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

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Intoduction- The concept of *Arbeitsverfassung* (labor Constitution) was developed by Max Weber, early in his career when he was considered a "specialist in agrarian affairs"[1], that is, between 1891 and 1896[2]. In his early works, this concept is tied to social organization. Historically, it dates back to the transition from working conditions under slavery to capitalistic forms of work.

In this paper, I will first describe the emergence of Weber's concept of *Arbeitsverfassung* and how he used it in the context of his analysis of the labor situation of agricultural workers in the cases of Germany, east of the Elbe River specifically, and in the province of Entre Ríos in the Argentine Mesopotamia. I will then compare the cases Weber analyzes with a contemporary empirical case based on ongoing research on the concepts of freedom, work, and alienation among delivery workers.

So, this paper is organized as follows. In section two, I will provide a fairly detailed account of the concept Weber discovered and developed through his observation. I will then briefly discuss some of the theoretical relationships between the concepts of alienation, work, and freedom (section three). Section four will apply those concepts to the current neoliberal global context of flexibilization of labor relations. Section five will take that application even further, looking at the figure of the "platform worker" as expression of the "self-entrepreneur."

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THEWEBERIANCONCEPTOFLABORCONSTITUTIONTHERECENTCASEOFDELIVERYWORKERS

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Esteban Vernik

I. Introduction

The concept of *Arbeitsverfassung* (labor Constitution) was developed by Max Weber, early in his career when he was considered a "specialist in agrarian affairs"[1], that is, between 1891 and 1896.[2] In his early works, this concept is tied to social organization. Historically, it dates back to the transition from working conditions under slavery to capitalistic forms of work.

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[1] See Marianne Weber (1995, 161).

[2] That is, from the time of the publication of his dissertation "Roman Agrarian History" through the beginning of his study of *Die Börse*, in Heidelberg, when he came to be seen as a specialist in stock exchanges, by way of his work for *Verein für Sozialpolitik* on the situation of agricultural workers east of Elbe River.

II. Labor Constitution

The concept of *Arbeitsverfassung* first appears in "Die Enquete des Verein für Socialpolitik" (The Survey for the Association of Social Policy)[3], a research report Weber wrote in late 1892 on the results of the "Survey of the Situation of Rural Workers East of the Elbe River." The term can be translated as *constitution and condition of labor relations*, and one of its dimensions is the legal tie between employers and the labor force[4]. In that analysis of agrarian establishments in the German provinces of Western Prussia, Eastern Prussia, Pomerania, Posnania, and Silesia, Weber detects a number of modalities of "capitalist modernization," each of which he associates with a different type of *Arbeitsverfassung* between the *Junkers*—the landowning nobility of eastern Germany—and rural workers. Those workers might be wage-earners in the process of becoming the rural proletariat or sharecroppers who pay in money or in kind for the right to farm the land; they might be engaged according to modalities closer to serfdom such as *Instleute* (peasants paid half in money and half in kind). Weber places migrant workers paid per unit elsewhere in the sociocultural structure, regardless of whether their contractual ties are permanent or temporary. In the latter case, the workers come to the farming region during the sowing and harvest seasons and then leave, at which point any relationship or obligation vis-à-vis the employer comes to an end. Weber is struck, in such arrangements, by the fact that during the off-season, that is, the half the year when these nomadic workers do not render services on the farm, the landowner has no obligation whatsoever toward them. He need not ensure them access to food, housing, or any other basic need.

It is in that same text, "The VfSP Survey," that Weber first refers to Argentina[5]. He does so in a single paragraph that he would later expand on and include in

[3] "Die Erhebung des *Verein fur Socialpolitik*," published on January 15, 1893. See Weber (1993).

[4] As Lawrence Scaff explains in *Fleeing the Iron Cage*, there is no precise translation for the term. It is a way of "characterizing the historically given "constitution", "condition", and "organization" of labor, or labor-relations"; see Scaff (1989, 44).

[5] He would do so three more times not long after: in a 1894 study titled "Enterprises of Argentine Farmers…"-the text we will analyze shortly-; in a brief review published in 1894 from Bohdo Lehmann`s book *The Rights of Foreigners in Argentine* ; and in *Die Börse,* his next research project, dated 1896, on the stock exchange.

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a second article, published the following year, on agricultural production in the Mesopotamian region of that distant country. In the first of these two texts, then, Weber interrupts his analysis of the situation of workers to the east of the Elbe River with remarks on a case on the Paraná River in Argentina. That case struck Weber precisely because of its specific *Arbeitsverfassung,* which he presents as analogous to slavery as mode of production. Regarding slavery, Weber appealed to the knowledge of ancient Rome he had acquired in writing his dissertation, published just one year earlier[6].

