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THE MYTH OF DATA.

Can internet users claim worker status?

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Summary: For the past fifteen years, there have been calls for legal regulations of “digital labor”. This “labor” is said to train artificial intelligences and enrich web platforms, which are fed by the activities and data of users. According to Antonio Casilli or Maurizio Ferraris, these activities are actually invisible labor and should be remunerated. Their goal is not to ask for a basic income (conceived as an unconditional natural right for all humans) merely financed by platforms taxes. It is to defend that the wealth produced by the digital economy would not exist without users and that they therefore deserve a part of it as a salary. However, this neo-Marxist conception of wages has always been based on an implicit “natural right” which implies a very specific definition of labor. In this framework, labor is understood as a relationship between a client and a subordinate who performs a commanded task that he would not have done spontaneously. Yet we can argue that the digital activities of platforms users are “leisure” or “spontaneous social exchanges” rather than orders, and thus cannot be categorized as “work”. Therefore, the use of this notion might not be strategic for political struggles over the redistribution of wealth in the Digital Economy.

I would like to thank Maurizio Ferraris and the *Labont* of Turin for their invitation, as well as Valeria Martino for the organization of this event. I am very much looking forward to the discussions and it is already a great pleasure to have listened to Maurizio's presentation.

I am a metaphysician and a specialist in ontology. I am particularly interested in the reality of certain natural and social objects. Among social objects, there are groups, there are institutions, such as the one called “labor” or “work”, and questions arise about what kind of properties the so-called “workers” share. The definition of the concept of work has changed from century to century, and the goal of this symposium is to understand whether it is still undergoing radical transformation in the digital age. But few people have the same definition. I will try to clarify the concept today, or at least some of the main assumptions about it. My point is not to say that I have a definite truth about “work”, but that the way this concept has been historically constructed for a few centuries is fairly incorporated in our shared beliefs and can be intuitively recognized. Its extension to certain activities we want to call “work” is sometimes intuitively acceptable, but can sometimes lead to debate. I then want to enlighten some of the implicit criterium that might be at stake in these attempts to extend this social category.

Indeed, it creates a lot of debates, because it has a lot of political and juridical consequences. We have just heard Maurizio Ferraris explain that the new work in the digital age is *consumption*. Work should not be seen as the production of goods and services (which can be automated), but as the *production of value*. And each of our actions on the web, insofar as they are recorded, produces documents therefore value. The most valuable companies in the world today are mostly platforms that use their users’ data : we witness a “platformization of labor” (Casilli & Posada Gutiérrez, 2019). Maurizio Ferraris says that what he calls “mobilization” (Ferraris, 2015) must be recognized as work (that is to say, as value production) and remunerated. Our data can indeed do a lot : it feeds artificial intelligences and is sold to advertisers. Antonio Casilli (2019), in *Waiting for the Robots*, calls for legal regulations of this “digital labor”.

In 2015, a group of American citizens led a class action against *Google* to have seemingly innocuous but ultimately time-consuming and valuable tasks carried out by users of the search engine recognized as “work”. For some twenty years now, the *Captcha* text-entry tasks (*Completely Automated Public Turing test to tell Computers and Humans Apart*) that some sites have been asking users to fulfill, in order to “prove that they are not robots” and prevent computer attacks, have in fact been used to digitize the archives of major libraries or newspapers such as the *New York Times*. The *ReCaptcha* image recognition tasks that web users are required to perform are also being used to improve street number reading for *Google Street View* or to feed image recognition algorithms for drones and self-driving cars (Tubaro, Casilli, 2019). The idea was to demand employee status for this work. Ultimately, the Massachusetts court refused. But wasn't the case against *Google* justified? Should we then consider all our activities as Internet users as work? Antonio Casilli is one of the leading voice highlighting what he calls “algorithmic work” (Casilli et Posada, 2019). If so, should labor law regulate them or should we demand socio-economic compensation?

What is work?

We need to restart from the beginning to understand if these uses of the term “work” are legitimate. The concept, in its usual definitions, qualifies certain types of activity often associated with efforts. Some people call financial speculation or bitcoin mining “work”, but if we admit that a machine works because it *produces* calculations that serve us, it is only because of the polysemy of the verb “to produce”: the term allows a confusion between *working* and *causing*, whereas not all causations are work. The sun is for instance the cause of the heat that it “produces”, but it does not “work”.

