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Responsibility for Platform Problems

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DOI:
[10.33612/diss.896648433](https://doi.org/10.33612/diss.896648433)

IMPORTANT NOTE: You are advised to consult the publisher's version (publisher's PDF) if you wish to cite from it. Please check the document version below.

Document Version
Publisher's PDF, also known as Version of record

Publication date:
2024

[Link to publication in University of Groningen/UMCG research database](#)

Citation for published version (APA):
Wals, F. (2024). *Responsibility for Platform Problems: A Normative Analysis of the Harms and Injustices Induced by Peer-to-Peer Platforms Uber and Airbnb*. [Thesis fully internal (DIV), University of Groningen]. University of Groningen. <https://doi.org/10.33612/diss.896648433>

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Responsibility for Platform Problems

*A Normative Analysis of the Harms and Injustices Induced by
Peer-to-Peer Platforms Uber and Airbnb*

Francisca Wals



This thesis forms part of the research program Sustainable Cooperation – Roadmaps to a Resilient Society (SCOOP).

This thesis was financially supported by the Netherlands Organization for Scientific Research (NWO) and the Dutch Ministry of Education, Culture and Science (OCW) in the context of its 2017 Gravitation Program (grant number 024.003.025).

Financial support for the printing of this thesis was kindly provided by the University of Groningen.

Printing: Ridderprint, the Netherlands (Alblasserdam)

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Responsibility for Platform Problems

A Normative Analysis of the Harms and Injustices Induced by
Peer-to-Peer Platforms Uber and Airbnb

PhD thesis

to obtain the degree of PhD at the
University of Groningen
on the authority of the
Rector Magnificus Prof. J.M.A. Scherpen
and in accordance with
the decision by the College of Deans.

This thesis will be defended in public on

22 February 2024 at 11.00 hours

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VOORWOORD

Mijn fascinatie voor Airbnb begon in 2013. Ik woonde op de Haarlemmer Houttuinen, hartje binnenstad Amsterdam. Het was de tijd dat het citymarketingbureau de lokale economie uit het slop moest trekken door toeristen naar de stad te lokken. Het was ook de tijd dat Airbnb te boek stond als een lief platform voor houtje-touwtje-verhuur dat mensen nader tot elkaar zou brengen. ‘A friend, not a front desk’, was de slagzin destijds. Dat Jan en Annie Modaal een mooi zakcentje aan hun appartement konden verdienen leek bijzaak. Dit was de gezellige ‘deeleconomie’ die ons van het kille kapitalisme ging redden.

Op de Haarlemmer Houttuinen, schuin onder ons, werd een kantoortje geopend. Toeristen konden er hun bagage afgeven en de sleutel van hun Airbnb-appartement ophalen. Niet lang daarna vond ik een flyer aan mijn fietsstuur geknoopt. ‘Get paid to go on vacation’, stond erop. ‘Start making your Airbnb rental a success!’ De briefjes kwamen van een bedrijfje dat zich de ‘Amsterdam #1 property management company’ noemde. Met een fotodienst, interieuradvies, check-in-service, schoonmaak en ‘prijsoftware’ beloofde het 45 procent omzetsijging aan wie met hen in zee zou gaan. Ondertussen prezen de oprichters van Airbnb hun platform bij investeerders aan als de grootste hotelketen ter wereld – en dan zonder de financiële lasten van personeel en vastgoed.

Het contrast tussen het filantropische imago en de ‘move-fast-and-break-things’-realiteit van wat in de vroege jaren tien nog zonder ironie ‘deelplatforms’ heette, intrigeerde me. Zo ook bij Uber – dat andere grote platform dat reizigers en (bij)verdieners handig met elkaar weet te verbinden. In 2012 kwam de app beschikbaar in Nederland. Een Uber pakken was duurzamer en socialer dan met je eigen auto de weg op, zo was het idee. De flexibele werkgelegenheid voor iedereen met auto en rijbewijs leek een uitkomst in de jaren na de financiële crisis. Dat Uber misschien toch een beetje paard van Troje was begon te dagen in 2014. De Inspectie Leefomgeving en Transport eiste dat Uber zou stoppen met UberPOP. Onder die vlag konden particulieren met hun eigen auto en zonder vergunning taxidiensten aanbieden. ‘Illegale snordersdienst’, vond de Inspectie. Uber trok zich er niks van aan.

Lang verhaal kort: Uber en Airbnb werden de hoofdrolspelers van een paper. Paper werd masterscriptie. Toen nog een masterscriptie. En toen een proefschrift.

Het onderwerp bleef – universiteit én filosofische methode veranderden. Dat was niet per se een *smooth transition*. Aan de Universiteit van Amsterdam was ik geschoold in de zogenaemde ‘continentale traditie’. Ik had geleerd om de ideeën

van Grote Filosofen op Grote Vragen los te laten. ‘Wat is de mens?’ ‘Wat is macht?’ En: ‘welke invloed heeft technologie op hoe wij de wereld ontsluiten?’ Foucault, Heidegger, Sartre, Arendt en hun meeslepende theorieën had ik uitvoerig bestudeerd.

In Groningen, zo leerde ik al snel, beoefende men een heel andere tak van de sport – de analytische filosofie. Daarin ligt de nadruk op rationeel-normatieve argumentatie, heldere formuleringen en logische redeneerschema’s. Wat dode filosofen te zeggen hebben over een vraagstuk maakt weinig uit. Dat heet in Groningen ‘geschiedenis van de filosofie’. Daar één vakgroep, aan de UvA de kwintessens.

Een richtingenstrijd, noemt mijn oud-UvA-docent Karen Vintges de dynamiek tussen continentale en analytische filosofie. In een stuk in *Krisis* (2020) citeert ze de bekende analytisch-filosoof Frits Staal. Hij had de continentale traditie (en dan met name de fenomenologie) eens weggezet als “mythologie en metafysica van de achterlijkheid” (p. 15). Heidegger – mijn eigen filosofische *darling* – verweet Staal “pathetisch gebruik van suggestieve uitdrukkingen” en “orakeltaal”. Staal prees de opgeruimde papers van analytische filosofen, met “adequate uitdrukkingen”, “sluitende redeneringen”, “beantwoorde vragen” en “opgeloste problemen” (ibid.)

Technocratisch en neoliberal, vindt Vintges, boegbeeld van kamp-continentaal. Met die focus op het oplossen van problemen zou de analytische traditie nog verworden tot “staatsfilosofie die aansluit op bestaande beleidsvragen” (p. 9). Kritische reflectie op de grotere verbanden kun je dan wel vergeten, denkt zij. Júíst de gerichtheid op de eigen geschiedenis als “archief van problemen, thema’s en methoden” maakt dat er ruimte is voor “alternatieven voor dominante modellen van mens en maatschappij” (p. 18).

Zelf vond ik de analytische filosofie gewoon een beetje saai. Minder groots en minder meeslepend dan wat ik op de UvA had geleerd. In mijn masterscriptie had ik begrippen als ‘Zijnsvergetelheid’ (Heidegger), ‘hyperrealiteit’ (Baudrillard) en ‘speculatieve dialectiek’ (Hegel) op Uber en Airbnb losgelaten. Daar waren mijn promotores minder van gecharmeerd. De één keek lichtelijk confuus toen ik met een boek van Heidegger aan kwam zetten. Een ander typeerde de ‘UvA-methode’ als “Kant en de OV-chipkaart”. Ach ja, daar zat ook wel weer wat in.

Langzaam maar zeker leerde ikzelf toch ook de analytische filosofie waarderen. De berg aan papers en boeken die ik de afgelopen jaren las was minder betoverend dan de werken van Merleau-Ponty en Foucault. En toch: logische consistentie en conceptuele helderheid zijn ook wat waard. Analytische concepten brengen structuur aan in op het oog chaotische of ondoordringbare fenomenen. De vereiste argumentatieve precisie dwingt tot een rigoureuze doorlichting van alles wat je opschrijft.

Dit proefschrift was de afgelopen jaren een constante in mijn leven dat verder weinig *dull moments* kende. Drie verhuizingen, drie nieuwe steden, een pandemie en steeds weer een ander bureau. Het lezen, denken en schrijven boden houvast. Een aantal mensen in mijn leven deden dat ook. *It takes a village to write a PhD.*

Ik wil een aantal van die *villagers* bedanken. Allereerst mijn promotores – Martin, Rafael en Frank. Hun toegewijde betrokkenheid was – om het analytisch uit te drukken – geen voldoende maar toch zeker een strikt noodzakelijke voorwaarde voor dit project. Van hen leerde ik redeneren, argumenteren, slijpen, schrappen, ja *denken* als een academicus. Ze waren mijn wegwijzers in de wondere intellectuele werelden van de normatieve ethiek, verantwoordelijkheidsleer, organisatietheorie en sociale ontologie.

Dank ook aan Sanne, Kritika en Crystel – voor jullie gezelligheid, steun én praktische tips (Mendeley, wat een uitvinding!) Samen zaten we in hetzelfde PhD-schuitje – *for better or for worse*. Dat geldt ook voor de SCOOPies van het eerste uur. Tijdens ‘schoolreisjes’ naar de Veluwe bleken sociologen en sociaal-psychologen uitzonderlijk leuke mensen te zijn. In Delft waren het Elise, Anton, Özlem en Marieke die de solistische realiteit van een op afstand werkende promovendus draaglijk maakten. Zonder hun gezelschap op die idyllisch mooie zolder in hartje Delft was het traject een stuk zwaarder geweest. Als bijkomend voordeel weet ik nu van alles over borderterriërs en architectuur.

Dank aan mijn moeder, vader, broer en Kees voor de volhardende interesse – ook toen ik de eerste 3,9 jaar niet over de inhoud van mijn onderzoek wenste te praten (ik blijk pas over iets te kunnen vertellen als ik het zelf honderd procent snap). Mijn vader, broer en ik liepen ongeveer gelijk op met onze promotietrajecten. Dat was fijn. Want hoe orden je bakken aan literatuur? Wat schrap je, wat laat je staan? Mijn moeder was onmisbaar als (SOS-)hulplijn.

Last en zeker niet *least*: dankjewel Nic. Dankjewel dat je met me meeging naar het Hoge Noorden, dat je jezelf opzette om mij mijn droom te laten najagen. Dankjewel dat je me steunde, mijlpalen meevierde, luisterde naar mijn geklaag – en door alles heen mij onvermoeid voorhield: *eyes on the prize*.

INTRODUCTION

When the first major online peer-to-peer platforms launched in the late 2000s, they boosted the scope and scale of a social phenomenon that had existed since time immemorial: granting other people access to personal assets. Until then, this had been mostly limited to friends, family, and other acquaintances (Belk, 2014b, p. 1596). Platforms such as Uber and Airbnb enabled this access-granting to move online, greatly expanding the circle of its participants to people who do not belong to the same social networks (Schor, 2014, p. 7)—i.e., to ‘peers’. Through Airbnb, for example, people could now rent out their city apartment during their holiday to strangers, without much ado. Via Uber, people could now readily offer the empty seat in their car to unknown others, and be compensated for doing so.

At the time of these platforms’ founding, several trends had converged to enable ‘stranger sharing’.¹ Firstly, innovations in information and communication technologies (ICTs)—such as the proliferation of smartphones, mobile-run applications, mapping tools, ever-faster internet, interfaces for user interactions, and complex reputation systems—formed the enabling conditions for rolling out the digital infrastructure at the heart of the peer-to-peer platform model (Filippas et al., 2020, p. 4153; Stone, 2017, p. 6). Second, peer-to-peer platforms gained traction as they posed an attractive value proposition to users. In the aftermath of the financial crisis of 2008, unemployment and bankruptcy rates were quickly rising and many people were on the verge of losing their homes. Hence, for many people, the opportunity to earn money by giving rides to strangers and/or letting strangers stay in their homes was a welcome one (Schor, 2017, p. 269). What is more, many users were attracted by the discourse with which peer-to-peer platforms were heralded. Within this discourse, peer-to-peer platforms were framed as fostering a social ethos of sharing and connectivity as well as empowering ordinary people to take control over how they make a living (Kas et al., 2022, p. 509; Wruk et al., 2019, p. 1000).

Platforms themselves readily integrated this discourse into their branding (Acquier et al., 2017, p. 2; Schor, 2014, p. 7). “A friend, not a front desk”, was Airbnb’s first slogan (Stone, 2017, p. 28). Airbnb claims to build a community among hosts and guests around the world, fostering social reciprocity and mutual trust (Calo & Rosenblat, 2017, p. 1636). Uber, in turn, advertises its platform to drivers as “an

¹ The term ‘stranger sharing’ comes from Schor (2014, p. 7).

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alternative to traditional driving jobs”, where “you have total control” and where “freedom pays weekly” (Rosenblat & Stark, 2016, p. 3759). Lyft—Uber’s US competitor—started promoting itself as “your friend with a car”.² In the wake of this pro-social narrative, the new generation of platforms that enabled transactions between private individuals was initially baptized the ‘sharing economy’ (Botsman & Rogers, 2011).

A few years later, however, perceptions of major peer-to-peer platforms shifted. Commentators observed that the exchanges that for-profit platforms facilitate have little to do with ‘sharing’ in the sense of performing an “altruistic act intended as a convenience, courtesy, or kindness to others” (Belk, 2014b, p. 1596). With the corporatization of now leading peer-to-peer platforms, including Uber and Airbnb, it became obvious that these platforms have a “money-making agenda” (Gerwe & Silva, 2020, p. 65). Indeed, their business proposition is “*selling* access to excess capacity” of personal assets (Munger, 2018, p. xiv): platforms charge commission fees to users for exchanging with their peers. Meanwhile, the dominant motivations for people to engage in these exchanges appeared to revolve around aspects other than social connectivity and community spirit. Providers were found to mainly act on financial incentives (Philip et al., 2015, p. 1324) and/or considerations of (earning) flexibility (J. V. Hall & Krueger, 2018, p. 713). Consumers, as it turned out, are generally attracted to peer-to-peer exchanges because of financial savings, convenience, and increased choice (Guttentag, 2015, p. 1196; Möhlmann, 2015, p. 193).

In all, rather than sharing, platforms like Uber and Airbnb enable “commodity exchange wrapped in a vocabulary of sharing” (Belk, 2014a, p. 7)—which is why I prefer the term ‘peer-to-peer economy’ over ‘sharing economy’ to refer to the aggregate of activities that these platforms enable. That doesn’t take away the fact that these platforms epitomize an innovative transformation in the organization of economic activity by virtue of their inventive business models and ingenious application of ICTs. As such, peer-to-peer platforms have opened up a whole new realm of exchanges between ‘strangers’ in the temporary access to their personal assets that were not, or hardly, feasible before these platforms’ emergence (Munger, 2018, pp. 1–8).

For several peer-to-peer platforms, this has resulted in spectacular growth rates, both in terms of market valuation and user numbers, evidencing the attractive value propositions of their newly enabled exchanges. The most prominent exemplars of successful peer-to-peer platforms are Uber and Airbnb. Airbnb enables individual homeowners to rent out their properties to strangers. Founded in 2008, the

² <https://www.nytimes.com/2015/08/09/technology/twisting-words-to-make-sharing-apps-seem-selfless.html> (accessed 23 May 2023).

platform is now worth almost 70 billion dollars.³ It boasts 6.6 million global active listings—more than the combined rooms of the eight largest hotel companies worldwide.⁴ Uber, in turn, allows individual car owners to earn money by transporting unacquainted passengers. Founded in 2009, the platform is now valued at almost 80 billion dollars.⁵ It connects 5.4 million drivers to 131 million passengers across 72 countries and has facilitated more than 7.6 billion trips in 2022.⁶

Both these platforms already do, and (in all likelihood) increasingly will, press their marks on economic and social structures as well as on individuals' quality of life and sustenance (Gerwe & Silva, 2020; Z. M. Tan et al., 2021). To both consumer-side and provider-side participants, Uber and Airbnb offer significant benefits, mostly in the form of economic welfare and autonomy. Even so, their popularity in combination with business-economic pressures to expand and/or cut down on fixed costs have resulted in outcomes that raise serious concerns. Airbnb has been shown to propel 'touristification' of city districts, which may lead to significant negative quality-of-life impacts for residents. Uber, in turn, poses a threat to labor justice in light of the combination of limited agency and precariousness that Uber drivers experience. Throughout this thesis, I refer to these two issues as 'platform problems'.⁷

Research Aim and Scope

This study sets out to examine how we should respond to these particular platform problems if we wish to attenuate the harms and injustices that they respectively involve—ideally without compromising platforms' value-generating potential. My focus will be on Uber and Airbnb, the two poster children of the peer-to-peer economy. These are the largest peer-to-peer platforms currently in operation. They have also attracted the most attention in the scholarly literature. Even so, the relevance of my analysis extends beyond these two firms to other platforms with a similar organizational set-up and comparable problems.

To appreciate the significance of my endeavor, it is helpful to consider its objective through the lens of the framework developed within the SCOOP program, of which this study forms part.⁸ A key aim of the SCOOP program is to specify how sustainable

³ <https://www.macrotrends.net/stocks/charts/ABNB/airbnb/net-worth> (accessed 23 May 2023).

⁴ <https://news.airbnb.com/airbnb-q4-2022-and-full-year-financial-results/> (accessed 23 May 2023).

⁵ <https://www.macrotrends.net/stocks/charts/UBER/uber-technologies/net-worth> (accessed 23 May 2023).

⁶ <https://www.businessofapps.com/data/uber-statistics/> (accessed 23 May 2023).

⁷ I discuss these platform problems in more detail in Chapter 1 (§1.3).

⁸ See: <https://www.scoop-program.org/>.

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cooperation can be achieved. ‘Cooperation’ here is defined as the joint production of benefits that agents cannot realize on their own. The predicate ‘sustainable’ refers to the capacity to (a) *stably* produce outcomes that are (b) *valuable*—ideally not only for the agents directly involved in the cooperative arrangement, but also for the wider social context. Furthermore, two additional qualifications stipulate that: (c) the *costs* of cooperation should be acceptable, according to some standard; and (d) the cooperative arrangements shouldn’t be (perceived as) *unjust*.⁹ In relation to (d), I add that arguably the best way to avoid perceptions of injustice is to ensure that the cooperative arrangement at issue is, in fact, just. To put all of this in another way, if a cooperative arrangement fails to generate value, or does so at the cost of another type of value creation in a way that is deemed unacceptable and/or unjust, it fails to be sustainable.

My starting point in this thesis is the observation that the problems of Airbnb-induced touristification and Uber-induced labor injustice pose threats to the sustainability of the cooperative arrangements that these two platforms essentially are. Pursuant to the SCOOP approach, what I will venture to find out is how to respond to these sustainability threats in a way that does not entail unacceptably or unnecessarily high costs in terms of the values at stake. In other words, the driving force of this thesis is the question of how to address platform problems through measures that are themselves sustainable in the sense of justly and stably producing valuable outcomes that do not entail (too much) adverse external effects.

Making progress with this question is essentially a matter of (i) identifying agents to whom responsibilities are to be allocated and (ii) establishing the contents of the responsibilities they are to be burdened with. I refer to this combination of responsibility specification and allocation as ‘responsibility arrangement’. As I shall argue, bearing in mind the enabling conditions of sustainable cooperation just outlined, we should strive for responsibility arrangements to reflect both effectiveness *and* fairness considerations. This is to say that we shouldn’t exclusively focus on the consequences that particular arrangements may or may not have, but also on the *fairness* of the distribution of responsibility burdens that these arrangements imply. In a word, then, responsibility arrangements should effectively

⁹ I owe the qualification regarding (perceived) justice to Hindriks’ (2021) ‘social sustainability framework’, which resonates with Rawls’ claim that “justice is the first virtue of social institutions” (in: Hindriks, 2021, p. 27) and Ostrom’s view that “fairness is a crucial attribute of the rules of robust systems” (in: 2021, p. 36). To be sure, justice is itself a value. Nonetheless, I follow Hindriks in including justice as a separate dimension of sustainability, for which he gives three reasons (p. 6). First, justice is a generic value. Second, it has a distinct logic in that it is a threshold value. Third, justice stands in a special relation to the other sustainability dimensions. This is because (perceived) injustice disinclines participants of a cooperative arrangement to comply, which undermines the arrangement’s stability and, therewith, its value-realizing potential (pp. 36-40).

target the problem at issue without (too much) compromising other types of value creation *and* in a way that imposes fair demands on designated duty-bearers.

Over the course of the coming chapters, I apply these adequacy conditions for responsibility arrangements to the concrete reality of platform problems. As such, my study aims to fill a number of gaps in the existing literature on peer-to-peer platforms. A growing body of (mostly sociological) literature critically examines peer-to-peer platforms, highlighting the problems they raise and often making recommendations on the most effective policies for tackling identified issues.¹⁰ The first thing to note is that many of these studies focus on external regulation, showcasing a blind spot for interventions that rely on platform users as agents of change. Second, these studies generally fail to pay attention to considerations of fairness when it comes to the duty distributions implicit in the policy options they recommend. In other words, these social-scientific studies generally lack a solid moral evaluation of platform problems and fail to explicate the principles on which their implicit responsibility allocations are founded.

This latter observation goes to the heart of the added value of philosophy in devising practical arrangements to achieve better outcomes. As political philosopher Henry Shue (1997, p. 169) notes, such arrangements “involve allocations of burdens (and rights and privileges), and such allocations always raise questions of fairness, which philosophers should be inclined to raise and able to help to answer”. Indeed, he continues, “good philosophers should be better than most other specialists at sensing where questions about fairness in the assignment of duties arise” (ibid.) This is what I hope to live up to in my normative analysis of platform problems that this thesis comprises.

Thesis Outline

This thesis consists of five chapters. Chapter 1 sheds light on the key characteristics of online peer-to-peer platforms, with the aim of offering a solid understanding of how these platforms operate as well as how they relate to, and differ from, other types of (online) platforms. Chapter 1 also covers the economic and social impacts of peer-to-peer platforms in general, and Uber and Airbnb in particular. It discusses the benefits they deliver as well as the concerns they raise.