In his analysis of an agricultural establishment in rural Argentina, Weber asserts that wheat production is not performed by slaves—there was no slavery in Argentina-but by a labor force he describes as "semi-nomadic" and "semi-savage." The workers arrive for the harvest, during which time they live in deplorable conditions and are paid per unit harvested, and then leave. Once again in this case, what struck Weber most was that, after the workers had departed, the owner of the rural establishment was released of any responsibility for their subsistence. That is entirely different from the situation of the slaver owner, who must at all moments ensure the subsistence of his slaves.

In a comparative exercise, Weber shows that, if in situations of literal slavery, slaves must be fed and maintained throughout the year, not only during the harvest,

> We find a counter example in the labor relations in a number of farms elsewhere, in places where there is no slavery, like rural Argentina. The farmers there, who produce wheat for export, rarely employ more than one permanent worker, usually the foreman, even when they own hundreds of hectares of land[7].

And Weber goes on, underscoring the characteristics mentioned above:

> In practice, they don't maintain their own laborers all the time, just during sowing and harvest seasons, when semi-nomadic workers come in from other regions. They are employed on a per-unit basis and in exchange for food with no contract. In the best case, they live in a shed that protects them from the rain … or they are just left to camp out in an open field or a tent[8].

Weber closes his description, indicating that, once all the wheat has been harvested, loaded into sacks, and sold, the entire "swarm" of workers leaves… "and the farmer sits down all alone in his deserted house."

Weber then attempts to explain what he has described. He cites as among its causes the "backward and irrational" way wheat is produced in Argentina, where, he says, "fertilization, for instance, is an unknown concept". But he goes on to mention another factor-a social factor-that he deems more important than the natural advantages of the soil: the *Arbeitsverfassung*, the material and legal condition of the work. That, in his view, is not all that different from slavery, which-he adds-has not existed in Germany for thousands of years. Both *Arbeitsauffassungen*-slave labor and the labor of semi-nomadic workers in Argentina-are, basically, equally barbarian. Weber writes:

> Clearly these two extremes in the constitution of work (*Arbeitsverfassungen*) are symptoms of a social barbarism that is more or less the same, but the greater degree of neglect is found in the second case, the case of the free workers; [in the first case] the Master had an essential interest in the slave's subsistence, in keeping him well enough fed to be able to reproduce his labor force[9].

For Weber, then, a symptom of the barbarism in the Argentine case is that the employer, unlike the slave owner, is not at all concerned with the subsistence of the semi-nomadic workers and their families during the off-season. Weber is shocked by the fact that the workforce wanders around, left to its own devices, with no one to feed it.

Let's dwell briefly now on the expansion of this idea in an article published one year later under the title "Rural Enterprises of Argentine Farmers.[10]" This time Weber focuses his analysis on a rural establishment in the northern part of Entre Ríos province, an area on the banks of the Paraná River[11]. The more precise location he provides is near the port of La Paz in northern Entre Ríos, close to the border with Corrientes province which itself borders on Brazil and Paraguay. It is from there, according to Weber, that sacks of wheat are shipped to Buenos Aires to then set sail for the world market. And, Weber explains, the masses of temporary workers and their semi-nomadic families would journey to Entre Ríos from Corrientes.

Weber's analysis draws on the German school of historical economics[12], a branch of economics rooted in psychology and anthropology. That explains Weber's meticulous study not only of the modes and costs of

[6] Weber (2008).

[7] *Inspektorstellung*, though in the 1884 article Weber use the Spanish word *capataz*. Weber (1993, 128).

[8] Weber (1993, 129).

[9] Ibidem.

[10] *Argentinischen Kolonistenwirthschaften*, originally published in two issues of the weekly *Deutsches Wochenblatt*, the first dated January 11 and the second February 1, 1894, Berlin.

[11] Weber mistakenly refers to it as Río De la Plata, which is actually the name of the river that opens up into the Atlantic at the altitude of Buenos Aires.

[12] Weber took part in a postgraduate seminar given by Gustav v. Schmoller, the leader of that school, when he was studying in Berlin.