This confusion must be avoided because it depoliticizes the category of “work” otherwise. Indeed, this category is supposed to be used to qualify activities for which labor rights can be claimed. But if we admit that “the computer works” for the Bitcoin miner, and if we would not think of giving rights to beings like computers, who only pursue their being, there is a risk that we begin to ask ourselves if we should compensate a human worker or if it is *in its nature* to produce stuff.

So what deserves to be compensated? Carlo Vercellone (2020), in a recent article about *The Platforms of merchant gratuity*, considers “in a Hegelian way” that work is the essence of man in all his activities of transformation of nature. The problem is that there are many activities of *transformation of nature* that are not “work”, in the sense of activities for which it would make sense to claim rights or compensation: art, sociality, or even simply biological existence and the natural changes of our bodies throughout our lives, for instance.

Work may consist in all the moments we *alienate* for others. Indeed, it seems to be an activity *exploited* by others. Many movements to recognize invisibilized work seek to apply the category of “work” to activities on the grounds that they benefit others, such as “domestic work” which benefits capitalism, according to Silvia Federici (2019), one of the most prominent voice of the feminist movement “Wages against housework”.

In this case, the class action against *Google* makes sense. Indeed, our digital activities benefit the platforms on which we spend time, and especially the “GAFAM” (*Google, Apple, Facebook, Amazon and Microsoft*). Antonio Casilli explains that social networks are enriched by our posts, likes and messages. Web users generate huge profits for those who exploit their intellectual productions, their evaluations of cultural goods, services or commodities, or even their more passive digital uses such as clicking on an advertisement, accepting friends on a social network, or accepting cookies on a site. These uses can be considered as value creation and therefore “digital work” for Casilli (Casilli et Cardon, 2015).

Casilli (2017) even speaks of a “digital affective labor”: platforms organize systems of reputation and rewards to make us create social links and evaluate content through “likes” and “reactions”, which is “networked social work” (Casilli, 2020). Ferraris, in *Total Mobilisation*, refers to the recent emergence of smartphones and apps as “Intentionality registration and mobilization devices”, which constantly solicit our attention with “calls to action”, signals or notifications that tire our brains (Ferraris, 2015).

But we could go further. Beyond active digital practices, it could be argued that mere online existence is work, as we said in our introduction. Ferraris describes a contemporary transformation of all our *praxis* into *poiesis*, simply because our uses are permanently inscribed in the contemporary world (Ferraris, 2020). At any given moment, the simple fact of living with a smartphone in our pocket produces data that can be used on a market of buyers, who use it for automation, forecasting, improving the ergonomics of sites, advertising, or profiling to sell goods, propagate religious or political ideas, or even control the opinion of a country. We should maybe recognize that living has become working.

Digital work and digital value: how to share it?

To see our activities as Internet users as work, instead of leisure activities, is important to protect us. We might have a natural right to a “disconnected life”: some countries now forbid professional emails after hours (Schott, 2019). Even more radically, since our practices as Internet users produce value, this could be a way to claim part of it, and we could defend a natural right to compensation for work. Some economists like Jean Tirole (2018) argue that users are already compensated by the free services they get from the search engines or social networks, but Vercellone (2020) reminds us that if users are workers, these “services” are their tools for producing value, and one would not think of saying that the machines on which the workers in a factory work are a fair compensation offered “for free”.

There should be more financial, legal and social compensation for these online activities. Casilli (2018) notes that some companies are already giving compensations: *Microsoft* promotes its search engine *Bing* by rewarding its users with vouchers to buy films and music. The Spanish telecommunications company *Telefónica* is considering paying subscribers for their personal data. For Casilli, this is the beginning of a “bundle of labor rights” that we could get in the near future, if we dare launching a collective bargaining. He does not advocate individual wages, where users would be isolated and weak in the negotiations, but a “universal digital income” (Casilli, 2018), unconditional and transnational, financed by digital taxation (Lehdonvirta et al, 2016).

The idea of implementing a basic income in European countries is hotly debated nowadays, and I do not have time to detail every programs, but we can note that a lot of Marxists call instead for a socialized “lifetime wage” with a civil servant status to everyone, allowing the recognition of associative, artistic, intellectual or even family or social “work” deserving a salary. As Vercellone (2007) and Negri (2006) put it - in a Marxist fashion -, it would also be a way of getting out of the rent-based logic of contemporary cognitive capitalism in order to reappropriate the *common* and reward the cognitive work of society.