Chapter 2 takes a step back from concrete platform problems and explores the notion of moral responsibility. The chapter maps elaborations of and distinctions within this notion, whence it serves as a theoretical toolbox for subsequent chapters. It covers the distinction between retrospective responsibility (for outcomes that

¹⁰ See e.g., Ahsan (2020); Berkowitz & Souchaud (2019); Bieber (2023); Calo & Rosenblat (2017); Chai & Scully (2019); Cohen (2017); Etter et al. (2019); Ferretti (2020); Halliday (2021); Hielscher et al. (2022); Rogers (2016); Rosenblat & Stark (2016); Schor (2020); Schultz & Seele (2022); Tan et al. (2021).

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have already materialized) and prospective responsibility (for securing future outcomes) as well as elaborations of the basic conditions for their legitimate attribution. The chapter further fleshes out my value-pluralist standpoint that adequately addressing problems typically requires forging responsibility arrangements that reflect both *fairness* and *effectiveness* considerations. Such arrangements would ideally consist of (1) *potent* solutions to the problems at hand that (2) entail responsibility distributions that make *fair* demands on designated duty bearers. To give substance to this twofold criterium, I outline five responsibility principles that each centralize a distinct value (either bearing on effectiveness or fairness considerations) as a normative basis for attributing prospective responsibility. I argue in favor of bringing these principles together in a pluralist framework for attributing prospective responsibility that is appropriately sensitive to context. Such a pluralist framework reflects combined judgments “about what it is fair to expect people to do, what it is efficient to ask people to do, and what it is possible to motivate people to do” (Shue, 1997, p. 170).

Chapters 3 and 4 both deal with specific situational attributes of platform problems that bear on the applicability and weightiness of the subset of responsibility principles (identified in Chapter 2) that relate to *fairness* considerations. Chapter 3, firstly, focuses on the role of Uber and Airbnb qua *platforms*. It maps these platforms’ causal and role-based relationships to the platform problems of concern. Dismissing a popular argument that purportedly works to insulate peer-to-peer platforms from responsibility, the chapter focuses on the extensive control that Airbnb and Uber exercise over their users as well as over the exchanges between them. Crucially, in light of this control, it is argued that the platforms bear responsibility for the particular problems they raise. More specifically, Airbnb is claimed to bear *retrospective* responsibility for the externalities of the exchanges it facilitates, while Uber is argued to bear *role* responsibility vis-à-vis drivers to ensure decent work and pay.

Chapter 4 considers the *users* of peer-to-peer platforms. It asks if and how individual users of peer-to-peer platforms are implicated in the harms that result from their platform-mediated exchanges and whether we can blame them for being so. Engaging with these questions, I devote special attention to what Nefsky (2019) refers to as the ‘inefficacy problem’. This problem arises in situations where the actions of many individual ‘hands’ add up to produce a (harmful) outcome, but no individual’s action was strictly necessary to produce that outcome. In such cases, it may be difficult to pinpoint who bears retrospective responsibility for the collective harm. The platform problems I am concerned with are cases in point. In an attempt to solve the inefficacy problem, the chapter proposes an alternative approach to individual responsibility that can account for the moral significance of individual acts that add up to collective harm or injustice. On this alternative account, platform

users appear as *pro tanto* retrospectively responsible for the platform problems they contribute to by virtue of their exchanges. Even so, this *pro tanto* responsibility is often likely to be defeated by context-specific justifications.

Chapter 5, finally, takes a practical turn as it is dedicated to effectiveness considerations that bear on the contents of the responsibilities to be allotted. The chapter features an identification of the respective mechanisms through which platform problems might be settled in practice as well as an assessment of these mechanisms' potency in achieving their objective. This analysis proceeds on the basis of a 'non-ideal' conception of effectiveness that is appropriately sensitive to relevant facts about human nature (i.e., psychological and motivational features that influence compliance) and other real-world constraints (e.g., the financial, political, social, and technical factors that co-determine what can realistically be accomplished).

The fact-sensitivity of my analysis invites reflection on the status of the empirical inputs to my effectiveness and responsibility claims. To be sure, I concur with political theorist Stears that philosophers ought to take aspects of the empirical sciences "extremely seriously" (2005, p. 325). The operationalization and application of the general principles in my responsibility framework involve a lot of extra-philosophical information. Even so, conducting empirical studies of the phenomena at issue falls outside the scope of this (mainly) philosophical thesis. Therefore, I rely on available empirical material and inferences based on established theories. Some of this material directly applies to the concrete cases I am concerned with, while other parts concern findings from related contexts. Hence, my concrete assessments build upon *justified expectations*. Far from being simply intuitive, they are always backed in one way or another by empirical evidence.

In this way, I hope to do justice to Shue's stance that "philosophers ought not simply to flee the scene when things start getting practical" (1997, p. 169). To be sure, when they stay (as I intend to), their work is "not pure philosophy—it is practical philosophy—but philosophy nonetheless" (id. at p. 170).

1. PEER-TO-PEER PLATFORMS

Online peer-to-peer platforms are socioeconomic systems that allow individuals to grant unknown others temporary access to their personal assets through digital interfaces, possibly for money. By means of technological innovations and novel business models, these platforms have opened up a whole new realm of transactions between ‘peers’ that were not, or hardly, feasible before their emergence (Munger, 2018, pp. 1–8). For a number of peer-to-peer platforms, this has resulted in spectacular growth rates, in both market valuations and user numbers, evidencing the attractive value propositions of their newly enabled exchanges.

The most prominent exemplars of successful peer-to-peer platforms are Airbnb and Uber. Both these platforms already do, and (in all likelihood) increasingly will, press their marks on economic and social structures as well as on individuals’ quality of life and sustenance (Gerwe & Silva, 2020; Z. M. Tan et al., 2021).¹¹ As I shall make clear, they do so both to the good and to the bad. Indeed, Uber and Airbnb offer significant benefits. They do so mostly in the form of economic welfare, (entrepreneurial) freedom, and autonomy. However, these platforms also raise concerns. Airbnb has been shown to propel ‘touristification’ of city districts, which may lead to negative quality-of-life impacts for residents. Uber, as I shall argue, poses a threat to labor justice in light of the combination of limited autonomy and precariousness that Uber drivers experience.

In this chapter, I elaborate on the perks of peer-to-peer platforms as well as on the problems they raise. Before doing so, I shed light on the key characteristics of online peer-to-peer platforms—in keeping with the phrase by the renowned economist Oliver Williamson that ‘the study of anatomy logically precedes that of pathology’. Notably, my focus will be on a subset of peer-to-peer platforms: namely those platforms that operate on a for-profit basis.¹² The rationale for this demarcation is that commercial peer-to-peer platforms typically grow much bigger in terms of user

¹¹ As I mentioned in the introductory chapter, the appeal of peer-to-peer platforms’ value proposition is at least partially due to the socioeconomic dynamics spurred by the financial crisis of 2008. Further, the continued growth of peer-to-peer platforms in the past decade has been (partially) attributed to persisting income inequalities that compel people to work multiple jobs or supplement their earnings by renting out their living space (Ahsan, 2020, p. 21).

¹² This subset of for-profit peer-to-peer platforms more or less extensionally coincides with the subset of peer-to-peer platforms that facilitate monetary exchanges (rather than barter exchanges or gifting). Phrased differently, peer-to-peer platforms that facilitate monetary exchanges between peers typically operate on a for-profit basis.

base (Gerwe & Silva, 2020, p. 72), whence they have a more profound impact on economic and societal processes relative to non-profit peer-to-peer platforms.¹³ Later in this chapter, my focus will further narrow to Uber and Airbnb. As I mentioned in the introductory chapter, these two are the largest peer-to-peer platforms in operation, in terms of both user bases and market capitalization. As a corollary, most scholarly literature on peer-to-peer platforms has been devoted to Uber and Airbnb.

This chapter is organized as follows. In the next section (1.1), I lay out the main characteristics of peer-to-peer platforms, with the aim of offering a solid understanding of how these platforms operate as well as on how they relate to, and differ from, other types of (online) platforms. In sections 1.2 and 1.3, I shift focus to the economic and social impacts of two particular peer-to-peer platforms: Uber and Airbnb. I discuss the benefits they deliver as well as the concerns they raise.

1.1 Platform Anatomy

Far from being a monolithic phenomenon, peer-to-peer platforms widely differ according to their business practices and the activities they specialize in (Gerwe & Silva, 2020, p. 65). This frustrates efforts to formulate a universal definition of peer-to-peer platforms. Therefore, a more fruitful strategy is to identify the key characteristics that they share. I distinguish four such characteristics, bearing on: (1) online mediation of offline exchanges; (2) peer-to-peer transactions; (3) temporary access; and (4) idle capacity. None of these features is unique to peer-to-peer platforms, yet their combination forms the core of their organizational model and value proposition. I elaborate on each platform characteristic in the following paragraphs.

1.1.1 Online Mediation of Offline Exchanges

Peer-to-peer platforms are digital loci for exchange that match different types of economic actors (i.e., suppliers/providers and buyers/consumers) such that they can interact and transact with each other. While organized *online*, the transactions

¹³ The fact that non-profit peer-to-peer platforms are a fringe phenomenon is likely due to the facts that: (i) they face difficulties in raising capital (Bunders et al., 2022, pp. 2–3), (ii) they operate less efficiently (Van Doorn, 2017), and (iii) they lack an attractive value proposition to potential users (Bellotti et al., 2015, p. 1; Schor, 2020, pp. 122–147). With regard to (iii), Belotti et al. (2015, p. 1) note that non-profit platforms are often plagued by a mismatch between providers and consumers, where providers “place great emphasis on idealistic motivations, such as creating a better community or increasing sustainability”, while users “are looking for services that provide what they need whilst increasing value and convenience”. This raises the question *why* consumers prefer efficiency over other considerations. While beyond the scope of this thesis, I warmly recommend reading Foucault’s lecture bundles *Sécurité, territoire, population* (*Security, Territory, Population*, 1978) and *Naissance de la biopolitique* (*The Birth of Biopolitics*, 1979) for interesting ideas that may shed light on this issue.

that peer-to-peer platforms enable are usually carried out *offline* (Gerwe & Silva, 2020, p. 67), which is to say that they involve human interaction in the physical world. These features distinguish peer-to-peer platforms from physical platforms, such as real-world marketplaces connecting sellers and buyers, newspapers coupling advertisers and readers, credit card companies linking cardholders and merchants, and real estate agents matching house owners and purchasers. These features also distinguish peer-to-peer platforms from online-only platforms that digitally orchestrate *online* exchanges, such as Amazon Mechanical Turk.¹⁴

Peer-to-peer platforms can be classified as a species of the broader genus of multi-sided platforms. One defining characteristic of multi-sided platforms is the occurrence of cross-side network effects (Rochet & Tirole, 2006, p. 646). These arise when the benefits of being active on a platform for one type of actor depend on the number of actors of the other type on that same platform. For example, the benefits for consumers of using Airbnb increase with the number of listings on that platform, as this increases consumers' freedom of choice and expected match values.¹⁵ Another way to grasp the 'multi-sidedness' of platforms is to appreciate how they offer two different types of 'products' to their different user types. That is, to *consumers* they offer what I have elsewhere called 'search, compare, and buy/book services' (Wals & Schinkel, 2018, p. 573), while to *providers* they offer 'demand-enhancing services'—i.e., visibility and, possibly, customer data amenable to micro-targeting and/or for price discrimination (Ezrachi, 2015, p. 490). For-profit peer-to-peer platforms charge users for access to these 'products' in the form of a per-transaction commission fee.¹⁶ Uber, for example, charges drivers a 25 percent fee on

¹⁴ Amazon Mechanical Turk is a so-called crowdsourcing marketplace where people can hire remotely located workers to perform online tasks, such as answering survey questions, identifying content in images, or writing product descriptions.

¹⁵ Match values are a function of the fit between particular offerings and a buyer's preferences (Bakos, 1997, p. 1679). Expected match values increase in the number and degree of diversification of offerings.

¹⁶ Another distinguishing feature of platforms (and a hallmark of their two-sidedness) is the fact that "price structure matters" (Rochet & Tirole, 2006, p. 665). This means that platforms have to strategically divide the fee they charge for using the platform, which is a direct implication of the existence of network effects across user sides. Since users' valuation of using a platform increases in the amount of users on the other side, the platform faces the challenge of decomposing and dividing its total fee between buyers and sellers in such a way that brings both sides 'on board'. This explains why, for example, vendors on weekly street markets have to pay the market organizers a fee while shoppers can visit the market for free. Vendors highly value the access to customers, while shoppers' valuation of the vendors' presence is lower: they can easily find many substitutes. This is often different for visitors of special-themed markets where they have high-valued access to many specialist dealers (e.g., of classic cars or jukeboxes), for which they are willing to pay an additional fee. These insights translate to the realm of online platforms.

all fares.¹⁷ Airbnb has a ‘split-fee’ structure and charges 3 percent of the total booking amount to hosts, and 14 to 20 percent to guests.¹⁸

In order to effectively fulfill their intermediary role, multi-sided platforms of all sorts (from street markets to online peer-to-peer platforms) typically comprise two core elements: an *infrastructure* and a set of *governing rules* (Eisenmann et al., 2006, p. 96). The first element—infrastructure—concerns the (physical or virtual) architecture of which the function is twofold: exchange facilitation and information dissemination. The second element—governing rules—relates to the protocols, policies, and pricing terms that (co)determine how on-platform interactions and transactions take place. The concretizations of these elements vary widely across and within platform types.¹⁹ Notably, in *online* settings both elements typically take on a (much) more elaborate form, implicating a more intensive and extensive form of intermediation compared to their offline counterparts (Calo, 2014, pp. 1003–1007). For exposition purposes, it is worth briefly elaborating on the guises that these two platform elements take on, in the online realm.

Infrastructure. Firstly, the *exchange facilitation* infrastructure of online platforms typically comprises three functionalities: (1) matchmaking between exchange partners with the help of algorithms and/or search filters; (2) facilitation of communication between them; and (3) facilitation of transactions (Tirole, 2019, p. 379). The locus of these stages is typically an app-based digital interface that comprises: (i) a digital billboard on which sellers can advertise their offerings or buyers can post their requests, and on which searches can be conducted; (ii) a channel for buyers and sellers to communicate about product/service details, availability, terms of delivery, and so on; and (iii) a standardized payment method. Many online platforms also provide an after-sales tool for managing personal bookings and/or for leaving reviews.

Further, the *epistemic* infrastructure of online platforms allows for nearly frictionless dissemination of information, such that the quantity and quality of information is generally higher compared to offline settings (Tirole, 2019, pp. 391–392). Most listings on online platforms (be they providers’ offerings or consumers’ requests) feature extensive descriptions of the offering/request as

¹⁷ <https://www.uber.com/gh/en/drive/basics/tracking-your-earnings/> (accessed 25 May 2023).

¹⁸ <https://www.airbnb.com/resources/hosting-homes/a/how-much-does-airbnb-charge-hosts-288> (accessed 25 May 2023).

¹⁹ In *offline* settings, the exchange facilitation infrastructure of multi-sided platforms may take the simple form of a physical collection of stores in one place as in the case of shopping malls, or of printing space reserved for advertorials in newspapers and sales catalogs. Offline epistemic platform infrastructures, in turn, range from signposts featuring brand names in shopping malls and show window advertisements of real estate agents. Governing rules may comprise the opening hours of stores in malls and on markets, as well as the prescribed steps for ordering products from a sales catalog.

well as availability details, possibly accompanied by reviews and/or ratings from prior transaction partners. Platforms may additionally feature personalized rankings of offerings based on prior transactions and/or users' personal characteristics. Importantly, the provisioning of this abundance of information is of strategic importance: in an age where distance and time are of waning importance and choice is virtually limitless, quantity and quality of information presents a competitive edge, as it helps people to find their way through the plethora of offerings and transaction partners (Tirole, 2019, p. 381).

Governing rules. The rules that govern users' activities on online platform infrastructures are generally more extensive than their offline counterparts. While organizers of physical street markets, for example, can do little to steer or direct the interactions and transactions between vendors and market visitors, online platforms have more means at their disposal for governing the matchings, interactions, and transactions that go through their infrastructures in a way that suits their business interest (Calo, 2014, pp. 1003–1007; J. E. Cohen, 2017, pp. 105–107). Through technical protocols and contractual policies—such as data collection, algorithmic matching, identity verifications, pricing clauses, and non-portable user ratings—platforms (a) bound the network of users they serve, (b) steer who interacts with whom on which conditions and for which price, and (c) determine the ease or difficulty at which users can switch to rival platforms (Einav et al., 2016, pp. 617–622). Hence, notwithstanding the connotations of neutrality and openness that the term 'platform' may invoke, online platforms comprehensively shape the conditions of economic exchange by means of their governing rules (Gillespie, 2010, 2014).²⁰

The set-up of online platforms makes them highly efficient, as they face relatively low operating costs (Van Alstyne et al., 2016). To appreciate this point, consider how platforms' process of value creation differs from that of 'traditional' firms, also known as 'pipeline' firms.²¹ Pipeline firms create value by centrally coordinating and, ideally, optimizing a linear series of activities—from (tangible or intangible) input resourcing to selling the finished product. They typically feature employment contracts, ownership of the means of production, and centralized coordination of activities. Platforms, on the other hand, create value by bringing together external suppliers and consumers and thus enabling them to realize gains from trade. Platforms' chief assets are information and their community of users, from whose interactions they profit. Other resources—skills, time, and assets such as hotel

²⁰ In Chapter 3, I go into much more detail of the ways in which peer-to-peer platforms organize the exchanges on their interfaces, and the degree of control they exercise in doing so.

²¹ The following two paragraphs summarize (and supplement) the analysis in Van Alstyne et al. (2016) and Parker et al. (2016).

rooms, products, or ideas—are owned and supplied by the platforms’ users. Optimization consists in appropriately expanding the network of users such that ever more interactions take place in a virtuous cycle of network effects. Hence, relative to pipeline firms, platforms’ emphasis shifts from “dictating processes to persuading participants” (Van Alstyne et al., 2016).²²

The upshot is that for quite some (but not all) economic transactions, pipeline firms are now relatively costly compared to the platform set-up, typified by the ad-hoc assemblage of resources for the realization of a product or service. In contrast to ‘traditional firms’, online platforms do not face the costly burden of constructing and maintaining physical assets and infrastructure. Also, contrary to pipeline firms, platforms do not assume inventory risks and other business risks, as these remain with platform suppliers (Tirole, 2019, pp. 390–391). In virtue of the leanness of their organizational setup combined with the attractive value proposition they offer to users, platforms often have a competitive advantage over their traditional counterparts.

1.1.2 Peer-to-Peer Transactions

Peer-to-peer platforms orchestrate exchanges between *peers*, i.e., between providers and consumers who are private individuals rather than business entities (Frenken & Schor, 2017, p. 4).²³ This feature distinguishes peer-to-peer platforms from other online platforms that enable economic exchanges, such as Amazon, eBay, and Booking.com.²⁴ It also distinguishes peer-to-peer platforms from *business-to-peer* models, such as Zipcar and UpWork.²⁵ Unlike ‘traditional’ exchange partners (i.e., consumers and firms), peer-to-peer platform users can in principle swap roles

²² Consider for example the difference between the Hilton Hotel Group (a ‘pipeline firm’) and the online hotel booking platform Booking.com. The Hilton Hotel Group owns almost all of the assets it creates value with (i.e., real estate, furniture, etc.), and hires most of the people that effectuate this value creation (bellhops, cleaning personnel, receptionists, etc.) Booking.com, in contrast, doesn’t own any of the real estate that can be booked on its platform, nor does it hire hotel staff—it merely facilitates the exchange between accommodation owners and guests.

²³ Nowadays, professional suppliers often coexist with casual providers on the same platform (Gerwe & Silva, 2020, p. 70). Even so, platforms where providers or consumers are predominantly corporate (business) entities do not classify as peer-to-peer platforms.

²⁴ Amazon is an e-commerce platform, eBay hosts digital auctions and Booking.com facilitates online hotel and holiday accommodation bookings.

²⁵ Gerwe & Silva (2020, p. 70) give the following examples to illustrate the difference between business-to-peer and peer-to-peer models. Firstly, Zipcar provides short-term car rentals on a business-to-peer model: the firm owns the dedicated car fleet, which it rents out to users. Contrastingly, via the peer-to-peer car platform Turo, private car owners make their car available to other private individuals. UpWork, in turn, operates on a business-to-peer model as it connects independent professionals and businesses to collaborate remotely. In contrast, its peer-to-peer counterpart TaskRabbit connects individuals who offer handyman services to other private individuals.

on the platform or have more than one role simultaneously—for instance when a person staying in an accommodation booked on Airbnb has also rented out her own living space at the same time.

The phenomenon of private individuals renting out their capital goods to other private individuals has long existed. However, before the advent of peer-to-peer platforms, these exchanges would mainly concern expensive and infrequently used goods, such as yachts or vacation homes (Filippas et al., 2020, p. 4152). Similarly, an informal ‘gig economy’ with people doing ad hoc jobs such as babysitting, cleaning, and other chores has long been a standing practice. Yet the scale and scope on which this now happens is unprecedented, as is the flexibility and efficiency of the practice (Z. M. Tan et al., 2021, p. 2).

The informality of the exchanges on peer-to-peer platforms renders these exchanges risky in a way that business-to-peer transactions are not. Indeed, transacting with non-professional strangers involves many risks, and one can typically not rely on brand names, word-of-mouth reputation, or the results of repeat dealings (Tadelis, 2016, pp. 322–323). This is one of the main reasons that, before the emergence of peer-to-peer platforms, exchanges between peers who are unknown to each other took place only on a very limited scale. There was simply no economically and practically feasible way for them to find each other, to inspect offerings, and to assess the trustworthiness of the other party.

Crucially, peer-to-peer platforms have dramatically mitigated these risky aspects by implementing sophisticated online reputation systems (Munger, 2018, pp. 6–7). Such systems run on aggregates of the reviews and ratings of users by their prior transaction partners. Display of reputation scores allows people to evade unreliable transaction partners, and provides users who anticipate on being reviewed and/or rated with an upfront incentive to live up to the terms agreed to (Tadelis, 2016, pp. 323–326). In essence, reputation systems crowdsource information in a way that enhances the willingness of people to transact (Einav et al., 2016, pp. 620–622).