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

> The permanent workers are what is called a *capataz*, or foreman (a Swiss fellow who lives with his wife in the farmer's house), and his brother-in-law, who lives with his wife in a hut he built himself. He and his wife are tasked with milking the Masters' cows and with "cooking for the people." The foreman, along with his wife, receives sixty pesos per month in paper money as well as a place at the "manorial" table for meals. The brother-in-law and his wife are paid forty pesos in paper money together, for a total of one hundred pesos. The cost of maintaining the two families is calculated at about 2.5 pesos per day, or about eighty pesos per month-though that is certainly an over-calculation. In addition, a shepherd-a young man who keeps watch over the livestock day and night-is employed year round for ten pesos per month, and a keep valued at 0.5 pesos per day… [13]

In all, some five permanent workers that the owner of the establishment must maintain *year round* (my italics), whereas …

> migrant workers-or, rather, nomadic masses snatched up from regions of Corrientes province in the upper portion of La Plata River[14] that are still covered by thick virgin woods-come in to sow and harvest crops. It is not clear where or how these people subsist during the season they are out of work …[15]

Once again we see the importance for Weber of the fact that for prolonged periods this workforce's sustenance and survival is of no concern whatsoever to the farm owner. This is, as established above, by no means the case with the Lord and his serfs or slaves. At stake in the mode of production used to produce Argentine wheat is a workforce that

> […] appears only during the season it is needed and disappears once that time has come to an end, after having squandered the day's wages on moonshine. The farmer then sits back down, all alone on his deserted ranch.[16]

With that paragraph-and the solemn image of the lone farmer looking out on the horizon from his desolate house once the temporary workers have left-Weber ends "The VfS Survey."

Regarding the *Arbeitsversfassung* and the status of these workers, Weber explains that they "are hired for a month with no contract of any sort. [17]"He adds that "along with their daily wage in cash, they are usually provided with food." Weber even describes in detail what their meals consist of-the basis for breakfast, lunch, and dinner is barbequed beef and *mate* (Weber misnames it "tea")-the diet, in his view, of "semi-barbarian nomads." He goes on to explain that these workers

> Have relatively long-term monogamous ties, but there is rarely any religious or civil ceremony . . .. How these exceedingly filthy "wives" and their even filthier children manage to subsist and grow up is [for me and] for the farmers, an unsolved mystery[18].

We will not engage here the Eurocentric nature of these passages of Weber's analysis with their social darwinist bent and problematic notion of civilization and barbarism. In its evolutionary determinism, as well as its disdain for, yet ignorance of, non-Western contexts, Weber's vision is like that of most early sociologists (Compte, Marx, Durkheim, and others).[19] What we will address, rather, is that "unsolved mystery" of how the nomadic workforce subsists during the off-season without the care and food of the Masters. That is what puzzles Weber so. In Argentina, Weber says, "care for the poor, or anything like it, or any other legal obligation on the part of the one who give work to workers is entirely unknown." [20]

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

III. Alienation, Work and Freedom

It might be useful to bear in mind specific aspects of the work of Hegel, Marx, and Simmel on the heuristic ties between the three concepts in the title of this section (alienation, work, and freedom) as we

[13] Weber (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).
[16] Ibidem.
[17] Ibidem.
[18] Ibidem.
[19] Boatcá (2013).
[20] Weber (1995, 127).

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undertake the comparison formulated at the end of the article.

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

In chapter four of *The Phenomenology of Spirit*, Hegel tackles the problem of work and its historical genesis under the heading "Mastery and Servitude". The Lord and the bondsman: "Two figures of consciousness: one is the independent consciousness whose essential nature is to be for itself, the other is the dependent consciousness, whose essential nature is to live and to be for another; the former is the *master*, the other the *slave*."[21]

After asserting that the two figures are linked by "a form of recognition . . . that is one-sided and unequal,"[22] Hegel conceives of work not as punishment, but as activity that constructs individual and social life. "Work is not part of a divine plan, but represents man's turn to the secular world and the dialectal process of his history."[23] But, Hegel points out, the Master's relation to things is mediated; the object that pleases him requires elaboration through the slave.[24] He needs the slave.