At last, Maurizio Ferraris argues that the “documedial surplus value” that platforms obtain by monitoring our data, if taxed reasonably and on a European basis (with the lobbying power of 460 million digital workers), could form the basis of a webfare (Ferraris, 2022). It would not be a direct income, because such an allocation would be both negligible and unjust if the wage is based on time spent by each individual online. But it would not be a basic income justified as a human right either, because the *jusnaturalist* justification is abstract and weak. We have to *fight* for it, but this is precisely a new era of negotiation between capital and labor, because the value that we produce can never be automated and so can we ask for a part of it, or boycott the platforms which refuse to share, and even threaten to nationalize them. Such a redistribution of digital wealth would cover the debts of the pandemic, produce education and solve many of the social problems that plague Europe in the era of the “end of work” announced by Jeremy Rifkin thirty years ago (Rifkin, 1995).

Forgetting the work relationship

The neo-Marxist conception of wages has always been based on an implicit “natural right” which implies a very specific definition of labor, conceived as a moment where you rent your time and workforce to someone else. In this framework, as I also argued in a recent article, “Reproductive work and parenthood” (Gabaret, 2021), labor must be understood as a relationship between a client and a subordinate who performs a commanded task that he would not have done spontaneously. If labor is the temporary alienation of one's freedom to another, it is to be conceived as a certain type of *relationship*.

I noticed that a lot of contemporary sociologists interested in the idea of an extension of the concept of “work” forget this relational aspect of work. Marie-Anne Dujarier, for example, speaks of “consumer work” (Dujarier, 2014) in shops that use self-checkouts or ordering screens, food vending machines, ATMs, or online banking. Yet, is it because there have traditionally been cashiers, waiters, or secretaries that these activities should naturally be considered as “jobs”? Many old jobs have simply disappeared because they were no longer used, such as scribe, maid of honor or oil pump attendant, but that does not mean that we have “taken their jobs” and that we all work every time we write, dress ourselves, or buy gas. Some tasks have traditionally been paid for; but this does not imply that they are forever work. “Work” is indeed understandable, at least nowadays, as a relationship between the client and the worker, alienating and constraining in general, but which, unlike slavery, implies an acceptance by the worker, who receives financial or social compensation.

Does this definition actually work for our digital activities? It is an important question, because if we can prove that they should be categorized as “leisure” or “spontaneous social exchanges” rather than orders, the use of this argument might not be strategic for political struggles over the redistribution of wealth in the Digital Economy, which are certainly legitimate but would need other groundings. We will see there might precisely be some issues with the concept of “digital labor”.

According to Casilli (2019), the activities of web users are work first of all because they are in continuity with the paid work of “click workers”. Posting content for friends on a social network means playing a role similar to a television producer, with advertisements in between entertainment to make money. Users also report the shocking pictures that they see online, exactly like moderators who are paid to look at the videos on social networks and eliminate the most immoral or illegal ones.

However, one could retort to Casilli that the continuity is not so much between these digital activities and work as between them and ordinary social life. On the street, any passer-by can “report” a misdeed to the police, without being at work and asking for compensation. A security guard is at work, not really because of what he does, but because he does it all day and has no other choice since he is commissioned by an employer. Similarly, someone can tell a funny story to their friends (in the same way that they would post it online) without being a professional comedian: it is a free, spontaneous and momentary activity, which does not require filling regularly ordered time slots. The same argument applies to *Captcha* recognition tasks, which are only occasional and are a matter of personal initiative. In this sense, they are done “for us” and not for others. A good comparison would be the activity of the amateur gardener, which may be close to those of the paid landscaper, but are done for pleasure and without someone asking for it.

Since brands organize community branding in the same way they would pay an advertising agency (Fuchs, 2010), sociologists like Alessandro Caliandro say that this *digital reputation work* is some kind of *invisible forced labor* or *emotional work* (Caliandro, 2011). It is often organized by brands which create a *mimetic logic* to gain reposts from consumers (Caliandro, Anselmi, 2021). But here again, insisting on the continuity of these activities with paid professions such as advertising, is questionable: if the brands are increasingly apparent on clothes, cars, or household products in the 20th century, we do not “work” as soon as we wear clothes with a visible brand or drive a recognizable car, or else the term “work” no longer means anything. It is simply the brands that have found a way to make their products visible in the public space, and the internet is just reproducing this logic. Caliandro himself acknowledges that brands “systematically monitor digital word of mouth in order to convert it into business and reputation strategies” (Caliandro, 2011): this *conversion* is needed, and there is nothing automatic about it.