The reputation systems of peer-to-peer platforms such as Uber and Airbnb are typically much more sophisticated than those of older platforms (like Booking.com or eBay). Instead of the one-way feedback systems based on occasional reviews, peer-to-peer platforms typically feature two-way systems (where both buyers and sellers review their experiences), based on uniformly elicited and structured reviews and ratings (Tadelis, 2016, pp. 328–329). Further, peer-to-peer platform reputation scores not only function as a track record of users’ past behavior, but also as an indication of quality that takes account of many relevant attributes typical of peer-to-peer transactions of privately-owned excess capacity. Phrased differently, reputation scores are incentive mechanisms that (more or less) ensure proper compliance to the terms of trade such that costly measuring and monitoring of a

trading partner's performance is no longer required (Bakos, 1997, p. 1678; Munger, 2018, p. 80).²⁶

In this way, peer-to-peer platforms' infrastructures and governing rules are tailored to the specific nature of peer-to-peer exchanges, with the purpose of optimizing them. The upshot is that these platforms have enabled the 'missing markets' of exchange between peers (Munger, 2018, pp. 79–80). Transactions that were previously prohibitively risky are now economically viable (Einav et al., 2016, pp. 620–622).

1.1.3 Temporary Access

Peer-to-peer platforms facilitate temporary access to human or physical assets rather than permanent transfers of ownership (Gerwe & Silva, 2020, p. 70). This feature distinguishes peer-to-peer platforms from online marketplaces such as eBay or Amazon, which facilitate resale under which ownership is transferred (Frenken et al., 2017, p. 26).

Although the exchanges mediated by for-profit peer-to-peer platforms are best characterized as 'renting', peer-to-peer platforms differ from 'traditional' renting services. First, as I pointed out, peer-to-peer platforms facilitate exchanges between private individuals rather than between customers and firms specially created to provide rental services, such as traditional hotels, car rental companies, or temp agencies (Gerwe & Silva, 2020, p. 70). Second, by tapping into users' personal assets, peer-to-peer platforms allow their users to access a more diversified supply of offerings compared to traditional rental firms (Schor, 2020, p. 108).

1.1.4 Excess capacity

Peer-to-peer platforms enable transactions in the *excess capacity* of physical assets (e.g., spare rooms, tools, cars, camper vans, etc.) and/or human assets (i.e., skills, time) (Munger, 2018, p. 23).²⁷ Excess capacity results from the combination of the time that some asset is idle and the opportunity costs stemming from possible alternative uses for that asset during that timeframe—for example, a week's worth of (hypothetical) revenues from a city apartment that sits empty during its owners' holiday.

²⁶ Besides prominently displayed reputation scores, profile pages of peer-to-peer platform users often also feature personal pictures, additional personal information and proofs of identity verification. Also membership duration, number of completed transactions and response rates are typically displayed.

²⁷ Transactions on peer-to-peer platforms are not limited to *excess capacity* of physical and human assets. *Extra capacity* may also be generated on platforms (Gerwe & Silva, 2020, p. 71)—for example, when an accommodation is acquired with the exclusive aim of renting it out through Airbnb.

Note that the existence of ‘opportunity costs’ of some asset is, in the first place, conditional on a technically feasible and economically viable alternative usage of the asset in question. That is, for an apartment that is vacant during its owner’s holiday to have opportunity costs, there has to be some feasible alternative way of putting the apartment to use. It is exactly this ‘feasible alternative usage’ that peer-to-peer platforms provide. The availability of Airbnb, for instance, opens up the possibility of renting out one’s apartment. The apartment’s ‘idle capacity’ is then transformed into ‘excess capacity’, which can be exchanged.²⁸ In other words, through peer-to-peer platforms, the excess capacity of underutilized assets can be commodified and transferred to those who value it more than the owner at a particular point in time (Benkler, 2004, p. 342). The owner, in turn, can make some extra money from the capacity that would otherwise be ‘wasted’ in the economic sense of the term.

1.2 Platform Benefits

The advent of the peer-to-peer economy was accompanied by high expectations. From the outset, numerous commentators have hailed the platform companies, and they have done so for various reasons. Some praised peer-to-peer platforms for substituting social forms of exchange for ‘empty transactions’ (e.g., Botsman & Rogers, 2011; Ikkala & Lampinen, 2015). Others, mostly economists, conjectured that peer-to-peer platforms would add to economic welfare by virtue of opening up a whole new realm of opportunities for exchanging goods and services (e.g., Munger, 2018; Puschmann & Alt, 2016; Tirole, 2019). Still others mused that Uber, Airbnb, and the like would empower people to set up their own businesses and support themselves and their families through ‘grassroots entrepreneurship’ (Habibi et al., 2016; Sundararajan, 2016).

²⁸ Benkler (2004) insightfully explains which particular characteristics of privately-owned capital goods renders these goods’ excess capacity suitable for exchange via peer-to-peer platforms. To that purpose, Benkler introduces the notions of ‘lumpiness’ and ‘granularity’. First, ‘lumpy’ goods are goods whose ‘unit package size’ consists of discrete bundles of functionality (where ‘functionality’ denotes the “welfare-producing use that a resource enables” [id. at p. 298]). A car, for example, comes in a package size of typically four or five seats regardless of its passenger occupation, which may be zero for most of the day. Second, regarding the notion of ‘granularity’, the ‘mid-grained’ level is of most interest for peer-to-peer exchanges. When a good is ‘mid-grained’, its package size exceeds its (prospective) owner’s individual demand in terms of the functionality it is capable of provisioning, yet this discrepancy is small enough such that the (prospective) owner is nonetheless willing to buy the good in order to secure the continuous availability of the good’s functionality, which—until the advent of peer-to-peer platforms—could only be secured through ownership. Mid-grained lumpy goods, then, are capable of providing *more* functionality than their owners demand—either in a particular time frame (as when a car owner drives empty seats from a to b), or across time (as when the owner stays in one place or uses an alternative means of transportation, and the car stands unused). It is precisely goods with these characteristics that will “systematically represent a pool of potential idled physical-capital resources” (id. at p. 357), which are in principle suitable for exchange on peer-to-peer platforms.

As it turns out, peer-to-peer platforms have delivered in terms of at least some of these expectations. In the ensuing paragraphs, I highlight two main benefits that peer-to-peer platforms in fact produce (i.e., economic surplus and autonomy), after which I dismiss the idea that peer-to-peer platforms generally foster a more social form of exchange as unfounded.

1.2.1 Economic Surplus

By unlocking the value of underused human and physical assets, peer-to-peer platforms have the potential to generate sizeable economic surpluses for consumers, providers, and platform owners—and thereby boost social welfare (Einav et al., 2016; Fraiberger & Sundararajan, 2017).

For consumers, firstly, peer-to-peer platforms create surplus by: (a) reducing their search costs, (b) increasing their match value, and (c) lowering prices. With regard to (a), the matching algorithms, search filters, price-comparison tools, and other mechanism of disseminating information make it easy for consumers to find reliable transaction partners and/or suitable offerings, reducing their net search costs (Tirole, 2019, p. 381). As for (b), both because of these lower search costs—which induce consumers to sample more offerings and thus make better purchasing decisions (C. Wang & Wright, 2020, p. 33)—and because of the diversification of offerings, consumers typically capture high match values on peer-to-peer platforms. Airbnb guests, for instance, greatly value the experiential benefits of personalization and the local flavor of Airbnb services that come with the diversification of accommodations relative to the hotel industry (Mody et al., 2017, p. 2377).²⁹ Regarding (c), due to the efficiency with which peer-to-peer platforms operate as well as the fierce between-provider competition that results from increased supply and informational transparency, prices of online platform offerings are typically lower than those of similar offerings sold through offline outlets (C. Wang & Wright, 2020, p. 33).³⁰

For providers, secondly, peer-to-peer platforms produce surplus through newly created income opportunities (Gerwe & Silva, 2020, p. 72). Through Airbnb, property owners benefit from receiving monetary rewards for assets that would otherwise be dedicated to personal consumption (Bosma, 2019). Through Uber, in turn, people can flexibly monetize idle time in a way that tenured jobs usually do not allow (Schor, 2020, p. 109), opening up job opportunities also for people who

²⁹ It has been estimated that the added consumer surplus that people capture from staying in an Airbnb rather than a hotel room amounts to 41 dollars per night (Farronato & Fradkin, 2018, p. 41).

³⁰ Generally, competition between suppliers is more fierce on online platforms than in the offline world. This is due to the presence of many suppliers whose offerings and pricings may be easily compared because of the transparency and easy-access overview that platforms typically offer (Bakos, 1997, p. 1677).

remain outside of the full-time labor market because of care commitments, health issues or other reasons (Calo & Rosenblat, 2017, p. 1642). In this way, platforms are helping many in the middle class to supplement their primary income to pay off debts or build retirement savings (Schor, 2020, p. 109).

Platform owners, finally, benefit from added provider and consumer surpluses as they capture a percentage part via the fees they charge people for using their platforms. These surpluses are typically multiplied by the fact that, due to their lower operating costs, platforms can easily scale up their infrastructure and induce voluminous entry of new users spurring a virtuous cycle of positive network effects and platform attractiveness (Van Alstyne et al., 2016).

1.2.2 Autonomy

A corollary of the new and flexibly organized earning opportunities that peer-to-peer platforms enable is that these platforms typically promote autonomy—both for providers and for consumers.

As for providers, peer-to-peer platforms enable them to function (in degrees that vary across platforms) as ‘grassroots entrepreneurs’ (M. Cohen & Sundararajan, 2015, p. 129), boosting their autonomy in making a living. Even those platforms that exercise significant control over providers (see §1.3.2) refrain from direct interference over essential aspects of the labor process compared to traditional firms (Vallas & Schor, 2020, p. 282). Peer-to-peer platforms generally permit variation in working hours and times, in how the job is performed, in education levels, and in other background characteristics of workers (Schor, 2020, p. 79). Further, platform providers engage in their platform-mediated activities in the absence of routinization and scheduling. At least formally, it is *they* who decide on when, where, and how to work, incentivized by potential earnings and opportunity costs. This possibility to earn (additional) income at their own discretion turns out to be a welcome feature of platform work for many providers (Berger et al., 2018; Dubal, 2020).

As for consumers, their autonomy is boosted through the increased freedom of choice that platforms realize by virtue of their diversification of offerings, as well as through the added control over arranging their transactions compared to traditional booking agents or taxi centers.

1.2.3 Social Exchange

In the early days of the online peer-to-peer economy, commentators had high hopes that platforms would foster a more social kind of exchange (Botsman & Rogers, 2011; Ikkala & Lampinen, 2015; Sundararajan, 2016)—a message that was also promoted by platforms themselves (Acquier et al., 2017, p. 2; Schor, 2014, p. 7). The

idea was that exchanges between peers would substitute “meaningful personal interactions” for the self-interested “empty transactions” that characterize the interaction between consumers and firms (Botsman, 2010). This is the reason why this new generation of peer-to-peer platforms was initially baptized as the ‘sharing economy’.

Today, however, it is apparent that the presumption that peer-to-peer platforms foster a purely or predominantly social form of exchange is unfounded. Indeed, profit-driven platforms are by far the largest players in the peer-to-peer universe (Gerwe & Silva, 2020, p. 72). They enable money-based transactions that qualify as *renting* rather than ‘sharing’ in the sense of “nonreciprocal pro-social behavior” (Benkler, 2004, p. 275) consisting in the performance of an “altruistic act intended as a convenience, courtesy, or kindness to others” (Belk, 2014b, p. 1596). This observation has prompted scholars to dismiss the term “sharing economy” as inappropriate (e.g., Belk, 2017; Calo & Rosenblat, 2017; Scholz, 2016; Slee, 2016).

I already mentioned that making money has been found to be providers’ primary motivation for using peer-to-peer platforms (Philip et al., 2015, p. 1324), while consumers are simply looking for services that provide what they need for the best possible price (Guttentag, 2015, p. 1196; Möhlmann, 2015, p. 193). What is more, platform users appear to prefer to minimize social exchange with their transaction partners on Uber (Shaheen, 2018, p. 6) as well as on Airbnb (Kas et al., 2022, p. 517).³¹ Further, elaborate rating systems make in-person verification of transaction partners’ trustworthiness redundant (Kas et al., 2022, p. 517). Generally, these findings corroborate Parigi & State’s (2014) observation that the more extensive the digital intermediation on peer-to-peer platforms, the weaker the social ties between exchange partners.

In sum, these considerations bring me to dismiss the presumption that peer-to-peer platforms foster a more social form of exchange as unfounded. Even as peer-to-peer platform exchanges may occasionally create social surplus, this is not a structural feature of the interactions they facilitate.

1.3 Platform Problems

While peer-to-peer platforms have delivered significant benefits on a sizeable scale, there is a flip side to the popularity of some of these platforms. In what follows, I elaborate on two concerns that they raise, both of which have been extensively discussed in scholarly literature and popular media alike. These are: (1) the negative

³¹ This is likely why cars available on peer-to-peer platforms are increasingly equipped with remote access, while lock boxes and other keyless entry options increasingly reduce in-person contact on Airbnb (Schor, 2020, p. 113).

quality-of-life impacts on neighboring residents spurred by the Airbnb-induced ‘touristification’ of residential areas; and (2) the labor injustice to which Uber drivers are subject.

1.3.1 *Airbnb: Touristification of Residential Areas*

The immense popularity of Airbnb in residential areas of popular tourist destinations may generate externalities that negatively impact the quality of life of the residents of affected areas. I refer to these externalities by means of the umbrella term of ‘touristification’ (Gurran & Phibbs, 2017, p. 401).³² To the extent that Airbnb activity produces the externalities captured under this heading, I will say that Airbnb activity *harms* neighboring residents.³³

The externalities of Airbnb activity comprise both physical and immaterial nuisances. *Physical nuisances* may stem from: (i) stress on local traffic infrastructure and waste management (Nieuwland & Van Melik, 2020, p. 813); and (ii) noisy behavior, possibly at odd hours (Wegmann & Jiao, 2017, p. 495). *Immaterial nuisances*, in turn, concern: (i) feelings of insecurity due to the presence of shifting visitors in one’s apartment block or street (Wegmann & Jiao, 2017, p. 495); and (ii) a sense of alienation spurred by the perceived loss of local culture and neighborhood cohesion (Cócola Gant, 2016). Granted, touristification pressures are part of a more general trend (Gravari-Barbas & Guinand, 2017, p. 246). Yet various studies indicate that the proliferation of Airbnb accommodations in residential areas has reinforced the concerns raised by these pressures (see e.g., Coles et al., 2018; Garay et al., 2020; Van Holm, 2020; Wilson et al., 2022). One reason for this is that rental activities enabled by Airbnb are not covered by the zoning regulations to which hotels are subject, which fuels the expansion of these activities into residential areas of popular tourist destinations (Gurran & Phibbs, 2017, p. 402).

³² The externalities I am concerned with here are so-called ‘non-pecuniary’ externalities, which denote the costs that neighboring residents incur from Airbnb activity (Filippas & Horton, 2018, p. 7). These differ from ‘pecuniary’ externalities, which capture the changes in price and value brought about by the entry of Airbnb, such as those of real estate—the prices of which tend to increase due to Airbnb presence (Duso et al., 2022; Garcia-López et al., 2020)—and of hotels—which are subject to downward pressure due to Airbnb presence (Farronato & Fradkin, 2018; Zervas et al., 2017). One reason why I focus on non-pecuniary rather than pecuniary externalities is that the latter can be viewed as neutral from an efficiency standpoint (Endörfer, 2022, p. 227), whence their status as harms warranting intervention is a contentious issue. As Endörfer (id. at p. 222) observes, the welfare losses from price shifts (i.e., ‘market harms’) are often considered to be an exception to the Harm Principle (for a different view see e.g.: Claassen, 2016, p. 549). Non-pecuniary externalities in contrast, lack this symmetry of price changes and they originate from market failure, whence they can more straightforwardly be classified as harms under the Harm Principle (cf. Heath, 2004).

³³ I am aware that not everyone will agree with this conceptual move, i.e., of classifying the externalities at issue as harms. While an interesting topic, I leave this issue aside and simply proceed on the assumption that the relevant externalities qualify as harms.

Important to note is that the impacts of Airbnb presence widely differ across neighborhoods and cities (Gurran & Phibbs, 2017, p. 401). The externalities captured under the heading of ‘touristification’ have a threshold structure, which means that the harms they comprise are produced only when some threshold is met or surpassed by the aggregate of Airbnb rental activities (Wegmann & Jiao, 2017, p. 495). This means that, even as some neighborhoods may enjoy net benefits from the presence of Airbnb accommodations up to a certain amount, touristification concerns can be pressing in areas where Airbnb activity is densely concentrated. The costs of Airbnb activity imposed on neighboring residents may even exceed the combined benefits to travelers, property owners, and the platform itself, to the detriment of net social welfare (Bivens, 2019). Relevant in this context is the finding that Airbnb supply generally mirrors the distribution of tourism demand and ‘traditional’ accommodation capacity (Adamiak, 2022, p. 3134). This suggests that Airbnb supply adds to the touristification pressures already present in touristic ‘hotspots’, albeit in a way that is not curtailed by zoning regulations (Wegmann & Jiao, 2017, p. 495).

1.3.2 Uber: Labor Injustice

Uber epitomizes an organizational model of contracting labor and capital inputs by the task (G. F. Davis, 2016, p. 502). As discussed, this allows Uber to avoid expensive fixed employment contracts and associated premiums and business risks, whence it operates cost-efficiently compared to traditional counterparts. While opening up new and flexible earning opportunities, there is a flip side to this lean platform business model.

As I further detail in a moment, I propose that Uber drivers who are (semi)dependent on their platform work for their sustenance (which is the majority of them) are subject to labor injustice. In a word, this is because Uber fails to offer these drivers a fair balance between guarantees and freedoms (Bieber, 2023; Halliday, 2021). Uber drivers absorb the risks normally associated with freelance work, while they are simultaneously being treated as (something close to) employees in light of the control Uber exercises over them. That Uber manages to operate thus and so is plausibly due to an underlying imbalance of (bargaining) power between Uber and those drivers who depend on their platform work to make a living, and who have few outside options (Bieber, 2023; Muldoon & Raekstad, 2022; Steinbaum, 2019). I will now elaborate on these claims.

The first thing to note is that I follow Halliday (2021, p. 241) in taking labor justice to come down to the existence of a fair balance between liabilities and privileges in the labor market. *Liabilities* consist of the risks associated with parameters that include inadequate demand, physical injury, material damage, and health conditions that impact fitness-for-work. *Privileges*, from the perspective of workers, are the freedoms they might enjoy, such as the liberty to negotiate on prices and other terms

of trade, the discretion to work where and when they want, and more generally the absence of surveillance of, and interference with, how work is executed. From the perspective of capital owners/employers, labor market privileges amount to the control they get to exercise over their ‘human resources’.

Plausibly, a range of different mixtures between risks and freedoms qualify as fair working arrangements. Limiting cases on this spectrum are freelancers (who enjoy many freedoms and few guarantees) and employees (who enjoy few freedoms and many guarantees). My accusation of labor injustice directed at Uber gets its substance from the platform *having it both ways* (Halliday, 2021, p. 243). Indeed, Uber withholds from drivers most of the freedoms just mentioned, while also failing to insulate drivers from business risks. As Halliday (p. 240) clarifies, one does not need “a detailed view about where the balance [between liabilities and privileges] lies in order to conclude that something has gone awry” in this arrangement—a diagnosis that I endorse.³⁴

To appreciate this point, consider first the liabilities side of Halliday’s ‘labor justice equation’. Drivers absorb the lion’s share of risks associated with their platform activities (Bieber & Moggia, 2021). Their high risk exposure is evinced by: (a) the fact that drivers do not enjoy sick pay nor social insurance coverage (Z. M. Tan et al., 2021, p. 6); (b) the fact that drivers lack income security as they absorb the risk of low demand in absence of minimum wages and guaranteed working hours (Behrendt et al., 2019, pp. 21–22); (c) the fact that drivers assume all financial risk associated with damage or injury (Henao & Marshall, 2019, p. 444); and (d) the fact that drivers shoulder the risks associated with dealing with customers, who may engage in discriminatory behavior (Goldman & Weil, 2021, p. 57) or (possibly whimsically) ‘punish’ drivers with bad ratings (Dzieza, 2015). It is in light of these risks that Uber drivers have to shoulder *in combination with* their low average earnings (Henao & Marshall, 2019; Zoepf et al., 2018) that Uber drivers’ situation can be classified as ‘precarious’.³⁵ Crucially, platform workers generally do not like being in a precarious situation. They reportedly experience heightened stress levels due to a general sense of insecurity, competition with ‘peers’, uncertainty of

³⁴ Scholars who have come to a similar conclusion that ‘something has gone awry’ with Uber’s modus operandi include Bieber (2023), Calo & Rosenblat (2017), Ferretti (2020), Muldoon & Raekstad (2022), and Rogers (2016).

³⁵ Originally coined by Standing (2011), the term ‘precariat’ denotes the class of workers who are confronted with the shift from a standard of fixed employment to flexible temporary work arrangements that are “uncertain, unpredictable, and risky from the point of the worker” (Kalleberg, 2009, p. 2). Scholars who employ the notion of ‘precariat’ to classify the economic situation of Uber drivers (and other platform workers) include: Chai & Scully (2019), Coyle (2017), Dubal (2017a), Ravenelle (2017), and Schor (2014).

payment, long waiting times between tasks, and blurring boundaries between work and private life (Tran & Sokas, 2017, p. 64).³⁶

Now consider the privileges side of the labor justice equation. Scholarly work on Uber's *modus operandi* suggests that Uber exercises extensive control over drivers (a topic to which I come back in Chapter 3), leaving drivers with few of the freedoms just mentioned. For one, drivers do not have the freedom to set their own prices or negotiate on other terms of trade. Drivers are automatically assigned rides with unknown destinations (prior to task acceptance) for a fare determined by the algorithm based on data and parameters that are unknown to them (Dubal, 2023a, pp. 15–19).

