudad Guyana, in southern Venezuela, six months ago.

Both of them work for Rappi, a food delivery platform that has been in Buenos Aires since 2018. The firm began in Colombia, and its local CEOs are Colombian-testament to advanced techno-financial globalization. In its corporate communications, the company speaks of flexible work "that benefits everyone." As opposed to a tradition business model, platform companies present themselves as a horizontal "social network."

At the same time, and beyond the pitch, platform companies-unlike most employers in the informal sector-offer quick access to jobs. The young immigrant population is the main source of platform workers. ??5 Because they have arrived recently, these would-be workers often have trouble finding the jobs they so badly need. ??6 It was only two weeks after O arrived in Argentina-just long enough to get a loan to buy a bicycle-that he got his job at Rappi after clicking on an ad in the internet. Platform capitalism makes use of this almost instantaneous form of recruitment from the ranks of the unemployed. Most of these ads show young people-male and female-on appealing and sturdy bikes. Besides, the ads promise total flexibility. Along those lines, the words of those we interviewed are telling: "?I kept dropping of my resume, but no takers." (L) 47 ??5 A recent survey shows that 85% of Rappi workers in Argentina are foreign. (Cfr. Madariaga, J. et al., 2019). ??6 In a broader framework, we can say that "Platform capitalism takes advantage of the weakness of the working class and the fact that a large population just needs whatever kind of work they can get" (Callum, 2020, 68). ??7 Though that turns out to be a false promise, since they are required to work a certain number of weekend hours. The triumph of a "negative freedom," that is-as we have seen-freedom conceived as release from an obstacle is, in the lives of these platform workers, associated with a specific type of Weberian *Arbeitsversaffung*. Once again, the focus of analysis is the relationship between workers and owners, now owners of platform companies not agricultural establishments. Time and again, platform companies insist that their workers are "their own bosses," that they do not exploit workers but rather bring in "partners. At play is a form of subjectivation, in the sense of "a way of conceiving oneself, an orientation to oneself and to others". ??8 It's true, they can remove me if I make certain mistakes, like rejecting too many orders. That is one of the reasons they can remove you from the platform, or bananeén Atomized subjects are skeptical by nature; they distrust any collective. Neither one said, when asked, that they knew about the gig workers' union registered with the Department of Labor since October 2018. One of them even expressed overt opposition to strikes and other union actions, calling them "wrong." Both expressed resignation when asked about the platform companies' authority to fire workers at whim and with no severance pay.

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In these precarious and unstable labor relations lies a combination of "technological developments with old-school exploitation" you for a few days. (O) ??0 and absence of regulation. These workers' pay is tied to the volume of orders; they do not have health insurance, occupational accident insurance, or even a contract. 51 48 Bröcklin, (2013, 13). ??9 An expression that means to suspend on a temporary basis. ??0 Cant, 2020. ??1 Most delivery workers are required to be enrolled with the Argentine tax authority as self-employed workers. See, "Inédita protesta de repartidores de comida de seis países", in newspaper Pág. 12, 23-04-2020.

333 11 VI.

334 12 Conclusions

What we see in the comparison with Weber's analysis are forms of precarious work at two different moments in capitalist modernity. Weber lived in a time of capitalist competition between rival colonial powers, an early phase of globalization. We live in an age of extended neoliberal globalization that some authors have described as "platform capitalism." 52 52 Srnicek (2018); Cant (2020).

Despite the enormous differences between the two moments in the development of world capitalism, there are some important similarities that, in closing, I will discuss from the perspectives opened up by the concepts reviewed above, starting with *Arbeitsverfassung*-the material and legal constitution of work.

The labor regimes imposed both on agrarian workers in the Argentine Mesopotamia in the late nineteenth century and on gig delivery workers in Buenos Aires almost thirteen decades later maximize physical effort, jeopardizing the health of workers.

345 In both cases, the workers are migrants (regional in Weber's case, international now) paid per unit according
346 to a temporary arrangement. Once workers' services are no longer needed, the employer's obligations to them
347 end, that is, the owners-whether they own a rural establishment or a platform company-are released from any
348 responsibility for the sustenance of workers, now left to their own devices. In both cases, the workers' freedom is
349 defined in opposition to a labor obligation; it is a negative freedom, a freedom from, with no purpose whatsoever.

350 The contractual regime of the platform workforce partakes of both the overriding contemporary figure of the
351 self-entrepreneur characteristic of the current neoliberal phase of capitalism and of precapitalist forms of work,
352 such as pay per unit with no security, stability, or continuity. In both cases, working conditions are precarious
353 and unstable insofar as the owner of the establishment shuns any responsibility for the workers' care or protection
354 during that part of their lives when they are not producing for her.

355 The insecurity faced by platform workers is at play in the very constitution of their work, in the
356 *Arbeitsverfassung*. Telling along these lines are the minimal conditions for hiring platform workers (the
357 requirements are not having a criminal record and having a social security number) and the also striking ease and
358 speed with which any worker can be dismissed with no severance pay or future obligation whatsoever. Thanks
359 to the technology used, firing a worker for any reason is even easier than hiring her: with a click, she is removed
360 from the app. ¹ ² ³ ⁴

¹6 Weber (2008).7 *Inspektorstellung*, though in the 1884 article Weber use the Spanish word *capataz*.Weber (1993, 128).8 Weber (1993, 129).

²Weber (1995:127).14 Weber's geography is off here: this is not the Rio de la Plata, but one of its tributaries, the Paraná River, which opens up into the Atlantic Ocean in Brazil.15 Weber (1995:127).

³Ibidem.17 Ibidem.18 Ibidem.

⁴Year 2020 © 2020 Global JournalsThe Weberian Concept of "Labor Constitution": The Recent Case of Delivery Workers

12 CONCLUSIONS

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