The myth of data

Casilli fails to acknowledge the transformative action of platforms on users’ activities. He argues that the tasks of web users produce value, in the same way as other forms of work, and should therefore be treated as such. But many everyday actions can produce value without being work: consumers who exchange information about the quality of products in the marketplace have been doing the same thing as *Amazon* reviewers for centuries, and it would be hard to say that they are working in doing so. When Casilli says that internet users produce value, it is as if the value were already there in their practice, and only then capitalized by those who exploit them. I call this naturalization of value the “myth of data”, a play on words which works better in French since it is a “mythe des données” that echoes the “mythe du donné”, the *myth of the given*, popularized by Wilfried Sellars.

Even if it is still a debate between european *New Realists*, I argue that no value is “already there” in reality, and that *Big data* are a proof of that point. As Nick Srnicek puts it: “we should consider data as the raw material to be extracted and the activities of users as its natural source” (Srnicek, 2018, 45). Like oil, it is a raw material that needs refining, and valorization in a market. Similarly, “data” is not a given and has no intrinsic value : it is produced by platforms that know how to collect, analyze and sell it. This phenomenon existed before the internet: for decades, supermarkets have been collecting data on how customers move around the shop, the typical order of the shopping lists and the shelves in front of which they must pass between products to make them buy more. The web platforms have simply increased the amount of data (Broca, 2017).

Vercellone (2020) regrets that “the function of producer of informational raw materials” is underestimated, whereas *Big Data* is to the economy what oil was to the automobile civilization. But the user is not a producer of raw materials: he is the raw material. Not a finite stock to be mined like oil, but a constant flow like a river feeding a hydroelectric plant, which does not “work” at the dam. Admittedly, the algorithm does not produce value autonomously, and needs data, which moreover makes it evolve. But to parody Kant, we could say that if “without data, algorithms are empty, without algorithms, digital uses are blind”.

Vercellone himself seems to give a certain role to the processes of valorization by the platform, since he admits, within a production process, the double contribution of what he calls with Marx the “labor process” and the “valorization process”. The problem is the definition he gives to the “labor process”: “the way in which men, in the reproduction of the conditions of their existence, cooperate and use their intelligence and their tools (material and immaterial) to satisfy their needs and express their subjectivity” (Vercellone, 2020). This definition obviously allows to include the spontaneous and free activities of digital users, but it is far too broad to serve as a real model

for work: it does not exclude any dimension of human social life, and cannot be opposed to leisure, rest, family life or the care of others, so the category is no longer meaningful.

Are our clicks natural examples for AI?

In order to develop autonomous behavior, artificial intelligences rely on the imitation of millions of human actions that are given as examples to the algorithm, says Casilli, the actions of internet users. Are these actions work? Saying that our activities as internet users are direct examples for AI is yet again a type of myth of data which forgets the intentionality of the platforms which make sense of our online activities, take them as examples for AI and give them the value they do not have spontaneously.

Maurizio Ferraris (2020) defends in his book *Documentality* a certain naturalness of examples: according to him, the properties exemplified by samples are generally “obvious”, objects are ordinarily “typical” of a type that does not pre-exist them, but can be identified a posteriori, and it is for instance in this way that a work of art imposes itself as “canonical”, and will represent a movement, through its own *intrinsic legality*. According to Ferraris, every object is a dual thing, at once a *concrete individual*, and a *norm* : “there is, within the example, an individual who is at the same time a principle of generalization: a case and a rule (think of the notion of “classic”)(Ferraris, 2021, 28).

But this stimulating idea is not easy to apply to concrete cases like artificial intelligence and the way an AI feeds itself with examples. For instance, a cat is not spontaneously an example of a cat, which would allow image recognition software to identify it as a cat immediately. You need a bank of humanly selected cat images for the recognition patterns built by the AI to be validated. An example does not make itself.