Second, the freedom to execute their work without surveillance or interference is compromised by the 'algorithmic management techniques' that Uber employs to track, check, and steer driver activity (Calo & Rosenblat, 2017, pp. 1660–1668; Rosenblat & Stark, 2016).³⁷ In line with this observation, Uber's smartphone driver application has been characterized as an "intense supervisory devise" (Ahsan, 2020, p. 22). Drivers' behavior—spanning acceptance rates, braking, and acceleration behavior, whereabouts, and working hours—is "scrutinized, monitored, tabulated and controlled with great precision" (Ahsan, 2020, p. 22). Those drivers who do not meet certain threshold requirements (e.g., high ride-acceptance rate, efficient routes, low cancellation rate, and good passenger ratings) risk being expelled from the platform (Calo & Rosenblat, 2017, p. 1661). Further, Uber effectively penalizes drivers who 'multihome' (i.e., log in to multiple ride-hailing platforms simultaneously) in the form of deactivation or restriction of use (Steinbaum, 2019, pp. 55–56).³⁸

Third, even the freedom to decide when and where to work, which Uber drivers formally enjoy, is tapered by Uber's compelling behavioral incentive tools (Rosenblat & Stark, 2016; Scheiber, 2017). These tools incorporate gamification

³⁶ Also, some workers prefer the routine and predictability of fixed-schedule employment, whence the flexibility of platform work can be detrimental to their wellbeing (Z. M. Tan et al., 2021, p. 4). To the extent that platform workers have little outside opportunities, flexibility may not be a choice, but is imposed on them.

³⁷ Algorithmic management has been defined as a labor regime in which algorithms assume managerial functions that "correspond to decisional, informational, and evaluation roles of human managers in organizations" (M. K. Lee et al., 2015, p. 1604), and which is characterized by "continuously tracking and evaluating behavior and performance, as well as automatic implementation of algorithmic decisions" (Möhlmann & Zalmanson, 2017, p. 4).

³⁸ As noted by a French court, the Uber application monitors multihoming by sending messages to drivers after three refusals of ride requests, asking 'Are you still here?', with the ultimate effect that drivers remain "constantly, during the period of connection, at the disposal of the company Uber BV, without being able to actually choose freely [between other platforms], as a self-employed driver would do" (Denis, 2021).

techniques—such as (the promise of) pay premiums and other rewards, goal-setting tools, and Netflix-like automatic assignment of ride requests until the stop button is actively pressed—to exercise “soft control” (Rosenblat & Stark, 2016, p. 3759) over drivers’ work schedules, whereabouts and shift durations (Schor, 2020, p. 80).

Together, these techniques of control turn out to frustrate platform workers as they give rise to a sense of limited agency or even of being manipulated (Dubal, 2023b, pp. 36–40).³⁹ Indeed, Uber essentially features “Taylorism” in a digital guise (Cherry, 2016, p. 21; Tomassetti, 2016, p. 21).

Crucially, it is the *combination* of Uber’s granting workers little freedom and Uber’s refraining from offering them guarantees to alleviate their risk exposure that evokes the accusation of labor injustice. Indeed, as Halliday (2021, p. 241) makes clear, Uber and similar platforms “behave like employers when it comes to directing workers [...] and get to behave like mere brokers when it comes to not providing workers with relevant guarantees”. That Uber manages to operate thus and so is plausibly due to an underlying imbalance of (bargaining) power between Uber and its drivers (Bieber, 2023; Muldoon & Raekstad, 2022; Steinbaum, 2019). Indeed, most Uber drivers depend on their platform work to cover their basic expenses (Schor et al., 2020, p. 843), while many of them have few attractive outside options for earning their livelihood (Holtum et al., 2022, pp. 294-295; Van Doorn et al., 2020, p. 3).⁴⁰ The lack of outside earning opportunities is likely driven by the triple factors of (a) the typical Uber driver’s labor market disadvantage (*ibid.*), (b) the market power of the Uber platform (Gabel, 2016; Smichowski, 2018, pp. 56-62; Steinbaum, 2019, p. 63), and (c) wider trends in the labor market that are tilted against the socio-economic and ethnographic groups that most Uber drivers are part of (Bieber & Moggia, 2021, pp. 9–11; Schor, 2020, pp. 69–70). This puts drivers in a position of vulnerability vis-à-vis the Uber platform, which the latter leverages to avoid offering drivers a just yet more costly combination of freedoms and guarantees.⁴¹ Indeed, as Schor (2020,

³⁹ Uber drivers enjoy less freedoms compared to ‘traditional’ self-employed taxi drivers. Traditional taxi drivers’ ride-hailing apps do not function as ‘intense supervisory devices’ as they are primarily designed for passenger and driver convenience (Lefcoe et al., 2023, p. 4). Taxi drivers are not monitored and reviewed in real time (Steinbaum, 2019, p. 55), nor do they risk automatic suspension without due process involving a human representative at a dedicated agency (Lefcoe et al., 2023, p. 4). Furthermore, in contrast to Uber drivers, taxi drivers (at least in the EU) can determine their own fares for pre-ordered rides, while they have some discretion in setting prices for street-hail rides by granting a discount or arranging a fixed price prior to the ride (see: <https://www.taxiregels.nl/chauffeur-faq-page/>, accessed 10 September 2023).

⁴⁰ According to Schor et al. (2020, p. 843), around 70 percent of Uber drivers are fully dependent or partially dependent on their platform work to cover their basic living expenses. This percentage varies across platform types (Manyika et al., 2016), with taxi and other low-skilled platform jobs scoring high on worker dependency (Florisson & Mandl, 2018).

⁴¹ This relation between bargaining power and labor market injustice is the reason why the accusation of labor injustice plausibly doesn’t have the same force across all drivers. The freedoms experienced and the securities required vary across driver types, as these elements are mediated by drivers’ personal

p. 69) concludes from the results of an extensive body of empirical research on platform workers, “desperation yields bad deals”.

Importantly, all of this is not to say that drivers are necessarily worse off when they work for Uber, compared to some historical or counterfactual benchmark situation (e.g., a situation in which Uber doesn’t operate and/or in which a particular driver is otherwise employed). I follow Vrousalis (2018, pp. 3–4) and Wertheimer (1996, p. 14) in relying on the view that harm (defined as a setback to interests) is not a necessary condition for injustice. Indeed, drivers’ dealings with the Uber platform may very well be mutually advantageous even as the conditions under which drivers’ labor is performed are unjust. Notably, this viewpoint ties in with the observation by Van Doorn et al. (2020), that platform labor is typically “simultaneously a site of degradation *and* opportunity” (p. 3, emphasis is mine), in the sense that “for those who face structural difficulties accessing secure, well-paid and properly protected jobs, gig work can present a provisional step *up*, rather than down” (id. at p. 5).

1.4 Conclusion

Peer-to-peer platforms have combined technological innovations with novel business models to open up a whole new realm of transactions between ‘peers’ that were not, or hardly, feasible before these platforms’ emergence. These platforms are best characterized by means of four key features, namely as (1) online mediators of offline exchanges, between (2) peers in (3) temporary access to the (4) excess capacity of their physical and/or human assets. In virtue of their organizational leanness combined with the attractive value proposition they offer to users, some peer-to-peer platforms have seen spectacular growth rates, in both market valuations and user numbers. As such, successful platforms like Uber and Airbnb increasingly press their marks on economic and social structures as well as on individuals’ quality of life and sustenance.

As I made clear in this chapter, platforms do so both for the good and for the bad. Indeed, Uber and Airbnb are cooperative arrangements that produce valuable

circumstances (Schor et al., 2020, pp. 852-854). As Halliday (2021, p. 242) points out, for occasional drivers (who do not rely on their Uber work for paying their basic expenses and who typically enjoy social security and health insurance coverage through another job or a partner) it is hardly accurate to say that they are victims of labor injustice. Indeed, “[b]y offering very few work hours, occasional workers are not dependent on the platform in ways that make it meaningful to ask whether their income is secure or not”. I add to this the observation that occasional workers experience more freedoms than financially-strapped workers. They feel less pressure to conform to the algorithm’s nudges and to customers’ whims as they worry less about the threat of low rating, deactivation or missed income (Schor et al., 2020, pp. 841-843). The basic point here is that occasional workers are in a more independent position vis-à-vis the platform and customers, which arguably reduces the threat of labor injustice when it comes to these workers (Bieber, 2023, p. 8).

outcomes for many agents, but they do so in a way that imposes costs on other agents. Airbnb realizes internal benefits for its users and for its shareholders, yet sometimes at the expense of social value creation by virtue of its negative impact on the quality of life of residents in specific neighborhoods. Further, to the extent that these negative spillovers mobilize city residents to push for tough regulations—and there is some indication that this is already happening (documented by Garay et al., 2020; Novy & Colomb, 2019; and Wilson et al., 2022)—they indirectly threaten the stability of the cooperative arrangement that Airbnb comprises. Uber, in turn, produces internal value for its shareholders and mostly for one user group (i.e., passengers), while it realizes injustices for another type of users (i.e., drivers). Furthermore, a cooperative breakdown could ensue for Uber from driver dissatisfaction—upsurges of which, in the form of protests and strikes, have taken place in many countries worldwide (documented by Aslam & Woodcock, 2020; Joyce et al., 2020; and Wolf, 2022).

Bearing in mind the enabling conditions of sustainable cooperation (set out in more detail in the introductory chapter)—i.e., the capacity to *stably* produce *valuable* and *just* outcomes, without structurally causing harm—it appears that the platform problems at issue threaten the sustainability of the cooperative arrangements that Uber and Airbnb essentially are. This raises the need for forging adequate responses to the platform problems of concern while harboring platforms' potential to generate benefits. The remainder of this thesis sets out to examine how we might address platform problems associated with Uber and Airbnb in a way that does not entail unacceptably or unnecessarily high costs.

2. MORAL RESPONSIBILITY: A TOOLBOX

As is clear from Chapter 1, this study sets out to examine how we should respond to Airbnb- and Uber-related problems if we wish to attenuate the harms and injustices that they respectively involve. I propose that this is essentially a matter of (a) identifying duty bearers to whom responsibilities are to be allocated and (b) establishing the contents of the responsibilities they are to be burdened with. To make progress with these questions, this chapter takes a step back from concrete platform problems and explores the notion of moral responsibility. As such, this chapter maps elaborations of and distinctions within this notion, whence it serves as a theoretical toolbox for my analyses in subsequent chapters.

Allocating responsibility is “always essentially a matter of pointing fingers”, in the words of Goodin (1987, p. 168). True as that may be, fingers may be pointed for different reasons, with various aims, and in multiple ways. The first major distinction to be made is between retrospective and prospective responsibility. Retrospective responsibility is concerned with finding fault for what has been done, whence its attribution is a matter of imputing blame for an outcome that has already materialized. Alternatively, prospective responsibility serves to remedy the adverse outcome and/or prevent it from reoccurring in the future, for the purposes of which tasks and obligations are assigned.

As I will discuss, underlying both responsibility types are basic and ideologically neutral conditions that ground their legitimate attribution. These conditions are collectively sufficient for the attribution of *retrospective* responsibility. Even so, an adequate distribution of *prospective* responsibility requires a further refinement of this allocative basis through the observance of particular normative principles, or so I propose. Furthermore, rather than *a priori* prioritizing one of these principles, I will argue in favor of bringing them together in a value-pluralist framework that is appropriately sensitive to context—reflecting combined judgments “about what it is fair to expect people to do, what it is efficient to ask people to do, and what it is possible to motivate people to do” (Shue, 1997, p. 170).

This chapter is organized as follows. In the next section (2.1), I start off by fleshing out the various senses of moral responsibility just mentioned as well as the basic conditions for their legitimate attribution. In section 2.2, I outline five normative principles to further particularize attributions of *prospective* responsibility. I dwell

on a number of additional clarifications and distinctions regarding these normative principles in section 2.3, after which I spell out my pluralist approach to specifying and attributing prospective responsibilities in section 2.4. I conclude by shedding light on how each of the next chapters links with my central effort of studying how we should respond to Airbnb- and Uber-related problems in the context of my pluralist responsibility framework.

2.1 A Typology of Moral Responsibility

Before I expand on the import of both retrospective and prospective responsibility, two remarks are in place. The first thing to appreciate is that I am concerned with *moral* responsibility. This concerns responsibility attributed on *moral* grounds that ultimately derive from a normative theory. As such, attributions of moral responsibility are different from factual descriptions of sequences of events (i.e., ‘the storm caused the tree to fall, which then demolished the house’) or statements based on organizational rules (Van de Poel et al., 2012, p. 52). Second, note that my focus here is on moral responsibility for *outcomes*, rather than responsibility for, say, the intentions or actions that have led (or may lead) to the materialization of these outcomes.

With this duly noted, I now present a typology of moral responsibility that highlights the distinction between retrospective responsibility and prospective responsibility as well as the conditions for their respective attribution. This is followed by an overview of possible defeaters of responsibility and a note on the proportionality of responsibility burdens.

2.1.1 Retrospective Responsibility

As I mentioned earlier, retrospective responsibility is oriented toward outcomes that have already materialized. It is concerned with establishing accountability for an outcome in light of there being a suitable relation between an agent’s actions (or omissions) and the outcome of concern.⁴² The attitudinal hallmark of holding an agent retrospectively responsible is moral blame (Strawson, 1962, pp. 1–25; Wallace, 1994, p. 56). Blame is often accompanied by negative emotions such as anger, indignation, or hurt, although this needn’t necessarily be the case—for example when blame is imputed from a dispassionate distance (Fricker, 2016, p. 171). Blame may further be accompanied by sanctions in the form of punishment. Implicit in the attribution of retrospective responsibility is the moral demand that

⁴² Throughout this thesis I assume that omissions are simply a particular type of action and hence treat them analogously (cf. Frankfurt, 1994, for an opposing view see Fischer and Ravizza, 1991).

the blameworthy agent acted in accordance with her obligations *ante factum*, in which case she would have escaped blameworthiness.

The significance of attributing retrospective responsibility varies across normative theories. From a deontological perspective, fixing blame is important for reasons of desert-based retributive justice (Strawson, 1962, pp. 90–91). In contrast, from a consequentialist viewpoint, allocating retrospective responsibility serves the purpose of securing beneficial outcomes. Responsibility attributions have been variously theorized to achieve this aim, for example through inspiring behavioral change (Smart, 1961); cultivating moral agency (Vargas, 2013); expressing moral protest (Pereboom, 2017; A. Smith, 2013); and/or through locating weaknesses of an existing arrangement liable to modification (Herzog, 2019; Young, 2006). In the most extreme version of such forward-aiming conceptions of blame, the justification of sanctions is grounded solely in the value of the consequences those sanctions are expected to produce (Schlick, 1930; Smart, 1973). This would free the way for punishment in the absence of any meaningful causal connection between the scapegoat and the moral ill to be addressed. In addition to deontological objections to this instrumental account of blame (which stress that blaming practices are at least also inherently valuable), it can also be disputed on consequentialist grounds. Indeed, blaming and associated sanctions will plausibly be much more effective if they are directed at agents who are in fact blameworthy (Doorn, 2012, p. 85). This is so because the congruence of moral criticism and judgments of faultiness corresponds with basic intuitions of fairness. This correspondence, in turn, boosts the motivational force of sanctions on individuals to make amends for the past or change their conduct in the future (Kutz, 2000, pp. 54; 129).

Importantly, the appropriate attribution of retrospective responsibility for an outcome hinges on the fulfillment of a number of conditions that are individually necessary and collectively sufficient for establishing whether an agent is deserving of blame. These ‘responsibility conditions’ relate to: (1) the relevant agent’s normative competence (‘moral agency condition’); (2) her causal relevancy with respect to the outcome (‘causal condition’); (3) her potential for having done otherwise (‘control condition’); and (4) her epistemic situation (‘epistemic condition’). Intuitively, an agent is responsible for an outcome roughly if she knowingly or negligently contributed to that outcome in a way that she could have reasonably avoided. In what follows, I discuss these four responsibility conditions in some detail, highlighting different interpretations where applicable.⁴³

⁴³ One may wonder about the role of intentions in the framework for attributing responsibility outlined here. I proceed on the assumption that an agent’s epistemic position vis-à-vis her causal relevancy and the availability of alternative actions is a more adequate marker of her outcome responsibility than her intentions. Besides practical reasons that relate to the difficulty of tracing intentions, this is because bad intentions are arguably necessary nor sufficient for establishing retrospective outcome responsibility. Indeed, I side with scholars who maintain that even in case a particular outcome falls outside the scope

1 *Moral Agency Condition*

The moral agency condition captures the proviso that only entities who are *moral agents* are suitable candidates for blame. This means that responsibility can only be attributed to agents who are *normatively competent*. Such agents are capable of autonomously recognizing and processing morally relevant considerations as well as of bringing these to bear on their intentions, decisions, and actions (Fischer & Ravizza, 1993, pp. 29–31; Pettit, 2007, p. 175; Wallace, 1994, pp. 164–178). In other words, only those agents capable of moral reasoning and purposive action based on that reasoning are *moral agents* who, as such, can be liable to blame.

Moral agency is an inherent feature of most human individuals—except probably (young) children and psychopaths—in most circumstances. Moral agency can also be a feature of groups of human agents, depending on their configuration. Relevant in this context is that two sorts of groups can be distinguished: *organized* and *unorganized* groups. Firstly, unorganized groups are aggregates of people who are minimally associated.⁴⁴ Examples include “feature social groups” (Ritchie, 2018, in French, 2020, p. 14), who exhibit specific traits that define those groups (e.g., a particular gender, race, or religious orientation). A limiting case of unorganized groups are “random collectives of individuals” (Held, 1970, p. 471), or “gathering[s] of folks” (French, 2020, p. 13), which are distinguishable from the set of all persons only in a very minimal sense; e.g., by their location, such as passengers on a train or pedestrians on a sidewalk. Crucially, unorganized groups lack the agentive powers that would enable them to decide, intend, will, and act *as a group* (Lawford-Smith, 2015b, p. 235). This implies that such groups do not have the normative competences required for moral agency (S. Collins, 2019a, p. 949)—though their constituents typically do. This is to say that in case a collection of random passersby would wrongfully fail to help a drowning child, each of the constituents of that collection would be *individually* accountable for this negligence, yet no blame could be attributed to the group as a whole.⁴⁵

of an agent’s intentions, she may nonetheless be blameworthy for that outcome in light of her failing to give due weight to, or wrongfully accept, the unintended (side) effects of her actions (see e.g.: Feinberg, 1968; Vallentyne, 2008; Zoller, 2015). In the legal realm, this viewpoint is captured by the notion of ‘strict liability’, which exists when an agent “is liable for committing an action, regardless of what his/her intent [...] was when committing the action” (see: https://www.law.cornell.edu/wex/strict_liability, accessed 26 April 2023).

⁴⁴ Unorganized groups have also been referred to as ‘aggregates’ (French, 1984), ‘clods’ (French, 2020), ‘combinations’ (S. Collins, 2019b), and ‘diffuse collectives’ (S. Collins, 2019a).

⁴⁵ There are voices who oppose the common view that unorganized collectives cannot be held responsible *qua* collective. See for example May (1987) and Tuomela (1989), who both maintain that under particular conditions mobs can be held collectively responsible. Also Held (1970) argues that what she calls ‘random collections of individuals’ can, in specific situations, be blamed *qua* collective.

Organized groups, in contrast, generally *do* possess the agentic powers required for moral agency. Typical examples of such organized groups are states, corporations, public institutions, civil society organizations, and well-organized activist groups.⁴⁶ The very hallmark of organized collectives is that their constituents are cemented together by a more or less formal structure that transforms “a disparate mass of agents into a coherent social whole” (Hess, 2020, p. 119). This structure typically embodies a decision-making procedure (French, 1979; C. List & Pettit, 2011) or a ‘rational point of view’ (Hess, 2020; Rovane, 1997) that somehow generates a logically integrated set of group-level beliefs, intentions, desires, and perhaps even emotions. This integrated set, in turn, forms the basis for practical deliberation and rational action of the collective as a whole. The inputs to this deliberative process are multifaceted; they may include individual members’ views and commitments, pre-specified goals, practical constraints, and, importantly, morally relevant considerations.⁴⁷

It is in light of these features, which enable groups of people to collectively act on the basis of moral reasons, that organized collectives are moral agents in and of themselves (Copp, 2007; Hess, 2014; C. List & Pettit, 2011). As such, properly unified collective agents can be bearers of moral responsibility that is irreducibly collective.⁴⁸ This means that if, for example, environmental pollution and ensuing climate damage could be traced back to wrongful actions by Shell, Shell *qua* collective entity is to be blamed for the outcome to which it has wrongfully contributed. It also means that if peer-to-peer platforms like Uber and Airbnb are found to have wrongfully contributed to harms and/or injustices, they are retrospectively responsible for those moral ills *as a group agent* in light of their being a corporate entity and, as such, an organized collective.

⁴⁶ Some scholars distinguish a third type of group agent, bound together by a shared goal but lacking an organizational structure. Cases in point are Collins’ “teleological collectives” (2019a, p. 944) and Erskine’s “coalitions of the willing” (Erskine, 2014, p. 115). Both scholars contend that such groups *cannot* coherently be considered proper sites of moral responsibility due to their lack of organization—which is why, for my purposes, I see no point in discussing teleological collectives separately from unorganized collectives.

⁴⁷ Cf. Hindriks (2018), who argues that not all collective agents are capable of processing moral reasons. In his view, collective *moral* agency additionally requires (over and above organization) that the collective has its own normative perspective, which he defines as “an appropriate range of normative policies that serve to systematically bring normative considerations to bear on the decision of the agent” (pp. 3-4). On Hindriks’ account, then, it is only in case members ‘suitably support’ such a perspective that the collective agent is truly normatively competent in a way that would ground moral agency.

⁴⁸ What collective responsibility entails at the level of the individual members of the group is a much-debated issue, which is beyond the scope of this chapter. Further, I should also note here that not everyone agrees that there is such a thing as ‘collective responsibility’ at all. Methodological and normative individualists maintain that the proper targets responsibility attributions can only ever be individual agents. In their view, ascriptions of blame to any type of collective are, at best, nothing more than shorthand devices without meaningful content. For a discussion of this viewpoint see Smiley (2017).

2 Causal Condition

The causal condition for retrospective responsibility captures the proviso that a significant causal relation obtains between the outcome for which responsibility is sought and some preceding action of a putatively liable moral agent. This is to say that the attribution of moral responsibility implies that the responsible agent's action was causally relevant to the outcome at issue.⁴⁹ As such, this proviso raises questions concerning both the nature of causation and the required strength of the causal link.