Marx upholds Hegel's point of view. For him, work is "the confirmation" of the human being, the realm in which humans are able to produce themselves, to render their essence reality. But whereas Hegel, in his mystic idealism, refers to work in a spiritual and metaphysical sense, Marx conceives of it in the material and concrete terms of real people. For Marx, Hegel only heeds the positive side of work. "Hegel knows and acknowledges only labor of the abstractly spiritual kind."[25]

In the section of his *Economic and Philosophical Manuscripts of 1844* on alienated work, Marx asserts that "the worker sinks to the level of a commodity and becomes indeed the most wretched of commodities."[26] In the same proportion that the worker produces commodities-Marx writes-she produces herself as commodity, which is essential to the worker's self-perception of herself as an interchangeable good in a commercial process. And that has psychological and existential consequences for the worker. First, because it means the worker cannot realize herself through work. Second, as an interchangeable piece that leaves no personal mark on the work system, the worker is more vulnerable to the whims of the owner of the establishment; she can be replaced by another worker. Fear of losing one's job is an underlying source of despair for workers and employees.

Marx makes the fundamental assertion that the object of work comes before its producer as a *strange being*, as a power independent of her: "The alienation of the worker in his product means not only that his labor becomes an object, an external existence, but that it exists outside him, independently, as something alien to him, and that it becomes a power on its own confronting him." [27]

Because of this state of affairs, the worker places her life in the object, that is, in the work that "has determined the relations in which he exists. But that object, the product of his work, no longer belongs to him. The worker, rather, belongs to the object". Hence, that product of work is a power independent of its producer, one that comes before her like an enemy and stranger: "The life which he has conferred on the object confronts him as something hostile and alien."[28] The work in which the worker finds herself alienated does not belong to her, but to someone else. What Marx shows us here is modern work as a network of forced obligations and duties-the point of departure for any future *relational sociology*.

Yet Simmel was the one most engaged in developing a relational sociology to reconstruct the daily cultural meaning of the monetary economy insofar as correlate to the growing predominance of calculation and rationalization. Freedom is for Simmel, just as it is for Hegel's idealist tradition, a neuralgic question. Hegel holds, "Within *thinking, I am free* because I am not in an other, rather I remain utterly at one with myself . . . ."[29]

In *The Philosophy of Money*, Simmel asserts that "Thought is free when it only follows its own inner motives and has detached itself from its involvement with emotions and volitions that influence it in a direction that is alien to it."[30] For Simmel, freedom-or at least one dimension of freedom-means "living according to one's own nature . . .", "freedom signifies the independence and evolution of each one . . . according to their own laws of life."[31]

Simmel draws a contrast between freedom and obligation. Work as obligation is tied to a (lack of) freedom. He proposes a circular relation: there is no obligation without freedom and vice versa. Freedom is experienced as the interruption of obligation, as the

[21] Hegel (2012, 117).
[22] Idem (118).
[23] Astrada (1965, 45).
[24] Idem (50).
[25] Marx (2004, 193).
[26] Idem (104).
[27] Idem (107).
[28] Ibidem.
[29] Hegel (2012, 122).
[30] Simmel (1977, 376).
[31] Idem (377).

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interregnum between two obligations. One is free (always in *relative* or *relational* terms) when one is not bound by any duty. Thus, degrees of freedom depend on the type of duty 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 offers to form oneself as person […] and, in that, he gives up his 'freedom to.'"[32] A monetary economy dissolves traditional social ties, ushering in a "freedom from," that is, a negative freedom, a freedom with no direction or content. "The debate on the problem of freedom necessarily encompasses the following two debates: what are we free from and what are we free for?"[33]

The distinction between different conceptions of individual freedom, and their relationship to new forms of work in the age of flexible and globalized capitalism, is useful to understanding the sort of alienation described in section five-a contemporary form of labor alienation understood in opposition to positive freedom.[34]

IV. Flexible and Self-Entrepreneurial Work

Social studies on new ways of organizing the world of work agree that a new post-Fordist paradigm for disciplining the workforce has emerged.[35] Authors point out new contract modalities characterized by a lack of guarantees of any sort and, as such, by broader risks and uncertainty borne by workers as a structural feature of work at the current stage of capitalism.[36] Many have used the term precarization to describe the world of work under neoliberalism.[37]

To what extent, we might well ask, is the workforce's adherence to the more and more unstable and dangerous forms of work of the sort I will exemplify in the following section the product of the material urgencies faced by those who have no employment alternatives? Or are cultural and ideological factors equally important, factors resulting from a new "spirit" of capitalism? Luc Boltanski and Ève Chiapello have studied the ideological configurations associated with transformations in the economic world. They argue that new modes of justifying the adherence of individuals to the capitalist order took shape with the neoliberal reforms of the nineties.[38] Boltanski and Chiapello observed how, in the corporate handbooks put out in that decade, the new worker is valued insofar as "creative," "autonomous," and "flexible."