In general, human selections are needed for samplings to serve as examples for AI *deep learning*. Otherwise, representativeness biases are possible: for example, school guidance and academic selection, credit scoring for bank loans, Amazon's hiring procedures, or Medicare fraud and crime probabilities in the United States, which are all processed by algorithms, are statistical mechanisms which have regularly been accused of gender or race biases, when the samples used for selection were not compensated for by human choices and affirmative action (Cléménçon, Bertail, and Chautru, 2017).

Similarly, our online existence cannot be described as a series of natural examples directly feeding AI algorithms : multiple selections and intentional choices are made by platforms to make use of our data and give them the semantic meaning that they want for their algorithms, and hence their economic value. Casilli himself admits this, in a short passage of another of his texts on the invisibilization of users' work: “Hidden behind an appearance of databases and mathematical models, we find the human choice made by the designers of the interfaces, the operating rule established by the engineers, the standard implemented by the security services, and the reference framework of rates adopted by the salespeople of each platform” (Casilli, 2017b).

Call to action = call to work?

Casilli's final argument for claiming that digital tasks are indeed work is that platforms shape them with *calls to action* : “rate this”, “share that”, “tell your friends you liked that” (Casilli, 2017a). It is a way to force our participation, and it can be seen as a relation of domination and subordination. Nevertheless, this criterion is debatable. Many of our online exchanges are *spontaneous*, and come from natural needs for sociality or communication. The subjective impression of the person who connects to a social network on a daily basis remains that of *spontaneity* rather than constraint, and this is important.

It is true, however, that not all constraints are conscious. But even if our digital practices were truly constrained, not all constraints are work: we also follow rules when entering a shop, a hospital, or any institution, from which we can be banned in case of infraction, all without working.

Of course, some creation-content platforms like *Youtube* sometimes pretend to be social platforms for amateur with only a few guidelines, to hide an employer-employee relationship, where the “creators” are only paid in “visibility” or “experience” and do not dare to ask for more. But the constraint alone is not what makes it labor in this case: it is because a relationship of command has been established, where the creator-worker is financially or socially dependent on these activities and dedicates most of his time to them, consciously accepting this subordination on a monopolistic platform because he needs its broadcasting channels. Only in this case is the concept of “work” relevant. But such a case remains rare within our ordinary digital uses and is not sufficient to legitimize the work-based justification of a universal income for all.

Conclusion: the current impasse in the political strategy of digital work

Within the political fights for the recognition of digital labor, the goal to extend the category of “work” to digital uses is thus not entirely coherent neither intuitive. In order to demand compensation, it relies on a concept of work defined as *a relation of command*, whereas our digital uses are more akin to spontaneous leisure and social exchanges, even if they benefit capitalism and have forms organized by certain cultural and economic institutions, as it was already the case, before the web, with tourist, sports, commercial or leisure infrastructures.

The concept of “work” might even be *strategically detrimental* for taxing the GAFAs and redistribute their wealth. From a moral point of view, it is weak: this category is used by Marxists who do not want to recognize the *jusnaturalist* defenses of basic income, but how can you justify a program of egalitarian redistribution from the mere concept of “work” if you do not think that it is associated with unhistorical universal human rights? From a political point of view, work does not imply any egalitarianism: indeed, it can be delegated, and it is divisible internationally, technically, socially and even sexually. It is therefore a rather unhelpful concept to social justice.

Talking about digital “work” to justify a webfare or a universal wage is not effective and can even be a dangerous strategy. Indeed, comparing our leisure activities as Internet users to the poorly paid work of digital workers, far from allowing us to enlarge our vision of work, could very well contribute to the downgrading of the latter jobs, which are poorly paid because they are thought to be easy and potentially replaceable by the practices of the users themselves.

It also maintains the prejudice that work has necessarily a value. To see our leisure as work because it is currently integrated into a capitalist society that profits from it is a dangerous extension of economic rationality, which risks inciting us to make this leisure profitable, to make work the necessary center of our lives and to naturalize this capitalist society as the only possible framework for our rights and our management of time (Gorz, 2003; Marty, 2021). It is not necessary to use the notion of “work” to give value to an activity. The better distribution of wealth demanded by the advocates of digital labor is perfectly legitimate (after all, our societies already have systems of taxation on corporate profits) and could simply be defended as an egalitarian political project, without being justified by a workers’ right. Or it could be justified on the basis of a *jusnaturalism* that designates human nature as a state *contrary to labor*, with in view our final emancipation from labor one day - perhaps through robotization and AI.

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