As for the nature of causation, this is much too encompassing a subject to be dealing with in one chapter or even in one thesis (or perhaps even in a lifetime of academic inquiry). Therefore, I confine myself to simply adopting (but not defending) a conceptually modest account that takes causation to be a relation of dependency between distinct events, in which one ancestral event is a condition for another event (Braham & Van Hees, 2009; Honoré, 1995).⁵⁰ On this account, the question regarding the required strength of the causal link between outcome and agent boils down to what sort of a contribution an ancestral event must make to the outcome to be considered causally relevant in the sense appropriate for the attribution of moral responsibility.

Notably, a number of influential accounts posit that the causal contribution of the requisite sort has 'made a difference' (e.g., Kagan, 2011; Parfit, 1988; Sinnott-Armstrong, 2005). Others have contested this view (e.g., Braham & Van Hees, 2012; Hindriks, 2022; Nefsky, 2017, 2019; Wieland & Van Oeveren, 2020) or have argued it should be applied variously (e.g., Lawford-Smith, 2016). For analytic purposes, rather than framing the debate as one between 'difference-making' versus 'non-difference-making' accounts, I chart the relevant fault lines in an alternative way. I propose to structure the divergent takes on the requisite causal link by disentangling provisos that bear on *actual* causal chains ('to what extent did agent A in fact causally contribute to outcome O?') from those that concern *counterfactual* ones ('what alternative actions were in A's opportunity set before acting, to what effect?')—and harbor these provisos in two separate responsibility conditions.⁵¹

⁴⁹ Not everyone agrees that causal significance is strictly necessary for moral responsibility. Some scholars have argued that a person can be blameworthy in virtue of being member of a group that does wrong (May, 1987; Tuomela, 1989) or because of participatory intentions (Kutz, 2000, pp. 113–145).

⁵⁰ Other theories of causation are, by and large, variations on two basic themes. One variant understands causation in terms of probability-raising while the other variant sees causation as a process of physical production (for an overview see: Schaffler, 2016). Both theoretical strands suffer from their own weaknesses: probability views are challenged by cases of 'preemption' and 'fizzling', while process views are weakened by cases of 'disconnection' and 'misconnection' (ibid.)

⁵¹ I reintroduce the notion of 'difference-making' in Chapter 4, where I expand on its import and the counterintuitive responsibility judgments it may yield.

First, under the present heading of the ‘causal condition’, I outline two takes on the required strength of *ex post* causal significance. The ‘strong’ interpretation of the causal condition is premised on individual causal sufficiency, while the ‘weak’ interpretation bears on parthood in a *set* of jointly sufficient acts. Second, a discussion of counterfactual causal chains is remitted to the paragraph in which I present the ‘control condition’.

i. Strong Interpretation: Causal Sufficiency

The strong interpretation of the causal condition requires that, given the state of the world, an ancestral event was *sufficient* for producing the outcome for which we seek to attribute responsibility. It is not enough that an agent’s action was part of some causal chain of other acts jointly leading up to the outcome. Given the laws of nature, the agent’s action alone should be enough for the outcome to materialize.

Note that it matters a great deal how actions and outcomes are conceptually individuated. Coarsely individuated *actions* may meet the threshold of causal sufficiency more easily than finely individuated actions. Likewise, a finely grained individuation of *outcomes* involves micro-thresholds that are easier to meet than macro-thresholds (Lawford-Smith, 2016, pp. 66–71). For example, a single individual’s pollutive action is probably not sufficient for overall ecological deterioration, though it may be sufficient for destroying biodiversity in a particular pond. Even so, it is not always possible (or desirable) to finely individuate outcomes in this way. If so, this strong interpretation of the causal condition simply fails to attribute causal responsibility to agents who are causally implicated in the production of some outcome, yet whose contribution was not causally sufficient.

Indeed, the strong interpretation of the causal condition is so demanding of the causal link that it has hardly been defended in the scholarly literature. Even so, Sinnott-Armstrong (2005, p. 291) is willing to bite the bullet in his well-known (and controversial) apology for driving a gas-guzzling sportscar on a Sunday afternoon. In his view, such an act is not morally wrong, because one individual’s “exhaust on that Sunday does not cause any climate change at all”, whence “it causes no harm to anyone”. In a similar fashion, Johnson (2003, p. 277) contends that in a typical tragedy-of-the-commons situation, there is “nothing wrong with any one’s person’s use of the commons”, because “no one person’s use is large enough to harm the commons”.

ii. Weak Interpretation: ‘Necessary Element of a Sufficient Set’ (NESS)

Sinnott-Armstrong’s and Johnson’s conclusions will be unsatisfying to many. Indeed, application of the sufficiency proviso produces responsibility judgments that are counterintuitive in many (if not most) cases that involve multiple agents.

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This is especially so for cases that feature non-divisible outcomes. These arise when aspects of collective or joint outcomes cannot be uniquely traced back to particular actions (Braham & Van Hees, 2009, p. 324).⁵² Cases in point are climate change, global labor injustice, factory farming, and, as I shall argue in Chapter 4, platform problems of touristification and unjust working conditions.

To better accommodate such collective action cases, an alternative interpretation of the causal condition for responsibility concentrates on *sets of acts* rather than on single acts. As an exponent of this weaker interpretation, Parfit (1984, p. 70) considered it a ‘mistake in moral mathematics’ to focus on the effects of single acts in isolation, on grounds that “[e]ven if an act harms no one, this act may be wrong because it is one of a *set* of acts that *together* harm other people”.

A further substantiation of this viewpoint is warranted if it is to be operationalizable. First, we need a specification of what the causal relevancy of an individual act amounts to. Second, we need a way of determining which acts make up the set of acts taken to be relevant for moral appraisal in the first place. This latter point can be illustrated by means of the so-called ‘Queen of England Problem’ (inspired by Beebe, 2004 in: Braham & Van Hees, 2012, pp. 610–611).⁵³ Suppose I failed to live up to my promise to water your plants during your holiday abroad and now most of your plants are dead. My omission to water your plants plausibly caused their death. Now, based on a similar line of causal reasoning, the Queen of England’s failure to water your plants could be said to be a cause of their death as well. After all, had I watered your plants, they would have lived, and the same is true for the Queen of England. But this is a rather strange conclusion that we arguably want to avoid. Put differently, the Queen of England Problem illustrates the theoretical difficulties that arise from setting the upper limit for parthood of the set of relevant acts too high. The problem arises if the Queen’s failure to water some arbitrary citizen’s plant is (arguably mistakenly) viewed as a relevant act in the set of acts that together led to the death of the plant.

One proposal—which I adopt but do not defend—that satisfies both of the requirements just mentioned (i.e., the specification of causal relevancy and the

⁵² To clarify, collective outcomes result from situations in which multiple agents individually contribute to the materialization of an outcome (as with pollutive acts that collectively lead to climate change). Joint outcomes, in turn, involve individuals who have to *simultaneously* work together to produce the outcome and whose individual efforts would otherwise be inconsequential (as when lifting a tree trunk requires the combined and simultaneous efforts of multiple people).

⁵³ Nowadays the ‘King of England Problem’ would be a more appropriate label.

delineation of morally relevant acts) is offered by Braham & Van Hees (2012).⁵⁴ Their account of causal relevancy rests on two pillars. First, to exclude extraneous acts from the set of acts subject to moral appraisal, Braham & Van Hees (id. at p. 611) invoke the idea of a “moral field”.⁵⁵ The specification of the moral field presupposes knowledge of which ancestral actions in a causal chain leading up to the outcome of concern are relevant for the normative assessment of a particular agent’s causal contribution. The Queen’s omission to water your plants plausibly falls outside the scope of the moral field enveloping your plants’ death. Though often implicit, the demarcation of the moral field is not arbitrary, as Braham & Van Hees (ibid.) note. Indeed, the contours of the moral field may depend on matters ranging from contextual details and prior moral expectations (based on, for instance, role responsibilities) to pre-existing social connections and physical proximity.

Second, to further carve out what causal relevancy amounts to, Braham & Van Hees (id. at pp. 613–614) introduce the ‘NESS test’.⁵⁶ Rather than identifying some single act or event as ‘the cause’ of an outcome, this test helps identify ‘causally relevant factors’ by checking whether the act at issue is a *necessary element of a sufficient set* (‘NESS’) of causal conditions for that outcome. Under this interpretation of the causal condition for responsibility, an act that is part of a sufficient set can qualify as a causally relevant factor even if there are other actually or hypothetically sufficient sets—such that the particular act was not strictly necessary for the outcome in the actual circumstances. In this way, and in contrast to the stronger interpretation of the causal responsibility condition, the NESS proviso satisfactorily covers collective outcome cases—even those cases that feature overdetermination or non-divisibility.⁵⁷

3 Control Condition

In addition to the causal condition, which (as I pointed out earlier) bears on an act’s *ex post* causal significance, the control condition concentrates on *ex ante* possibilities for action and/or ensuing *counterfactual* causal chains (depending on the particular interpretation of this condition, as I make clear in a moment). The control condition captures the proviso that the agent who performed the relevant act had (some

⁵⁴ I discuss another promising account of causal relevancy, proposed by Nefsky (2017, 2019), in Chapter 4. There, I also explain why I favor Braham & Van Hees’ approach over Nefsky’s.

⁵⁵ The notion of ‘moral field’ is inspired by Mackie’s (1965, 1974) notion of ‘causal field’, as Braham & Van Hees (2012, p. 611) point out.

⁵⁶ The NESS test was first developed in Braham & Van Hees (2009).

⁵⁷ Causal overdetermination occurs when several agents’ actions taken together are more than sufficient to generate that outcome. Non-divisibility refers to cases in which aspects of collective or joint outcomes cannot be uniquely traced back to particular actions.

form/degree of) *ex ante* control. Control here refers to the agent's *avoidance opportunity*, which is made up of the options an agent had *before* acting (or failing to act).

Notably, what this control-as-avoidance-opportunity amounts to (i.e., which particular options make up her avoidance opportunity) is a topic of contention among philosophers. Again, roughly two interpretations of the control condition can be distinguished. The strong interpretation takes control to be a matter of being able to realize *alternative outcomes*. On the weaker interpretation, in turn, control is contingent on the opportunity of *authorship avoidance*. I now outline both interpretations, postponing a more detailed discussion to Chapter 4.

i. Strong Interpretation: Alternative Outcomes

On the strong interpretation of the control condition, the form of control requisite for the legitimate attribution of retrospective responsibility involves the *ex ante* ability to make a difference. This difference-making ability implies that the putatively responsible agent had an opportunity to avoid or alter the outcome that actually materialized, before it materialized. In other words, the strong interpretation requires that, *ante factum*, the agent had a “robust kind of control over the future” such that she was “able to bring about different types of future scenarios” (McKenna, 1997, p. 73) in light of which she could have prevented the outcome for which we now seek to attribute responsibility.⁵⁸

Notably, an agent's *ex ante* ability to make a difference implies causal necessity (for the relevant outcome) of the action she ended up performing. As such, the strong interpretation of the control condition runs into difficulties when applied to cases in which many hands operate and/or those that involve causal overdetermination. Indeed, a straightforward identification of ‘the straw that broke the camel's back’ is virtually impossible in most collective action cases (Nefsky, 2017, p. 2757). Even in those rare cases where it *is* possible to locate a threshold-hitting act with precision, the strong conception of control would fail to capture the moral significance of all the other (non-threshold) contributions.⁵⁹

⁵⁸ Philosophers who have defended and/or adopted (a version of) this conception of control include Feinberg (1988), Johnson (2003), Kagan (2011), Parfit (1988), Sinnott-Armstrong (2005), and Van Inwagen (1978).

⁵⁹ Kagan (2011, pp. 120–121) proposes a ‘solution’ that he takes to account for the moral significance of individual contributions to collective outcomes where it is hard or impossible to identify the triggering act. Denying the existence of non-threshold collective action cases in addition to appealing to *chances* of making a difference, he argues that such an individual contribution virtually always has a negative expected utility—which, on his view, is what warrants its condemnation. See Nefsky (2012) for a sophisticated refutation of Kagan's claims on topic.

ii. *Weak Interpretation: Authorship Avoidance*

To better accommodate collective action cases, including those in which the outcome is overdetermined, weaker interpretations of the control condition focus on an agent's *ex ante* potential for avoiding *authorship* of a particular outcome, rather than prevention of that outcome—where authorship refers to the causal role of the agent.⁶⁰ Phrased differently, on these weaker interpretations control is taken to amount to the *ex ante* opportunity to break the causal link between oneself and the outcome, and thus ensure that one is not causally effective in the relevant sense for the realization thereof—regardless of whether the outcome eventually materializes or not. Hence, this proviso focuses on alternative *courses of action* rather than on alternative *outcomes* (Braham & Van Hees, 2012, p. 616).⁶¹

4 *Epistemic Condition*

Finally, the epistemic condition for retrospective responsibility deals with the *ex ante* foreseeability of an outcome as well as possible courses of action to avoid that outcome on the part of the putatively responsible agent. The underlying idea is that agents can only be held responsible for outcomes they knew they would (help) bring about by acting as they did.⁶² Such presupposes that the agent was, *ante factum*, sufficiently aware of the range of options for acting she had. It also presupposes that she adequately apprehended the possible consequences of these options combined with the rough likelihood of their occurrence in the given context. This brings out that the epistemic condition bears on both the causal and the control condition just discussed. Indeed, the epistemic condition is concerned with *ex ante* first-person knowledge of (i) an agent's (probable) causal relevancy for an outcome in addition to (b) her avoidance opportunity.

Notably, controversy exists about how to qualify the nexus between knowledge and moral responsibility. As with the two previous responsibility conditions, broadly two varieties of the epistemic condition can be distinguished, which differ in their strictness. Important to mention is that, on either interpretation, the required epistemic clarity on the part of an agent is the degree of clarity needed to see at least

⁶⁰ Versions of this interpretation of the control condition have been put forward by (among others) Braham & Van Hees (2012), Hetherington (2003); McKenna (1997); and Nefsky (2019).

⁶¹ A noteworthy specification of this notion of control is offered by Braham & Van Hees (2012), whose account I discuss in detail in Chapter 4.

⁶² The idea that moral responsibility implies (some degree of) knowledge about the effects of available actions has been expressed by (among others) Anscombe (1963), Feinberg (1986, pp. 269–315), Fischer & Ravizza (1993, p. 8), Smith (1983), Wallace (1994, pp. 136–147), Zimmerman (1997), Ginet (2000), and Sher (2009).

the moral outlines of what she is doing—and not necessarily the detailed picture (Herzog, 2019, p. 9; Zoller, 2015, p. 14).

i. Strong Interpretation: Searchlight View

The strongest articulation of the epistemic condition requires that an agent was *ante factum* aware of the morally relevant aspects of the situation in which she was acting—including her alternative options for acting, possible causal chains, and contextual details. This implies that an agent's responsibility only extends so far as her actual awareness is reaching. It is for this reason that Sher (2009, pp. 3–22) refers to this position as 'the searchlight view', exclusively concerned as it is with whatever happens to be illuminated by a particular agent's beam of consciousness. On this view (which Sher himself does not endorse), the degree of responsibility an agent has for an outcome to which she has contributed is a direct function of the relevant facts that appeared in the searchlight of her consciousness.⁶³

The searchlight view has been criticized for being too lenient in excusing agents whenever their contributory act was due to a lapse of attention, poor judgment, or a lack of insight. Indeed, as Sher (2009, p. 8) notes, under the searchlight view, "an agent cannot be responsible for shooting someone if it never occurs to him that his gun may be loaded"—a result that is highly counterintuitive if not outright mistaken. In many circumstances, an agent's awareness of the relevant facts may not reach very far without further investigatory efforts on her part. The upshot is that the searchlight view presents us with responsibility judgments that are arguably untenable.

ii. Weak Interpretation: Duty to Investigate

A less stringent interpretation of the epistemic condition (which I adopt but, again, do not defend) accommodates this critique of the searchlight view. This interpretation hinges on an agent's *ex ante* obligation to obtain information about morally relevant features of her context, possible actions, and likely consequences thereof.⁶⁴ Under this version of the epistemic condition, the relevant question for determining an agent's blameworthiness is *not* whether relevant features of her contribution to a moral ill were, in fact, illuminated by the searchlight of her consciousness—but instead, whether that *should have been* the case. In this way, retrospective responsibility can be attributed to agents

⁶³ Philosophers who assume or presuppose the searchlight view in their moral theories include Herman (1993, p. 95), Sartre (1956, p. 433), and Sidgwick (1981, p. 80).

⁶⁴ A similar take on the epistemic condition has been put forward by, among others, Ginet (2000), Herzog (2019), Prichard (1968), Rosen (2002), Smith (1983), and Zimmerman (1997). Additionally, Sher (2009, pp. 85–96) proposes another alternative to the searchlight view, which I do not discuss here.

even if they are ignorant of the morally relevant details, just in case that instance of ignorance is found to be wrongful pursuant to a violation of the duty to obtain information.

The scope of this duty to investigate is a matter of normative judgment. After all, it involves an appraisal of what an agent can reasonably be expected to (make an effort to) know—by virtue of her being a moral agent, or alternatively, in virtue of her occupying a particular professional, social, or institutional role (Van de Poel, 2011, p. 41). I will further discuss the scope of the duty to investigate under the heading of ‘responsibility defeaters’ in paragraph 2.1.3.

2.1.2 Prospective Responsibility

After having discussed retrospective responsibility and the conditions for its attribution, I now turn to prospective responsibility. Prospective responsibility is future-oriented and concerns the allocation of duties with the purpose of achieving a desirable result. Being attributed prospective responsibility amounts to being morally charged with bringing (or helping to bring) about a future outcome thought to be beneficial—or at the very least, less bad than would otherwise be the case (Smiley, 2017). Phrased differently, the attribution of prospective responsibility imposes a liability for what will happen to the addressee, ideally to the effect that she is appropriately motivated to pursue the desired future state of affairs (Feinberg, 1988).

Prospective responsibilities may feature relatively open-ended prescriptions of the form ‘Agent A ought to see to it that X comes about’, where X is a desirable state of affairs such as where a harm is prevented or a beneficial outcome is realized (Feinberg, 1988, p. 106; Goodin, 1986, p. 50). Alternatively, prospective responsibilities may refer to specific tasks that leave the addressee little discretion as to how to realize the result that the particular task is meant to contribute to (Feinberg, 1988, pp. 98–99; Goodin, 1986, pp. 51–52).⁶⁵ Note also that prospective responsibility stands in a relation of symmetry to retrospective responsibility (Goodin, 1987; Van de Poel, 2011). Assuming or being subject to an obligation entails a liability to blame in case that obligation is violated (Feinberg, 1988, p. 104; Goodin, 1987, p. 179). Analogously, the *ex post* attribution of (retrospective) blame implies that the subject had violated an *ex ante* (prospective) responsibility (Feinberg, 1988, p. 109). Notably, I assume (but not defend) that a prospective responsibility needn’t be fully articulated or specified *ante factum* for it to ground

⁶⁵ Goodin (1986) reserves the term ‘duty’ for specific tasks while he uses ‘obligations’ to denote the more open-ended responsibilities to see to it that a certain state of affairs comes about. That is, in Goodin’s vocabulary, “duties dictate actions”, while obligations “dictate results” (p. 50). Even so, I use the terms ‘duty’ and ‘obligation’ interchangeably.

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(a liability to) blame (*cf.* Feinberg, 1988, pp. 103, 104; D. Miller, 2001, p. 471). The basic *pro tanto* duties not to (knowingly) cause harm or to treat others unjustly arguably suffice to ground retrospective responsibility (granted that the responsibility conditions listed earlier are fulfilled) in situations that lack a more specific distribution of moral labor for producing or averting certain outcomes.

Prospective responsibilities may be distinguished according to the type of prescription they encompass. *Negative* duties, for one, are ‘duties of omission’ as they prohibit doing certain things to others (Lichtenberg, 2010, p. 557), the most general instantiation of which is the duty not to harm (Green, 2005, pp. 118–119; Herzog, 2016, p. 3). *Positive* duties, on the other hand, are ‘duties of action’ as they require the duty-bearer to take action and/or expend some resource to prevent harm or provide benefits to others (Herzog, 2016, p. 3; Lichtenberg, 2010, p. 557).⁶⁶ Such duties generally attach to people’s particular social, political, familial, or occupational roles (Cane, 2016, p. 280). A subcategory of positive duties is formed by *remedial* duties, which impose burdens on agents to fix a bad situation that has already materialized (D. Miller, 2001, p. 454).⁶⁷ In other words, remedial duties are prospective duties with a backward-looking component.

Analogous to retrospective responsibility, the attribution of prospective responsibility hinges on the fulfillment of a number of necessary conditions.⁶⁸ These are basic, ideologically neutral provisos that necessarily apply to any ascription of prospective responsibility. The prospective provisos are very similar to their

⁶⁶ Both Lichtenberg (2010, p. 562) and Scheffler (1995, p. 222) observe that it is a widely held belief that negative duties (not to harm) are stricter than positive duties (to provide aid). They attribute this belief to the assumption that positive duties are subject to the so-called ‘overdemandingness objection’ (Murphy, 1993, p. 268). This objection raises the point that a reasonable morality cannot require agents to make very large sacrifices such that their own wellbeing would be harmed for the sake of providing aid or beneficence to others. Such would be disproportional, or so the overdemandingness objection goes. This ‘ranking’ in strictness of duties, however, is subject to debate. Judith Lichtenberg (2010), for example, argues that the moral contrast between not harming people and helping them is no longer as sharp as has been previously asserted. She supports her argument by noting that the classic model of harm underlying most formulations of negative duties—i.e. discrete individual actions with direct and observable impact—no longer matches our present-day reality (*id.* at pp. 558–559). ‘New Harms’—a term she uses to denote the often distant consequences of actions of many individuals interacting in complex ways—demonstrate that avoiding harm may be at least as demanding as providing aid, thereby rendering the distinction between positive and negative duties of little practical importance (*id.* at pp. 578). Also see Shue (1997, p. 156), who contends that “duties are complicated, far beyond anything reducible to, or helpfully summarized as, negative/positive”.

