Managing while invisible: how the gig economy shapes us and our cities

The gig economy is full of disruptive technological darlings. Uber revolutionised how we used taxis, AirBnB changed the hospitality market forever, while Deliveroo has a substantial impact on how cities develop and change and how we use our city space. Their impact, we argue, is a consequence of one of their most important inventions: how to look like they're invisible. It is by making themselves invisible that they redefine social responsibilities. This is their basic *modus operandi* (MO), which they put forward and apply again, and again, most recently, to deny employee rights to their workers. This MO is based on their effortful attempt to act and manage invisibly, which is a political act. We look at Uber for evidence of such invisible management.

We draw these conclusions from our analysis of two UK court cases, one in the High Court of Justice in 2015, and the following major Uber case in the UK that took place in the Central London Employment Tribunal in 2016. These cases are interesting because they reveal how the judges have to navigate the law to rule on concepts that weren't thought of when the laws were written. Quite a challenge indeed!

The first court case was a ruling from the High Court of Justice in October 2015. The judge had to consider whether Uber was a taxi service, and hence, a transport service and not a technology company. The key object in that issue was whether the app could be considered a taximeter or not. What is a taximeter? It is defined as a calculative device that "must be for the calculation of the fare". Yes, clients exchange money with drivers to take them from one point to another and this is displayed on the clients' and drivers' apps. The calculation, however, happens in Uber's servers and not in the apps, and so the smartphones are not taximeters, and thus Uber is not a taxi service. Its non-presence in the drivers' car allows it to remain a technology company and not a transport service. Uber, then, was just a technological infrastructure that matched people together.

If Uber is not there in the car for calculating fares, its presence is felt in other ways as the second case will show. In the Central London Employment Tribunal in 2016, the judge's ruling centres this time on the changing nature of Uber and its position as an intermediary. Uber presents itself as an invisible infrastructure that connects two people and proposes a fare and travel option. An infrastructure is a great analogy for Uber: you don't think about the roads you walk in when you walk them, their purpose or why they are there. You don't wonder where the water pipes that give you water come from or go to: it's there and it's as if it's always been there. It's hard to imagine London without its roads.

So when questions arise whether drivers should be considered as employees and what is Uber's involvement with them, the invisible infrastructure is a great analogy for them because it rationalises their usefulness without them being conspicuously involved; even their fare calculations are unseen. As an infrastructure company, Uber is like a road connecting people together. Their involvement is invisible, you don't question the road you walk on when you go meet someone, do you? However, a series of documents presented to the judge by both the claimants and defendants make the judge unpack the invisible aspect of the infrastructure.

Indeed, Uber imposes upon the drivers the path to take (with ensuing punishment if the drivers fail to take it), monitors the behaviour of drivers (through a rating system), or screens the drivers and their cars at recruitment (black cars are preferred). Many of these conditions and monitoring happens through and by the algorithm. Invisible, yet organising work, Uber's algorithm was deemed to manage people just as a supervisor would.

The law here is a key player in the definition of Uber itself and technology. Before the Central London Employment Tribunal's ruling, Uber *was* a digital platform, exemplar among the technology companies as a match-maker infrastructure having as much right to be part of our cities as the streets have; an invisible actor connecting people together and drawing up the public space for us. After the ruling, Uber *became* an infrastructure with responsibilities. These can be listed: Uber made sense of the city, mapped it, decided what cars should roam where, what roads to take, what price to pay. Uber did not only match people together, it also became seen as an agent responsible for defining the roles of the people it connected. Through its driver ratings, Uber, for example, would define what a good driver was. The app rating system had an answer, Uber could define the notion of driver from their interactions with the app. Ironically, it is these questions that pushed the two claimants to present their case against Uber: they resisted the app's control over their own understanding of what drivers are, where they should be, and who should judge them.

Uber is an infrastructure different to the roads, the ports, and the pipes in our cities. It is a thinking infrastructure that manages people through our very use. It is important, in our mind, to think beyond digital infrastructures cast as platforms without responsibilities, without agencies. They make people perform certain roles and act in certain and specific ways which may be obscured, obfuscated, or plainly unclear. We have to think about infrastructures beyond just a foundation upon which other things are built, but as infrastructures that create relations and create roles. From this perspective, defining infrastructure becomes a political act. Beyond the promise of efficient matchmaking, what sort of society are such platforms trying to configure? Perhaps, we should also ask ourselves: what sort of society are we willing to see?

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