Sociologists like Richard Sennet and Axel Honneth, meanwhile, have observed the subjective effects of the labor relations ushered in by neoliberal reforms. Ours is a "flexible capitalism" where there is little chance for a steady job or the long-term planning and organization of so many aspects of life that it affords. Instead, we are left with the widespread employment uncertainty associated with the imperative of ceaseless mobility: "The conditions of the new economy feed off an experience of wandering in time from one place to another, from one job to another".[39] What Sennett studies, then, are the psychosocial consequences of an instability that affects all areas of life-the result of new modalities of flexible work. At stake are new modes of alienation or derealization experienced by members of a culture according to its normative historical criteria. Thus, under the new "web capitalism," the State is no longer responsible for the trajectory of its citizens' lives because a neoliberal morality and compassionless law has been institutionalized. As a result, "citizens tend, to a greater and greater extent, to perceive their performances, their successes and failures, in individual terms. Indeed, it is practically impossible for them to connect to a larger whole".[40]

Today, under the triumphant reign of neoliberal capitalism, workers in every area perform whatever task is put before them though they have not the slightest relationship to the contents of that task. The specificity of their job matters not at all-what does is maximizing its potential benefit in the form of money.[41] This is the case of the so-called self-entrepreneurs, who heed the call to become "business agents of the self." The idea of vocation no longer has any meaning. The sole motivation in the work sphere is to accumulate more and more money. In the social sphere, what is sought is recognition through relentless over-demand.[42]

This diagnosis of our times points to, first, the consequences of the corrosion of stability and security at work-by means of, among other things, more flexible contract modalities-and, second, ever faster social life that "alienates the realms of technology, social change,

[32] Rammstedt (2003: 38).
[33] Simmel (2007: 341).
[34] Jaeggi (2016: 199).
[35] Negri y Hardt (2002); Streeck, (2017).
[36] Boltanski y Chiapello (2010); Beck (2004).
[37] Standing (2011); Prestifilippo y Wegelin (2019).
[38] Boltanski y Chiapello (2010).
[39] Sennett (2000: 25).
[40] Honneth (2009: 412).
[41] Vernik, (2019).
[42] Bröckling (2015: 13).

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and the pace of life".[43] That is the framework for what some authors call "platform capitalism". [44]

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

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

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

V. Delivery Workers

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 worrk for. k for. Hyper-connected, they lounge around one side of the plaza, waiting for the next call.

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.[45] Because they have arrived recently, these would-be workers often have trouble finding the jobs they so badly need.[46] Along those lines, the words of those we interviewed are telling: "…I kept dropping of my resume, but no takers." (L)

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.[47]

That promise of flexibility, as opposed to the typical employee who punches the clock, is what those we interviewed value most: they consider it a synonym of freedom. Flexible working hours experienced as "freedom to live the way you want."

> …I have time for myself, I take the time I want … I mean, I make my own schedule—that's what I like most. (L)

> I feel free . . . and that works for me, because I study in the morning and in the afternoon, during the workday, I work a bit, maybe at lunch, and then another little bit at night. That suits me. (L)

[43] Rosa (2011).
[44] Srnicek, (2018); Cant (2020).

[45] A recent survey shows that 85% of *Rappi* workers in Argentina are foreign. (Cfr. Madariaga, J. et al., 2019).

[46] 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).

[47] Though that turns out to be a false promise, since they are required to work a certain number of weekend hours.

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> . . . It's a job that doesn't tie you down, because with this app you decide when you want to connect and start taking orders. (O)

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." The key figure of platform capitalism, the self-entrepreneur, thus appears.

> I like it. I like being able to manage my own time, and nobody tells me what to do … I work for myself-at least that's how I see it-because of the schedule … (L)
>
> … There's no one ordering me around, pressuring me to do the work. I am the one who decides what time to work and what time to quit. I can skip an order if I want to … (O)
>
> I work for myself, and for them. First, of all delivery services, *Rappi* is the top, it's making a profit thanks to customers placing orders, but you also make a profit by taking all the calls that come in on a day. (O)

At play is a form of subjectivation, in the sense of "a way of conceiving oneself, an orientation to oneself and to others".[48] 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.

> 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* [49]you for a few days. (O)

In these precarious and unstable labor relations lies a combination of "technological developments with old-school exploitation"[50] 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]

VI. 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] 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.

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

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

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

[48] Bröcklin, (2013, 13).

[49] An expression that means to suspend on a temporary basis.

[50] Cant, 2020.

[51] 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.

[52] Snircek (2018); Cant (2020).

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