⁶⁷ What acts constitute an appropriate remedy in a given situation (such that a remedial duty is satisfied) is crucially context- and norm-dependent. A remedy may come down to making amends through monetary compensation of the victim(s); offering apologies to them (and perhaps also the wider moral community); incurring punishment; and/or, in case of an enduring harmful or unjust situation, by making efforts to end that very situation (Pasternak, 2020).

⁶⁸ These conditions are jointly necessary but not sufficient, as I argue in section 2.2. There, I present the normative principles that serve to further particularize responsibility attributions.

retrospective counterparts (i.e., the responsibility conditions just outlined), except for the time dimension: they are essentially future-oriented rather than past-oriented.⁶⁹ I now briefly go over each of these responsibility conditions in their forward-looking guise.

First, the prospective *moral agency* condition stipulates that a putative duty-bearer is normatively competent at the time of duty allocation in the sense discussed in paragraph 2.1.1. Second, the prospective *epistemic* condition only slightly differs from its retrospective counterpart in that the object of the foreseeability it requires hasn't been realized yet. Thus, the formulation of the prospective epistemic condition becomes that, in order to be a fitting target for prospective responsibility, an agent must be (or can reasonably be expected to be) aware of how she can achieve the particular outcome for the materialization of which she is taxed with responsibility.

Third, the prospective counterpart of the *causal condition* only differs from the retrospective version in that—rather than zeroing in on one particular causal chain that has materialized and that is therefore fixed—it considers a potentially infinite number of possible causal chains in virtue of which we can say that the putative duty-bearer is *causally able* to (help) bring about a particular outcome.⁷⁰ As such, it captures the well-known 'ought implies can' dictum.

A strong interpretation of the prospective causal condition would require that the agent is able to produce an act that is causally sufficient and/or necessary for the outcome. On this proviso, an agent must be able to produce or alter the desired outcome all by herself (given the laws of nature and the state of the world) if she is to be attributed prospective responsibility for that outcome. In analogy with my discussion of the strong interpretations of the retrospective causal condition and control condition, this would be too strong a condition for grounding prospective responsibilities, as it would fail to attribute obligations in most, if not all, joint and collective action settings.

An arguably more plausible interpretation of the prospective causal condition replaces the idea of '*the cause*' with '*a causally relevant factor*' and looks at whether an agent is able to contribute to the desired outcome in this weaker sense. Yet unlike the weak interpretation of the retrospective causal condition, which hinges on the

⁶⁹ Even remedial responsibility is essentially future-oriented (although it takes its cue from a past harm or injustice). After all, an agent burdened with a remedial responsibility is supposed to do something vis-à-vis a relevant harm/injustice now or in the future (*cf.* Smiley, 2014, p. 2).

⁷⁰ Note that this entails that it makes no sense to separately introduce prospective counterparts of *both* the causal condition and the control condition. As already noted, I have introduced a separate retrospective causal condition and a retrospective control condition to disentangle proviso's that bear on *actual* causal chains from those that concern *counterfactual* ones. This distinction fails to be relevant in the prospective orientation, as there is no *actual* causal chain (yet) by definition.

NESS test, the type of causal relevancy suited for prospective purposes involves ‘non-superfluosity’ (Nefsky, 2017). This is to say that an agent’s ability to causally contribute to an outcome is morally significant if it makes a “non-trivial progress” (Nefsky, 2017, p. 2764) towards the outcome. This is the case if, at the time of acting, (a) it is still “up in the air” (2017, p. 2753) whether the outcome will obtain and (b) there is a real possibility that the outcome could fail to come about precisely in light of there not being enough acts of the type at issue. This means that one cannot be obligated to perform an act that would add to an outcome that is already guaranteed to come about.⁷¹

2.1.3 Defeaters of Responsibility

Retrospective and prospective responsibility attributions based on the conditions detailed in the foregoing, are typically *pro tanto* in nature. This is to say that attributions of responsibility can be defeated by circumstantial obstacles (Austin, 1957; Strawson, 1962, pp. 77–78; Wallace, 1994, pp. 136–147). To be sure, the rationale for paying attention to defeaters is that, in attributing responsibility, we arguably have to assess the *reasonableness* of the moral demand inherent to the attribution in the face of obstacles that the putatively responsible agent might be confronted with (Goodin, 2009, p. 7; Lawford-Smith, 2015a, p. 327). Defeat of responsibility means that the threshold of reasonableness in regard to morality’s demands has been crossed.

Said obstacles to *pro tanto* responsibilities may be of a situational, physical, or psychological sort. They can be classified according to whether they *excuse* an agent from responsibility (these are ‘excuses’) or *override* the responsibility she would otherwise be subject to (these are ‘justifications’). Responsibility defeaters are scalar in nature, meaning that they can defeat responsibility either fully or to some extent (Kelly, 2012, p. 2). I now separately discuss both defeater types.

i. Excuses

Excuses are incidental circumstances that cancel *pro tanto* responsibility attributions. A legitimate excuse comprises a circumstance due to which an agent retrospectively wasn’t or prospectively isn’t in the position to answer to the moral demand(s) she is putatively subject to. Any excuse bears on one of the moral responsibility conditions set out in the foregoing.

⁷¹ Braham & Van Hees’ (2009, 2012) responsibility account *does* assign moral significance to causal contributions that are superfluous. But remember that these scholars are concerned with *backward-looking* responsibility: it is arguably plausible to contend that an agent who superfluously contributed to a harm can still be blameworthy for having done so. I put forward the claim that Braham & Van Hees’ account is more suitable for retrospective responsibility judgments than Nefsky’s account in Chapter 4.

Moral agency excuses, firstly, are incidental factors that temporarily obstruct an agent’s normative capacities to the extent that she cannot be considered a moral agent in the sense relevant to the fulfillment of the agency condition (Wallace, 1994, p. 154). Indeed, a psychiatric episode and/or the psychological impact of some external situation may transitorily disrupt an agent’s capacity to grasp and/or respond to moral reasons—and thus exempt her from responsibility. Poverty, for example, may negatively impact an agent’s “mental bandwidth” to the point that her ability to adequately process information is severely compromised (Schilbach et al., 2016, p. 436) and she fails to meet the agency condition—even though she would be capable of suitably exercising her normative competence under normal circumstances.⁷² Similarly, the transitory malfunctioning of a collective decision-making procedure can negate the responsibility of an organized group agent.

Causal excuses, in turn, are contingent factors that temporarily obstruct an agent’s physical ability to (help) avoid a bad outcome or to (help) achieve a better one. These include unintentional bodily movements, external constraints, or transient physical disabilities (Wallace, 1994, pp. 136–147). For example, a broken leg may constitute a causal incapacity that excuses a departure from the duty to save a drowning child from a pond (Hindriks, 2019b, p. 206).

Epistemic excuses, finally, apply to the nexus between knowledge and moral responsibility. These excuses are incidental factors—resulting from inculpable inadvertence, mistake, or accident (Wallace, 1994, pp. 136–147)—that temporarily block an agent’s access to the information that is required for acting in accordance with morality’s demands. For example, someone may inculpably fail to save a drowning child because she justifiably mistakes the child’s movements for play, thus lacking the knowledge required to fulfill the *pro tanto* duty to save the child from severe harm.

ii. Justifications

Justifications are situation-specific considerations that override *pro tanto* responsibility attributions. In the drowning-child-in-pond example, it may be that the duty to save the child is overridden by a weightier obligation that cannot be met simultaneously—e.g., the obligation to save five other children from being crushed by a falling tree (Hindriks, 2019b, p. 206). Alternatively, failure to save the drowning child from the pond may be justified by the fact that an aggressive crocodile is waiting to attack whoever jumps into the pond (*ibid.*) To be sure, these countervailing considerations alter the “balance of reasons” (Duff, 2009, p. 980) on

⁷² Claassen & Herzog (2019) make a similar point about ‘economic agency’, which they define as “the ability to acquire resources for general (autonomous) agency” (p. 2). By extension, economic agency is a precondition for the exercise of moral agency as well. Claassen & Herzog assume that people’s economic agency is, to a large extent, determined by their social and economic situation.

which an agent ought to act in such a way that a putative moral demand becomes disproportionate.

‘Balance of reasons’ here refers to the costs and stakes involved in fulfilling a particular duty (either from a retrospective or a prospective vantage point). Costs may arise from: (i) possible other obligations one would have to renege in order to fulfill the duty in question; and (ii) the mental and physical efforts as well as (iii) the (risk of) financial or other personal losses involved in fulfilling the duty itself *and* in obtaining morally relevant information to fulfill the ‘duty to investigate’ captured by the epistemic condition outlined earlier.⁷³ The relevant stakes, from a retrospective vantage point, are a function of (i) the severity of the moral ill for which responsibility was putatively attributed; (ii) the degree of the agent’s causal involvement in the production of that ill; and (iii) the *ex ante* likelihood of avoiding causal involvement by acting otherwise. From a prospective perspective, the stakes are a function of the moral significance of the envisioned outcome and the extent to which a putatively responsible agent can help (or could have helped) bring it about.

A disbalance between the gains involved and sacrifices required for a particular course of action (be it discharging a duty or seeking out morally relevant information) may give rise to the so-called “overdemandingness objection” (Murphy, 1993, p. 268) at which point it is no longer reasonable to expect an agent to pursue that action. In other words, her not pursuing the action is justified in light of the relatively disproportional costs she would have to incur. Importantly, this is not a matter of neutral calculus: tracing the limits of reasonableness involves a *normative* threshold for establishing proportionality between costs and stakes. What is more, this threshold generally varies across agents, contingent as it is on the professional, social, or institutional roles they occupy.

2.2 Normative Principles for Attributing Prospective Responsibility

In paragraph 2.1.2, I outlined the conditions for *prospective* outcome responsibility—i.e., the basic qualifications bearing on an agent’s normative capacities, causal abilities, and foresight that minimally need to obtain. While jointly necessary, these conditions are not yet *sufficient* for the attribution of prospective responsibility. Oftentimes there are many agents who meet the basic conditions. If prospective responsibility attributions were solely based on these conditions, responsibilities would be widely dispersed to the extent that they would fail to be

⁷³ The costs of obtaining information are also referred to as “research costs” (Lichtenberg, 2010, p. 576). The level of research costs, in turn, depend on agent-specific features (e.g., educational background, cognitive capacities, time and resources available for information gathering) and context-dependent aspects (e.g., the complexity of the situation and the uncertainty interlacing with causal chains).

compelling. Indeed, as Miller (2001, p. 469) notes, responsibility that is widely dispersed may induce people to “hang back in the hope that someone else will step in first” as “no one will be particularly liable to censure if the bad condition is not remedied”. A further thing to note is that, on these basic conditions alone, individual agents might be charged with addressing *so* many moral ills that it would be impossible for them to meet all or even most of these duties (Goodin, 2009, pp. 8, 9; Shue, 1988, p. 690).⁷⁴ In both cases (i.e., of responsibility dispersion and of moral overload), responsibility attributions risk losing their practical force.

This problem can be solved by creating a *division of moral labor* (Herzog, 2016, p. 19; Richardson, 1999, p. 220; Shue, 1988, p. 689). Such a division calls for the identification of agents who, either individually or along with others, have a particular responsibility to (help) realize an outcome that is not shared equally across all agents who meet the basic prospective responsibility conditions.

To arrive at a division of moral labor, I propose that the allocative framework for prospective responsibility should be refined by supplementing the three *basic* prospective responsibility conditions with one or more *normative* principle(s). These normative principles each centralize a distinct value on the basis of which prospective responsibility attributions can be (further) particularized.⁷⁵ I distinguish five normative responsibility principles: (1) the effectiveness principle, (2) the corrective principle, (3) the benefit principle, (4) the endowment principle, and (5) the role principle. As I shall make clear in section 2.4, rather than single out one of these principles, I adopt a value-pluralist approach that takes the applicability and relative significance of each of the responsibility principles to be crucially case- and context-dependent. I now dwell on each of the normative principles just listed.

2.2.1 The Effectiveness Principle

The effectiveness principle stipulates that responsibilities are to be defined and distributed in a way that is likely to be successful at alleviating the moral ill of concern and/or achieving an otherwise desirable state of affairs—assuming that interventions can make a change for the better.⁷⁶ Evincing an instrumental approach

⁷⁴ As Shue (1988, p. 690) clarifies, “I could not give a penny to each hungry child, even if that were a good idea—I do not even have the time to give one minute’s thought to each hungry child.”

⁷⁵ Indeed, as Cane (2016, p. 292) notes, this particularization entails that any distribution of prospective responsibilities is ideologically charged, depending as it does on ethical and/or political principles.

⁷⁶ I make a reasonable case for this assumption in relation to platform problems in Chapter 5. Note, however, that even in the case that the status quo is Pareto optimal in terms of the *non-justice* values at stake (e.g., economic welfare, autonomy, security, quality-of-life), there could still be room for improvement in terms of *justice*—be it in the substantive, the procedural or the corrective sense of that notion. This implies that a normative analysis of the event or phenomenon at issue can be worthwhile in both in non-Pareto optimal *and* in Pareto optimal situations.

to responsibility, this future-oriented principle applies “means/end reasoning” (Shue, 1997, p. 164) to the selection of the course of action to be pursued as well as to the accompanying distribution of responsibilities (i.e., ‘responsibility arrangement’).⁷⁷ The central value underlying the effectiveness principle is (unsurprisingly) effectiveness, which may in turn function as an instrumental gateway to the values that the realization of the envisioned outcome would expectedly promote.⁷⁸

Many different factors bear on the likelihood of success of a particular course of action and accompanying responsibility distribution in achieving the sought-after state of affairs. For one, these factors include putative duty-bearers’ physical capacities, financial resources, level of education, and access to information (Nihlén Fahlquist, 2009, p. 119), or even their charisma and persuasiveness conducive to mobilizing other agents (Lawford-Smith, 2015a, p. 323). Note that these capacities and resources need not necessarily bear on *direct* contributions to fixing the moral ill of concern. Rather, they may equally well pertain to *indirect* actions aimed at mobilizing other agents to make individual or joint efforts to achieve the desired outcome, or at setting up institutions for that purpose.⁷⁹ Second, the effectiveness of a particular responsibility arrangement is influenced by relevant facts about people’s psychological makeup that determine their level of compliance. Third, financial, political, social, and technical factors bear on effectiveness as these factors determine what can realistically be accomplished through any responsibility arrangement.⁸⁰

Finally, another type of factor that may influence a responsibility arrangement’s effectiveness is the arrangement’s congruity with backward-looking responsibility attributions—given the assumption that such congruity is associated with an added motivational force to comply (see §2.1.1). More specifically, insofar as (i) attributing forward-looking responsibilities to blameworthy agents is perceived as fair by these

⁷⁷ Policy selection and responsibility distribution can either be two separate matters, or they can be interlinked as when a particular policy already fixes the distribution of tasks (and no conversion from in-kind contributions to financial burdens is possible in the sense discussed in paragraph 2.3.3).

⁷⁸ In this way, the effectiveness principle may press for the assignment of duties to institutional agents, including the state. Indeed, various scholars have advocated assigning prospective responsibilities for mitigating collective harms (such climate harms) to state actors for reasons of effectiveness (e.g., Caney, 2016; Erskine, 2003; Nihlén Fahlquist, 2009; Green, 2005; Lawford-Smith, 2016; Lichtenberg, 2010). Even so, the effectiveness principle may just as well discommend assigning responsibilities to the state in case this expectedly doesn’t get us the result we are after—for example because of an adverse effect on individual agents’ moral efforts (i.e., moral hazard).

⁷⁹ Collins (2013, 2019b), Goodin (2009), Hindriks (2019b, 2022), Lawford-Smith (2012, 2015a), and Shue (1988, 1997) each develop an account of indirect duties in situations where *joint*, *collective* and/or *corporate* (in the social-ontological sense of the word) efforts are required for tackling a particular problem.

⁸⁰ I discuss the significance of compliance, feasibility and other possible spillover/feedback effects for the effectiveness of particular responsibility arrangements in much more detail in Chapter 5.

very agents and/or their communities, and (ii) this perceived fairness functions as a motivational force on the part of blameworthy agents to take up forward-looking responsibilities, attributing forward-looking responsibility on the basis on backward-looking attributions of blame is warranted on grounds of effectiveness.⁸¹

2.2.2 The Corrective Principle

The corrective principle takes past wrongful contributions to the situation that is in need of redress as foundational for assigning duties specific to that situation.⁸² As such, this principle takes the attribution of *retrospective* responsibility for an outcome as input for allocating *prospective* responsibilities that serve to alleviate that outcome. In this way, the corrective principle corresponds to the well-known ‘Polluter Pays Principle’ in the context of harmful climate change, which places the primary burden of meeting the costs of environmental pollution on countries with the highest historic greenhouse gas emission rates.⁸³

The corrective principle is desert-based as it emphasizes corrective justice as the main value to be accommodated in designing a division of labor for alleviating moral ills.⁸⁴ As such, it ties in with an arguably essential part of human morality—i.e., the basic, deeply felt belief that people should be held to account for the harm they have done, and offer a remedy if possible (D. Miller, 2001, p. 471). The remedy may come in the form of apologies, practical efforts to set things right, and/or monetary compensation.

2.2.3 The Benefit Principle

Pursuant to the benefit principle, prospective responsibilities for addressing a particular moral ill are to be assigned to those who have priorly enjoyed and/or

⁸¹ Note that the normative import of retrospective responsibility in this context is instrumental: grounding forward-looking responsibility in blame attributions is warranted only insofar as blame functions as an incentive for taking up forward-looking obligations (Pereboom, 2017).

⁸² Scholars whose accounts feature (a version of) the corrective principle include Brown (2009), Lyons (2004), and Schmidtz (1998).

⁸³ For defenses of the Polluter Pays Principle, see: Butt (2013), P. G. Harris (1999), Neumayer (2000), and Vanderheiden (2008).

⁸⁴ Note that I employ the notion of corrective justice rather than retributive justice. My reason for doing so is that *retributive* justice is solely concerned with punishing a wrongdoer in proportion to her moral faults. *Corrective* justice, in contrast, obligates a wrongdoer to restore victims to a position equivalent to the position they were in prior to the wrongdoing (Kuklin, 2018). In other words, corrective justice subsumes retributive justice while extending beyond the purposes of retribution toward setting right what has gone wrong—which is why I take it to be a more suitable basis for grounding prospective responsibilities that seek to address a moral ill. In libertarian theories the analogue of corrective or retributive justice is rectificatory justice, on the principle of which people whose entitlements to holdings have been infringed are to be compensated by the violators who committed these infringements (see e.g., Nozick, 1974).

continue to enjoy benefits from that moral ill—regardless of whether they wrongfully contributed to it.⁸⁵ This principle is grounded in a desert-based notion of justice that seeks to establish compensation for unduly accrued benefits in the form of greater remedial and/or preventive efforts.⁸⁶ The benefit principle is often invoked in the context of harmful climate change in the form of the ‘Beneficiary Pays Principle’.⁸⁷ In contrast to the Polluter Pays Principle, which concentrates on historical contributions, the Beneficiary Pays Principle maintains that the burdens of reducing global greenhouse gas emissions (or mitigating their cumulative impact) should fall on those who most benefitted (and possibly still benefit) from those emissions.

A notable application of the benefit principle in another context (i.e., ‘rape culture’) is offered by May & Strikwerda (1994). They make the claim that *all* men bear responsibilities for “re-socializing themselves and their fellow men” (p. 149) so as to put an end to rape culture on the grounds that all men benefit from the prevalence of rape. The underlying idea is that men benefit from rape culture “in that many women are made to feel dependent on men for protection against potential rapists” (p. 148). In a similar vein, white people can be said to have a special obligation to counter racism and improve the situation of non-white people on the grounds that white people are the beneficiaries of past and present discriminatory social structures (Isaacs, 2014, p. 47).

2.2.4 The Endowment Principle

The endowment principle stipulates that responsibilities are to be allocated in such a way that the heaviest burdens are borne by the strongest shoulders—i.e., by those people who have to exert less effort in discharging the responsibility at issue compared to others.⁸⁸ Accommodating this principle involves taking into account putative duty-bearers’ situation-specific carrying capacity, which is a function of

⁸⁵ Scholars whose accounts feature (a version of) the benefit principle include Isaacs (2014, p. 41), Lawford-Smith (2014), May & Strikwerda (1994), and Young (2006, p. 128).

⁸⁶ Lawford-Smith (2014) distinguishes two different rationales for the benefit principle. The first is “victim-driven” and proceeds on the idea that “[v]ictims need to be made reparation, or compensated and that [that] can be done using the relinquished benefits” (p. 399) of the prior beneficiaries of a moral ill. The second rationale is beneficiary-driven and poses that it is “*impermissible to benefit simpliciter*” (ibid.) on grounds of a moral requirement to relinquish undue benefits irrespective of there being victims to be compensated. Note that the stipulation that responsibilities are to be assigned to beneficiaries of a moral ill can also be defended on the basis of effectiveness (‘those who benefitted are likely to have more resources and are therefore more likely to be capable of setting things right’). This intuition, however, is different from the justice-based moral intuitions the benefit principle captures.

⁸⁷ For a defense of the Beneficiary Pays Principle, see Page (2012).

⁸⁸ Scholars whose accounts feature (a version of) the benefit principle include Caney (2010a), Kelly (2012), and Singer (1972).

their relevant *endowments*. These are the resources, abilities, and power they possess in virtue of which they can address (or contribute to addressing) the moral ill of concern. In this way, the endowment principle prescribes a qualified version of ‘can implies ought’ in the sense that it stipulates that, *ceteris paribus*, responsibility is an increasing function of the capacities, resources, and power a particular agent has (Vranas, 2007, p. 171), echoing the communist principle “from each according to his ability”.⁸⁹ Notably, the striking capacity at issue here is not confined to capacities bearing on *direct* contributions to fixing the moral ill of concern. It extends to the capacities in virtue of which an agent is well-positioned to take *indirect* action. Such indirect action may be aimed at mobilizing other agents or setting up institutions with the purpose of undertaking or stimulating collective effort to achieve the desired outcome (Lawford-Smith, 2015a, pp. 320–321; Young, 2006, pp. 127–130).

The endowment principle is underpinned by a fairness-based argumentation that expresses the view that it is unfair that meeting particular moral requirements should weigh much heavier on some agents than on others. Phrased differently, this principle conveys “morality’s recognition that the stringency of its requirements varies contextually in a way that can be unfair” (Kelly, 2012, p. 57).

In this way, the endowment principle crucially differs from the effectiveness principle as well as from the benefit principle—in spite of apparent similarities and possible overlap in application. Firstly, the endowment principle differs from the benefit principle as it is not concerned with how resources, abilities, and power came about, but rather seeks to adjust for these personal attributes in the distribution of burdens associated with taking responsibility. Second, the endowment principle diverges from the effectiveness principle in that the emphasis it places on capacities, resources, and power does *not* stem from the fact that these attributes may increase the likelihood of successfully bringing about the envisioned outcome. Rather, the endowment principle takes its cue from these attributes as they are indicative of who is in the best position to bear particular burdens (and thus would incur the lowest cost in doing so).⁹⁰ This latter point brings out that the endowment principle has its climate-change analogue in the form of the ‘Ability to Pay Principle’, which posits that the burdens of dealing with climate change should fall on the most advantaged.⁹¹

⁸⁹ The full slogan reads “[f]rom each according to his ability, to each according to his needs”, originally phrased by Marx in his *Critique of the Gotha Programme* (1875/2022).

⁹⁰ In this way, the endowment principle is analogous to the common law doctrine of the ‘least-cost harm avoider’, which requires that liability for avoiding harm is allocated to the party with the lowest cost of care (Calabresi, 1970).

⁹¹ For defenses of the Ability to Pay Principle, see: Caney (2010a, pp. 207–208), Moellendorf (2002, pp. 97–100), and Shue (1999, pp. 537–544).

2.2.5 The Role Principle

The role principle for grounding forward-looking responsibility attributions is rooted in social contract theory or contractarianism.⁹² This theory appeals to the idea of a (hypothetical or tacit) social contract between the members of a society, to ground the design of social institutions and confer a normative force on these very institutions. The operationalization of these social institutions, in turn, requires the delineation and distribution of *roles* that capture institutionally specified social functions and corresponding responsibilities (Cane, 2016, p. 269; Hardimon, 1994, pp. 334–335; Sachs, 2022, pp. 6–8).⁹³ In this way, the social contract simultaneously grounds the legitimacy *and* determines the content of the responsibilities imposed on the agents who find themselves, by their own agreement or otherwise, in a particular social, occupational, or institutional role.

Take for example the role of an employer, under the plausible assumption that employment is a “major structural element” of the social contract (International Labour Office, 2018, p. 2). As I discuss in Chapter 3 (§3.3.2), the responsibilities that typically attach to this role reflect the idea that social justice requires counterbalancing employers’ bargaining power surplus with worker protections and entitlements so as to ensure living wages and decent work (Croucher et al., 2012; Rogers, 2016, pp. 500–505; Zatz, 2011, pp. 282–284).

Note, finally, that the role principle and the corrective principle are related in the sense that an agent who has reneged on a responsibility attached to her role is also subject to retrospective responsibility and, as a corollary, to corrective justice.

2.3 Further Distinctions and Clarifications

Having laid out five normative principles for grounding prospective responsibility attributions, a number of further distinctions and clarifications are in place. These concern: (i) the broader normative theories in which the different principles have their place; (ii) the degree of ‘policy-dependence’ of the respective responsibility distributions informed by these principles; and (iii) the ‘currency’ of responsibility burdens and the degrees of freedom in the ‘conversion’ from in-kind contributions to financial burdens.

⁹² I proceed on a Rawlsian account of social contract theory as set out in Cudd & Eftekhari (2021).

⁹³ Not every role-related responsibility is grounded in a social contract. Responsibilities that attach to the roles of parent, sibling or friend, for example, have a basis in the private dimension of moral life. I do not discuss this type of role responsibilities here.

2.3.1 *Consequentialist versus Deontological Approaches*

One distinction to be made concerns the broader normative theories in which the different principles have their place. Firstly, the effectiveness principle articulates a consequentialist outlook, concerned as it is with the *effects* of specific responsibility arrangements in terms of their likely success at achieving an envisioned outcome. From a consequentialist vantage point, responsibilities are allocated for instrumental reasons, and the distribution of duties that (expectedly) delivers the best results is taken to be morally optimal (Doorn, 2012, pp. 74–75; Nihlén Fahlquist, 2006, pp. 16–17). In a word, the end justifies the means.

The corrective, benefit, and endowment principles, in contrast, evince a deontological perspective, which cherishes responsibility practices independently of their effects (Doorn, 2012, pp. 72–74; Nihlén Fahlquist, 2006, pp. 17–18).⁹⁴ Indeed, these principles express a concern for the realization of the non-consequentialist values of corrective justice, distributive justice, and fairness, respectively.

The role principle, lastly, sits well with both deontological and consequentialist approaches (*cf.* Ashford & Mulgan, 2018). That is, the societal agreement on institutional design (and the ensuing role responsibilities) central to contractarian approaches, can accommodate consequentialist considerations that concern the *effects* of institutional design. But it can just as well accommodate deontological considerations that concern the non-consequentialist values that the institutional framework should purportedly harbor.

2.3.2 *Policy Dependence and Content Stipulation*

A second clarificatory distinction to be made bears on the extent to which the different responsibility principles can be applied *without* reference to any specific policy, plan, or course of action that gives content to the responsibilities to be distributed.

Consider, first, the corrective principle and the benefit principle. These are what I call ‘policy-independent’ principles. On these two principles, it is possible to establish which agent(s) is (are) prospectively responsible for realizing an outcome on grounds based on historical information only, *without* reference to any concrete policy plan for taking action. This is because both these principles are indexed on variables that are exogenously fixed at the time of their application. That is, past wrongs feed into the application of the corrective principle, while accrued

⁹⁴ Doorn (2012) and Nihlén Fahlquist (2006) are concerned with the equivalents of what I have called the corrective principle (which they likewise see as fitting into a deontological approach) and the effectiveness principle (which they take to resonate with consequentialist theories). They do not consider the endowment principle nor the benefit principle, which I take as articulating a deontological outlook as well.

advantages feed into the application of the benefit principle. As a corollary, the responsibilities distributed on grounds of either of these principles can be open-ended, in the sense that they do not necessarily have a specific content at the time of allocation.⁹⁵

Now consider the role principle. Much like the corrective and the benefit principle, it grounds responsibility allocations without reference to any particular strategy for achieving an envisioned outcome. This is because the role principle imputes responsibilities on the basis of a priorly determined social contract. Yet unlike the corrective and the benefit principle, the content of role-based responsibilities is generally less open-ended. In fact, the specificity of the content of role-based responsibilities is inversely proportional to the generality of the roles the responsibilities pertain to. For example, the social role of ‘employer’ is associated with well-defined obligations vis-à-vis employees bearing on secure decent work and pay. Even so, the relatively general role of ‘parent’ comes with the rather non-specific responsibility of taking care of the well-being of a child. Indeed, what this role responsibility concretely amounts to has not meticulously been specified by the social contract.

Consider, finally, the effectiveness principle and the endowment principle. These principles lean toward the policy-dependent end of the spectrum. It is typically not possible to settle on a responsibility distribution that satisfies either of these principles without first tracing out a course of action to be pursued.⁹⁶ This is because both these principles’ application hinges on variables that typically endogenously correlate with the particular policy plan adopted. Indeed, the effectiveness principle takes its source from the *striking power* of putative duty bearers in executing (elements of) a particular policy. In turn, the endowment principle takes as its input the *carrying capacity* of putative duty bearers in shouldering the burdens associated with policy execution. As a corollary, the content of the responsibilities that these

⁹⁵ To illustrate this point, take the example of harmful climate change and the call for mitigating its progress and its effects. Application of the *corrective* principle arguably gives rise to the verdict that those who historically contributed to climate change (through pollutive activities) bear a special obligation to take remedial and preventive efforts. Similarly, application of the *benefit* principle occasions the judgment that those who have benefited from pollutive activities that resulted in climate change bear prospective responsibilities for mitigating climate change and/or ensuing harms. Crucially, note that the prospective responsibilities thus allocated are of a general kind and lack specific content: their action-guiding substance still needs to be fleshed out by specific plans for coping with climate change and its effects. What these principles effectively commit us to, then, is that any concrete distribution of tasks stemming from a proposed climate policy should harmonize with the principles’ licensed allocation of open-ended responsibilities.

⁹⁶ There are exceptions. For example, it is possible to distribute responsibilities based on the effectiveness principle in case it is obvious that a particular agent likely has a comparative advantage at achieving the envisioned end across the board, i.e., irrespective of the particular policy adopted.

principles respectively assign is settled prior to their allocation, i.e., by the particular policy of which they form part.⁹⁷

2.3.3 *Currency and Conversion of Responsibility Burdens*

A final clarification to be made concerns what I call the ‘currencies’ of responsibility burdens and the flexibility with which they can be converted into one another (if at all). Responsibility burdens can be cashed out in terms of either ‘in-kind contributions’ (Waldron, 1995, p. 152) or in terms of monetary compensation.⁹⁸ I refer to these as the ‘currencies’ of responsibility burdens.

In-kind contributions, firstly, are efforts made by primary duty bearers to discharge the relevant duty in a direct way. For example, someone may discharge her climatic responsibilities ‘in-kind’ by keeping her greenhouse gas emissions within a pre-specified limit. Monetary compensation, secondly, is the financial burden that serves to compensate *others* for making the relevant in-kind contribution *on one’s behalf*. Through monetary compensation, the primary duty bearer *delegates* the practical execution of her responsibilities and pays restitution to those who substitute for her.⁹⁹ This is what I call ‘burden conversion’, as one currency of responsibility burden (the in-kind contribution) is converted into another (money). As an example, consider emission rights trading schemes, under which countries burdened with the responsibility to do their bit in bringing down global greenhouse gas emissions can effectively pay other countries for taking on the practical burdens of doing so.¹⁰⁰

⁹⁷ Again, the example of climate change helps illustrate this point. As for the application of the effectiveness principle, identifying the precise distribution of responsibilities likely to be most successful in mitigating harmful climate change is only possible with reference to a specific plan. Indeed, successfully implementing a nation-wide switch to nuclear energy calls for a different allocation of responsibilities than does bringing down the aggregate consumption of fossil fuels. Analogously for the endowment principle, allocating responsibilities in order to abate global warming such that the heaviest burdens fall on the strongest shoulders, requires prior settlement of a specific policy plan. Surely, the set of agents who are favorably positioned to bear the burdens associated with switching to solar energy for their domestic energy management doesn’t necessarily overlap with those who are favorably positioned to convince corporate shareholders of a fossil fuel company to press for sustainability initiatives. This brings out that there is hardly any point in applying the effectiveness principle or the endowment principle to allocate responsibilities without first establishing the specific course of action that is to be taken in order to assuage climate change.

⁹⁸ Cf. Pogge’s recommended “institutional understanding” of human rights (in: Shue, 1997, p. 161), which gives rise to his ‘indirection thesis’. This thesis proposes that the route to the fulfillment of a responsibility isn’t necessarily the *direct* route. This is consistent with the proposition that duty discharge needn’t necessarily involve in-kind contributions, but may comprise monetary compensations instead.

⁹⁹ Note that this differs from cases in which the required in-kind effort involves financial contributions.

¹⁰⁰ For comprehensive normative analyses of carbon emission right trading schemes see: Caney (2010b); Caney and Hepburn (2011); Goodin (1994); and Page (2011).

In-kind contributions are arguably a more direct way of discharging one's duties compared to monetary compensation. Even so, allowing agents to discharge their responsibilities through monetary compensation has a number of advantages. One advantage is the added flexibility for primary duty-bearers. This flexibility, in turn, grants these duty-bearers a greater degree of individual freedom than they would have if they were required to discharge their responsibilities strictly through in-kind contributions (Caney, 2010b, p. 200; Shue, 1988, p. 697).¹⁰¹ A related advantage is that allowing for burden conversion is conducive to the simultaneous observance of two or more responsibility principles in case these principles recommend allocating responsibility to non-coinciding sets of agents (I come back to this point in §2.4.2).

Before I proceed, a number of objections to and limitations of responsibility burden conversion deserve consideration. In the paragraphs that follow, I present a number of arguments that have been brought forward to discredit the executionary outsourcing of duties, some of which are more general and some of which only bear on particular kinds of duties.

i. Inalienable duties

One limitation to burden conversion is that there are some responsibilities that are impossible for others but the primary bearer to discharge. These duties are, in a word, *inalienable* from the primary duty-bearer. For example, the duty of sexual fidelity to one's spouse (in a monogamous relationship) cannot be outsourced to, and discharged by, another person (Caney & Hepburn, 2011, p. 208). Similarly, it is impossible to hive off the responsibility to apologize for having treated someone badly. Paying for someone else to apologize on one's behalf would undermine the whole point of making amends (Caney, 2010b, p. 11).

ii. Non-delegable duties

Another limitation to burden conversion concerns the point that some responsibilities are *non-delegable*. This means that the inherent in-kind efforts that would serve to discharge these responsibilities are alienable in principle, yet it would somehow be wrong or inappropriate for primary duty-bearers to delegate the in-kind efforts to others. In other words, bearing a compensatory financial burden is simply not a fitting way to discharge responsibilities of this sort. Notably, four different lines of reasoning support this objection to burden conversion.

a. Civic responsibilities. One may reason that so-called 'civic responsibilities' should be directly discharged by their primary bearers. Examples of civic

¹⁰¹ Caney (2010b, p. 200) attributes this insight to Simmel's seminal work *The Philosophy of Money* (1907). Also see note 105.

responsibilities that arguably require in-kind contributions are military duties (Caney, 2010b, p. 207) and the duty of doing jury service (Caney & Hepburn, 2011, p. 208). Also the purported duty of keeping one’s carbon emissions in check has been argued to fall into this category (Sandel, 2005, p. 95).¹⁰² The underlying concern here is that paying others to discharge a duty on one’s behalf would free the way for reprehensible indulgences (Goodin, 1994, pp. 581–583) in light of violating (republican) ideals of good citizenship (Sandel, 2005, p. 95) or some other moral imperative that requires that we do the right things for the right reasons and that we do them (Frankfurt, 1988, pp. 80–94).¹⁰³

b. Motivation matters. A further line of reasoning supporting the ‘non-delegable-duty’ objection to burden conversion appeals to the point that ‘selling off’ one’s duties might be incompatible with the functioning of the institution or social practice of which those duties are part. The idea here is that the proper functioning of some particular institutions and social practices is conditional on the responsibilities they comprise being discharged *with the right motivation*—and that this arguably excludes financial gain.¹⁰⁴ Again, jury duties are a case in point, as these should be fulfilled “out of a commitment to seeing that justice is done—not by someone who is only in it for the money” (Caney, 2010b, p. 208). Similarly, political responsibilities should not be vicariously performed in exchange for money (Walzer, 1983, p. 101).

c. Personal duties. Another class of duties that have been argued to be inappropriate to ‘outsource’ are some specific duties that are part of a personal relationship. For example, parents arguably shouldn’t be paying others to attend their children’s birthday (or some other milestone festivity).

¹⁰² Morozov (2023) expressed this view in a recent *New York Times* article, saying that it is the “fixation on efficiency that is how we arrived at ‘solving’ climate change by letting the worst offenders continue as before. The way to avoid the shackles of regulation is to devise a scheme that lets polluters buy credits to match the extra carbon they emit. This culture of efficiency, in which markets measure the worth of things and substitute for justice, inevitably erodes civic virtues.”

¹⁰³ A critic may point out that the ‘civic responsibilities argument’ works well only in those situations where a ‘solidaristic scheme’ is in operation. Such a scheme requires partakers to contribute in-kind to a shared task as it is all about people acting in a “public-spirited way furthering the common good” (Caney, 2010b, p. 208). Under such a scheme, hiving off civic responsibilities on others indeed appears to be morally problematic. However, often enough there is no background solidaristic framework in place. Wartime conscription and jury service are probably rare examples of solidaristic schemes that exact an in-kind contribution from duty-bearers rather than a monetary contribution (Waldron, 1995, p. 152). As mentioned in the main text, some have argued that climatic responsibilities are likewise part of a solidaristic scheme.

¹⁰⁴ The claim that the vicarious executioners of responsibilities typically lack motivation of the ‘right’ sort stems from the well-documented observation that financial incentives may crowd out intrinsic motivation (for an overview and discussion of empirical studies that support this claim see: Page, 2011, pp. 273–275).

Likewise, a married person shouldn't delegate keeping track of her wedding anniversary and buying presents for her spouse to her secretary. Indeed, as Goodin (2009, p. 10) writes, "[i]f you care about your marriage, you ought to attend to these things yourself rather than subcontracting the job to some other". What these examples bring out is that duty discharge may require *particular* actions by *particular* persons and that the impersonal character of money may render the conversion of in-kind contributions to financial compensation inappropriate.¹⁰⁵

d. Fines versus fees. Finally, there is the point that outsourcing responsibilities in exchange for money would muddle the distinction between *finis* and *fees*. According to some scholars (e.g., Goodin, 1994, pp. 581–583; Sandel, 2005, pp. 94–95), this feature renders the conversion of in-kind contributions into financial burdens undesirable, as the distinction between *finis* and *fees* is worth maintaining in light of the moral stigma that is associated with the former but not with the latter. Sandel (2005, p. 94) presents this point intuitively when he writes: "Suppose there were a \$100 fine for throwing a beer can into the Grand Canyon, and a wealthy hiker decided to pay \$100 for the convenience. Would there be nothing wrong in his treating the fine as if it were simply an expensive dumping charge?" For most of us, the obvious answer to this rhetorical question is probably 'no'.¹⁰⁶

iii. Social cooperation

A final limitation to burden conversion concerns the responsibilities that form part of a cooperative endeavor. Many forms of social cooperation arguably flourish by virtue of perceived fairness and solidarity, which are conducive to a sense of common purpose and *esprit de corps* (Sandel, 2005, p. 95). Also, cooperation generally requires that agents signal their willingness to cooperate (Alfano, 2021, pp. 502–503). The concern is that, if people can hive off the practical execution of their responsibilities on others, this may undermine

¹⁰⁵ Money possesses a high degree of 'convertibility', as it can be converted into many different goods and services (Simmel, 1907, in: Caney, 2010b, p. 221). This property confers on money its impersonal character, which has many advantages yet may also render certain exchanges inappropriate and/or undesirable.

¹⁰⁶ In response to this argument, one might reason that the argument is mostly convincing in situations that feature '*incremental* harm', where each discrete act causes some amount of harm in and of itself. In such cases, a single individual act constitutes a wrong, whence sanctions (e.g., a fine) are a fitting response. Even so, it might be argued that matters are different in *threshold* situations, where harm is brought about only if a certain threshold number of individuals act in concert, yet no one's individual act causes harm by itself. In such situations, it is not obvious that morally charged stigmatization or punishment is a fitting response (Page, 2011, p. 268). Furthermore, the collective harm at issue may be successfully alleviated by a system of fees (Caney & Hepburn, 2011, pp. 222–223), which would make fees attractive from a consequentialist point of view.

perceived fairness and solidarity, in addition to weakening the signaling function that direct contributions to the cooperative endeavor may have (which may induce others to cooperate as well).¹⁰⁷

2.4 A Pluralist Approach to Distributing Responsibilities

Recall that the driving force of this thesis is the question of how we should respond to platform problems if we wish to attenuate the harms and injustices they involve. As I pointed out, this is essentially a matter of (a) identifying duty bearers to whom responsibilities are to be allocated and (b) establishing the contents of the responsibilities they are to be burdened with. I have referred to this combination of responsibility specification and allocation as ‘responsibility arrangements’. In section 2.2, I presented five normative principles that may serve to settle (a), possibly together with (b) (depending on the ‘policy dependence’ of the principle that is applied, see §2.3.2). Each of these principles centralizes a distinct value, as I pointed out.

Crucially, I adopt a *value-pluralist* approach to defining and distributing responsibilities.¹⁰⁸ That is, I proceed on the assumptions that: (i) each of the values centralized by a particular responsibility principle is worth pursuing on its own account, and (ii) these values do not reduce to each other and they cannot be measured or compared on a common cardinal scale—i.e., they are incommensurable (Chang, 2015, p. 16144). Endorsing value pluralism implies accepting that there is no established foundation or general rule for ranking or prioritizing certain normative considerations over others across the board (Crowder, 2020, p. 1). The upshot is that, rather than subscribing to one single normative position that emphasizes one particular value (such as effectiveness being singled out by a consequentialist account, and corrective justice by a retributivist account), I adopt a *multi-principles* framework for attributing responsibilities. Such a framework gives due consideration to each of the values centralized by the distinct responsibility principles presented in section 2.2.

In this section, I present two qualifications of my value-pluralist approach to specifying and distributing responsibilities, in addition to discussing the possibilities that ensue in cases where more than one responsibility principle applies.

¹⁰⁷ In response, Caney (2010b, pp. 211–212) points out that burden conversion needn’t be detrimental to a shared cooperative ethos. Whether or not it is, crucially depends on how delegation and compensation are arranged, as well as on perceived equitableness of this arrangement among the parties involved.

¹⁰⁸ Other scholars who advocate a pluralist approach to allocating prospective responsibilities include Caney (2014), Doorn (2012), Miller (2001), Nihlén Fahlquist (2006, 2009), Shue (1997), and Smiley (2014).

2.4.1 *Two Qualifications*

A first qualification is that the value-pluralist approach that I commend does not attach an identical weight to each principle in every situation. To be sure, which particular values are at stake and to what extent these should inform normative judgments concerning the specification and the distribution of responsibilities is crucially context-dependent. For example, if no one has benefited from a situation in need of redress, the benefit principle simply does not bear upon the allocation of forward-looking responsibilities for fixing that situation.

A second qualification concerning my pluralist approach is the stipulation that any responsibility arrangement should ideally reflect both *effectiveness* and *fairness* considerations. Effectiveness, firstly, is a feature of any responsibility arrangement that sufficiently works to address the issues for which responsibilities are defined and distributed in the first place. Phrased differently, (some degree of) effectiveness is a necessary condition for reliably achieving any envisioned outcome. It should come as no surprise that this stipulation presses for the application of the effectiveness principle. The effectiveness stipulation may possibly also be served by applying the role principle, just in case the particular institutional design that the role principle recommends is found to be effective at securing the envisioned outcome.

Fairness considerations, in turn, ensure that responsibility arrangements are such that they make fair demands on designated duty bearers. This is important as a matter of justice (Caney, 2014, pp. 125–126; Shue, 1997, pp. 165–166). It is also important because a responsibility arrangement that places unfairly high burdens on duty bearers and/or unfairly distributes burdens among them, is bound to come into conflict with people’s basic intuitions of justice (D. Miller, 2001, p. 466).¹⁰⁹ Presumably, such intuitions are important touchstones for evaluating responsibility arrangements (Driver, 2022), not in the least because of their significance for the psychological feasibility of complying with responsibility arrangements (Doorn, 2012, p. 85; Hindriks, 2021, p. 36; Kutz, 2000, pp. 54, 129).¹¹⁰ To be sure, the responsibility principles that give substance to this fairness criterion are the corrective, benefit, and endowment principles. Also, the role principle may serve this purpose, just in case the distribution of roles and accompanying responsibilities it recommends is grounded in a notion of fairness.

¹⁰⁹ I am aware that there is much academic ado about the status of moral intuitions in moral theory. For a different view than I am proceeding on here, see Sinnott-Armstrong, Young & Cushman (2010), who argue that moral intuitions are generally unreliable sources of evidence for moral claims.

¹¹⁰ Hindriks (2021, pp. 36–38) lists several empirical studies that support his claim that “when an institution is perceived as unjust, people are typically disinclined to comply with it” (p. 36).

2.4.2 *Accommodating Multiple Principles*

The qualifications just presented bring out that responsibility arrangements should reflect combined judgments about “what it is fair to expect people to do, what it is efficient to ask people to do, and what it is possible to motivate people to do” (Shue, 1997, p. 170). While these requirements are not contradictory in principle, it is far from guaranteed that they can be concurrently satisfied in practice. For instance, it might be the case that for certain problems the only potent solution demands far more of putative duty-bearers than it is fair to ask. Surely, as Shue (1997, p. 166) notes, attempting to satisfy fairness and effectiveness requirements at once “is like digging a tunnel under a river by having two teams work simultaneously, one from each side, planning to meet in the middle—the nightmare is that they will not arrive at the same place.”

To appreciate this point, consider the following overview of the possibilities that ensue in cases where more than one responsibility principle applies.

1. *Convergence*. Principles converge and reinforce each other as they pick out the same set(s) of agents to be burdened with responsibilities.
2. *Divergence*. Principles point to different (sets of) putative duty-bearers, whence two further possibilities arise:
 - a. *Simultaneous accommodation*. Diverging principles can each be accommodated, either by:
 - i. *Division* of responsibilities to several (sets of) agents, or
 - ii. *Conversion* of the currency of responsibility burdens.
 - b. *Selection*. Diverging principles cannot be simultaneously accommodated, because responsibilities cannot be converted and/or because it is imperative that a single (type of) agent takes action rather than several (types of) agents in concert. One principle needs to be singled out if we are to pick out any well-identified duty-bearers at all.

Class 2. a. ii. (‘conversion of the currency of responsibility burdens’) is a point worth examining in some detail here. Recall from paragraph 2.3.3 that conversion of responsibility burdens refers to the practice of delegating the practical execution of one’s responsibilities to others in exchange for money. I already pointed out that one advantage of burden conversion is that it can be conducive to the simultaneous accommodation of two or more principles that recommend allocating responsibility to non-coinciding sets of agents.

To clarify, take the situation in which we wish to allocate the prospective responsibility to remedy a harm that has materialized to either one of two agents A

and B (and suppose that the harm is such that it really requires *one* agent to remedy it and no more). Agent A has in fact contributed to the harm, in light of which she should be attributed responsibility according to the *corrective* principle. However, agent A is somehow (non-culpably) incapable of remedying the harm. Agent B did *not* contribute to the harm but is much better suited to remedy the harm. She should be attributed responsibility according to the *effectiveness* principle. Hence, we have a situation in which the effectiveness principle and the corrective principle point in two different directions, in the sense that they recommend attributing a particular responsibility to remedy a harm to two different agents. So, it seems that we face a choice between (a) allocating responsibility fairly yet ineffectively to A, or (b) allocating responsibility effectively yet unfairly to B. Now, enter the burden conversion option. This enables agent A to delegate the practical execution of the responsibility she has (in light of her historical contribution) to agent B, who can then remedy the harm and is compensated for it by A. This ‘solution’ thus clears the way for operating an effective policy option and ditto task allocation while realizing a fair burden allocation—effectively functioning as a Band-Aid for reconciling principles.¹¹¹

Notwithstanding its advantages, responsibility burden conversion is not always possible. In paragraph 2.3.3, I listed duty types for which delegation to others is either impossible by definition or undesirable as a matter of principle. Furthermore, burden conversion may simply be practically unfeasible. In those cases, conflicting principles may end up in class 2.b in the scheme on the previous page, impelling us to trade off principles against each other, or to simply prioritize one principle more or less arbitrarily.

2.5 Conclusion

In this chapter, I have laid the groundwork for making progress with my central research question of how we should respond to platform problems. The chapter featured an elaborate theoretical toolbox mapping essential elaborations of, and crucial distinctions within, the notion of moral responsibility. This covered the distinction between retrospective responsibility and prospective responsibility as well as elaborations of the basic conditions for their legitimate attribution. The allocative framework for prospective responsibility was further refined by adding five normative principles that each centralize a distinct value on the basis of which

¹¹¹ Another way to capture this simultaneous observance of multiple *prima facie* conflicting principles is by distinguishing between “*immediate* responsibility” and “*final* responsibility” (D. Miller, 2001, p. 468). The former denotes the duty to contribute in-kind that the capacious agents have (on grounds of effectiveness), while the latter refers to the responsibility of ultimate duty bearers to compensate for the incidental costs associated with direct efforts (on grounds of fairness).

responsibility arrangements can be particularized. Furthermore, I outlined my value-pluralist approach to specifying and distributing responsibilities, which commends accommodating the various principles in a context-sensitive manner.

Over the course of the following chapters, I apply elements of my responsibility toolbox to the adverse effects of Uber and Airbnb. This has the aim of establishing a division of moral labor such that platform problems are acceptably mitigated in a way that doesn't take too much toll on platforms' value-realizing potential. This objective brings out that, ultimately, I am concerned with allocating *prospective* responsibilities. In this, I follow Young, who in her seminal *Responsibility for Justice* (2011) proposes that our focus should ultimately be on what can and should be attempted in the future, which can be changed, rather than on failures in the past, which cannot be. Notwithstanding Young's dismissal of the "rhetorics of blame" as "unproductive" (2011, p. 117), however, I contend that the fair allocation of *prospective* responsibilities mostly cannot do without *retrospective* localizations of fault. Indeed, the latter are essential inputs for allocating prospective responsibilities as a matter of fairness, as the corrective principle presented in paragraph 2.2.2 brings out. Additionally, on a practical note, establishing what went wrong may identify the 'weak spots' in an existing arrangement, thereby indicating how it should be modified. In all, I concur with Nussbaum (2013, p. xii) that, often enough, "it is a little hard to see how we ever get to the future without a critique of the past".

Importantly, my multi-principles framework for attributing responsibility does not attach an identical weight to each responsibility principle across all situations. Rather, it takes the applicability and relative significance of responsibility principles to be crucially case- and context-dependent. Chapters 3 and 4 reflect this feature, as they deal with specific situational attributes of platform problems that bear on the applicability and weightiness of particular responsibility principles. Because an in-depth analysis of each of the responsibility principles (and the situational attributes that determine their relevance) is too much to cover in one thesis, I concentrate on the pertinence of the corrective principle and the role principle. Chapter 3 focuses on the Uber and Airbnb *platforms*, while Chapter 4 considers the *users* of those platforms. These chapters comprise an effort to map these agents' relationships to the platform problems of concern, which in turn serve as input to ascertaining the applicability and weightiness of said principles. Chapter 5, finally, takes a practical turn as it is dedicated to effectiveness considerations that bear on the contents of the responsibilities to be allotted. The chapter features an identification of the respective mechanisms through which platform problems might be settled as well as an assessment of these mechanisms' potency in achieving their objective.

3. PEER-TO-PEER PLATFORMS: RESPONSIBILITY AND CONTROL

Any prospective responsibility arrangement should ideally reflect fairness considerations, or so I proposed in Chapter 2. This ensures that responsibility arrangements are such that they make fair demands on designated duty bearers. As I explained, what qualifies as a fair responsibility arrangement can be established in reference to the corrective, benefit, endowment, and/or role principles. This and the next chapter are both concerned with the situational particularities of platform problems (outlined in Chapter 1) bearing on the applicability of these principles. This chapter concentrates on the relevance of the corrective principle and the role principle. Further, its focus is on one type of putative duty bearer: the Uber and Airbnb *platforms*.

As a starting point, I take Uber's and Airbnb's claims that they bear limited to no responsibility for their users or for the adverse effects of the exchanges they have enabled, on the grounds that their *control* is purportedly limited. I simply call this the 'No Responsibility Argument'.¹¹² Platforms often invoke this argument in lawsuits over social obligations and/or liability for the adverse effects of the exchanges they enable.¹¹³ They have also codified it in their terms and conditions.¹¹⁴ The No

¹¹² Note that I do not claim that the No Responsibility Argument is the only possible argument against platform responsibility; there may be other arguments that hone in on non-control-related aspects of platforms. Even so, I am exclusively concerned with the soundness of the No Responsibility Argument, which is the most prominent line of defense against liability claims on the part of platforms.

¹¹³ According to Silicon Valley critic Noam Cohen (2019), the No Responsibility Argument is "Silicon Valley's favorite get out of jail card", which he synthesizes as "Judge, I couldn't have committed the crime, I was a platform at the time." For overviews and discussions of noticeable lawsuits and media coverages in which Uber has upheld the claim that it does not bear any social responsibilities for the drivers that use the Uber app nor any responsibility for drivers' conduct, see: Bensinger (2019), Cohen (2017), Cunningham-Parmeter (2016), Katz (2015), Rogers (2016), and Tomassetti (2016). Illustrative of Uber's defense against responsibility is its statement released in response to a 2019 draft amendment to a Californian bill concerning worker status (see: <https://www.uber.com/newsroom/ab5-update>, accessed 8 September 2022). It reads that "drivers' work is outside the usual course of Uber's business, which is serving as a technology platform for several different types of digital marketplaces". As for Airbnb's dismissal of responsibility, A. Davis (2021) and Martineau (2019) distill from numerous court cases and agreements with municipalities that Airbnb maintains (a) that it is not responsible for ensuring that accommodations listed on its platform comply with zoning or health regulations and (b) that the onus to collect and pay tourist taxes as well as to comply with other regulations is on *hosts* rather than on the platform.

¹¹⁴ Uber's terms of use (see: <https://www.uber.com/legal/en/document/?name=general-terms-of-use&country=great-britain&lang=en-gb>, UK version, April 2023) state that "Uber has no responsibility or liability [to customers] related to any transportation, good logistics, delivery or vendor services". The terms of use further emphasize that all transportation services that can be arranged through the Uber

Responsibility Argument is consistent with a ubiquitous characterization of peer-to-peer platforms in academia, media, and legal texts alike, which I refer to as the ‘Platform Narrative’.¹¹⁵ This narrative proffers a social-legal image of peer-to-peer platforms as unique business entities that have been able to cost-effectively externalize most of their core activities to the market, over which they have no control.¹¹⁶

In this chapter, I challenge platforms’ No Responsibility Argument as well as the Platform Narrative that corresponds with it. I do so by pointing out how platforms such as Uber and Airbnb generally *do* exercise control over their users and, by extension, the exchanges among them. Furthermore, I propose an alternative conceptualization of peer-to-peer platforms that better accommodates their *de facto* modus operandi. This revised account brings out that morally significant relations *do* obtain between the platforms on the one hand and the problems they are associated with on the other. Notably, as I will argue, these relations press for the attribution of *retrospective* responsibility and/or *role* responsibility, which are indicative of the applicability of the corrective principle and the role principle, respectively. In this way, my alternative conceptualization markedly broadens the scope for attributing *prospective* responsibilities to platforms for their users (in the case of Uber) and/or the externalities of exchanges among their users (in the case of Airbnb).

The analysis in this chapter carries broader theoretical relevance in three ways. First, it fills a critical gap in the existing business ethics and sociological literature on peer-to-peer platforms, which leaves the precise connection between platforms’ modus operandi and platform responsibilities unexplored.¹¹⁷ Second, my analysis offers novel

app are “provided by third party contractors who are not employed by Uber”. Likewise, Airbnb’s terms of service (see: <https://www.airbnb.com/help/article/2908#EUTOS>, EU version, January 2023) state that Airbnb “do[es] not and cannot control the conduct or performance of Guests and Hosts and do[es] not guarantee the existence, quality, safety, suitability or legality of any Listings or Host services.” Airbnb further emphasizes that hosts are “independent individual[s] or entit[ies]” and not employees. As such, Airbnb’s responsibilities are claimed to be limited to “facilitating the availability of the site, application and services”.

¹¹⁵ The phrase ‘Platform Narrative’ is inspired by Tomassetti’s (2016) term ‘Uber narrative’, which captures the idea that “[p]latform companies use technology to facilitate matches of supply and demand that transaction costs might otherwise impede” (id. at p. 2). Tomassetti herself dismisses this narrative as relying on an inadequate understanding of how platforms operate (also see note 131).

¹¹⁶ Exponents of the Platform Narrative in popular media are, among others, Kilpi (2015) and Freeman (2015). Academic scholars endorsing (important elements of) the Platform Narrative, include: Cohen & Sundararajan (2015, p. 121); Davis & Sinha (2020, p. 8); Edelman & Gerardin (2016, pp. 296-305); Einav et al. (2016, pp. 617-622); Ferretti (2020, pp. 56-58); Filippas et al. (2020, pp. 4155-4156); Fradkin (2017, pp. 1-8); Fraiberger & Sundararajan (2017, pp. 1-8); Hansen & Windekilde (2016, pp. 1-2); Liang et al. (2021, p. 4); Munger (2018); Oranburg & Palagashvili (2021, pp. 227-230); Ritter & Schanz (2019, p. 324); and Tirole (2019, pp. 378-400).

¹¹⁷ See e.g., Ahsan (2020); Berkowitz & Souchaud (2019); Bieber (2023); Calo & Rosenblat (2017); Chai & Scully (2019); Cohen (2017); Etter et al. (2019); Ferretti (2020); Halliday (2021); Hielscher et al. (2022);

conceptual insights into the role of technology in the organization of economic activity. Third, it links these insights to normative issues of corporate responsibility—a link that, to my knowledge, is underexplored.

I proceed as follows. In the next section (3.1), I unpack the Platform Narrative and highlight how it ties in with the No Responsibility Argument. In section 3.2, I challenge the No Responsibility Argument and offer a modified version of the Platform Narrative. I trace the moral implications for platforms' responsibility in section 3.3.

3.1 The No Responsibility Argument and the Platform Narrative

Recall from Chapter 2 that responsibility is commonly taken to require control (see e.g., Braham & Van Hees, 2012; Fischer & Ravizza, 1999; H.L.A. Hart, 1961; Pettit, 2007; Van Inwagen, 1983).¹¹⁸ According to the No Responsibility Argument, peer-to-peer platforms bear no responsibility for the problems associated with the transactions they mediate, on the grounds that they do not control their users or their exchanges. As I highlighted in this chapter's introduction, platforms often invoke this argument in lawsuits over social obligations and/or liability for the adverse effects of the exchanges they enable. They have also codified it in their terms and conditions.

A common thread in these pronouncements is the appeal to platforms' alleged status of passive intermediaries between user groups. They present themselves as a "people-to-people marketplace" (Airbnb) or a "technology platform" (Uber), whose business activities are limited to providing a software app that enables users to find each other and engage in exchanges among themselves.¹¹⁹ The purported upshot is that these platforms do not exercise control over their users or over their users'

Rogers (2016); Rosenblat & Stark (2016); Schor (2020); Schultz & Seele (2022); Tan et al. (2021). Most of these scholars do highlight how platforms exercise de facto control over the exchanges they mediate and discuss whether, and if so, how platforms should be regulated in light of this. However, the precise connection between platform control and platform responsibilities is not elaborated on.

¹¹⁸ As I pointed out in Chapter 2, philosophers disagree about the type of control required for responsibility. Some argue that the relevant type of control involves the *ex ante* possibility to bring about different types of future scenarios, i.e., the capacity to make a difference (Feinberg, 1988; Kagan, 2011; Parfit, 1988; Sinnott-Armstrong, 2005; Van Inwagen, 1983). Others contend that responsibility can also be scaffolded by a weaker notion of control, which focuses on an actor's potential for avoiding contributing to a particular outcome (Braham & Van Hees, 2012; Fischer & Ravizza, 1999; Hetherington, 2003; McKenna, 1997). For the purposes of this chapter it doesn't matter which notion of control is adopted.

¹¹⁹ For Airbnb's self-description as a "people-to-people marketplace", see: <https://news.airbnb.com/a-people-to-people-marketplace/> (accessed 6 October 2022). For Uber's statement that it is a "technology platform", see: <https://www.uber.com/newsroom/ab5-update> (accessed 6 October 2022).

exchanges—and that they are therefore not responsible for any external effects or for users' health, safety, and well-being while using the platforms.

As I pointed out, the No Responsibility Argument is consistent with a widespread characterization of peer-to-peer platforms employed by scholars, lawyers, and journalists alike (yet not explicitly propagated by platforms themselves). This is the 'Platform Narrative'. More specifically, this Narrative tells us that Uber and Airbnb *cum suis* are harbingers of technologies that greatly reduce the costs of market exchange, thereby enabling transactions between independent buyers and sellers residing beyond their organizational boundaries, whom they purportedly do not (and cannot) control.¹²⁰ Formulated in the idiom of transaction cost theory—an influential scholarly theory of the organization of economic activity—the Platform Narrative works to support platforms' No Responsibility Argument by furnishing it with a scientific basis.¹²¹ The offshoot is what Van Doorn (2020, p. 139) has called 'platform exceptionalism': a socio-legal image of peer-to-peer platforms that sees them as unique business entities that do not bear the same responsibilities as traditional service providers.

In the remainder of this section, I unpack the Platform Narrative into three claims that remain mostly implicit in the Narrative's concrete expressions yet that I take to be foundational for the Narrative. These are: (1) the *Increased Relative Market Efficiency Claim*, (2) the *Externalization Claim*, and (3) the *No Control Claim*. These claims feature insights from transaction cost theory applied to the *perceived* reality of peer-to-peer platforms. Together, as I shall argue, these claims effectively function as premises for platforms' No Responsibility Argument.

1 *Increased Relative Market Efficiency Claim (IRMEC)*

Platforms employ innovative technologies to reduce the relative costs of organizing the activities they specialize in through the market mechanism.

A central tenet of transaction cost theory is that firms and markets differ according to how efficiently they organize a given economic activity (Coase, 1937, 1960; Tadelis & Williamson, 2012; Williamson,

¹²⁰ It should be noted that the scholars who endorse one or more claims inherent to the Platform Narrative do not always subscribe to the claim that platforms are insulated from responsibility. Nonetheless, each of these scholars *is* committed to the idea that peer-to-peer platforms have reduced the costs of market exchange to such an extent that they have been able to externalize their core activities to the market—which is the quintessence of the Platform Narrative. Also see note 130.

¹²¹ Transaction cost theory (TCT) was pioneered by economists Commons (1932) and Coase (1937). TCT takes transactions as its basic unit of analysis (instead of supply, demand and output as in neoclassical economic theories). In a word, TCT seeks to explain why economic activity is organized the way it is, by appealing to the relative costs of governance mechanisms (e.g., firms, markets) for administering transactions. In the following paragraphs of the main text, I further detail TCT's central tenets.

1981, 1991). The underlying idea is that firms and markets have distinct ways of infusing order into economic activities and, in doing so, feature distinct types and levels of organizing costs.

Markets, firstly, are typified by decentralized coordination of economic activities through price-driven incentives for, and competition between, freely acting market participants. Market governance involves *transaction costs*, which are the expenses—in terms of time, effort, inconvenience, and/or money—required for the exchange of some good or service.¹²² These include the expenses of finding a reliable transaction partner, conducting negotiations, managing transport, and securing payment, as well as assuring quality and enforcing compliance with the terms agreed to.

Firms, secondly, feature centralized coordination of resources, typically through unified ownership of the means of production and/or hierarchical employment relations. Firm governance comes with *agency costs*, which are the expenses involved in the alignment of employees' behavior and resource utilization with the interests of the firm—which can be secured through monitoring, evaluating, and directing processes.

Importantly, the relative cost-efficiency between firms and markets with respect to a given economic activity may change over time due to technological innovations (Coase, 1937, p. 397; North, 1990, p. 192). The Platform Narrative has applied this insight to peer-to-peer platforms to yield the claim that platform technologies have greatly reduced the transaction costs of market exchange for the specific types of activities that these platforms specialize in, while inducing no noteworthy changes in firm-specific agency costs.¹²³ The Narrative emphasizes how specific ICT innovations (such as matching algorithms, mapping applications, digital payment tools, and reputation systems) offer individuals cost-effective ways to find trustworthy peers for selling and buying access to personal belongings and/or skills. In this way, the Narrative goes, technological innovations have tilted the balance between transaction costs and agency costs such that relative efficiency of the market mechanism vastly increases, enabling peer-to-

¹²² An illustrative metaphor for transaction costs was given by Williamson (1981, p. 552), who wrote that transaction costs are like friction in an engine, which produces nothing but heat—a wasteful byproduct of the kinetic energy the engine is intended to produce.

¹²³ The claim that peer-to-peer platforms reduce the transaction costs of market exchange has been advanced by (among others) each of the scholars listed in note 116.

peer market transactions that were prohibitively costly before the platforms' emergence.

2 *Externalization Claim (ExC)*

Platforms have externalized almost all of their economic activities to the market.

Transaction cost theory takes the costs of respectively firm governance and market governance as crucial factors for explaining why a given economic activity is organized in one way or another. According to the theory's 'efficient alignment hypothesis', economic actors respond to relative cost levels by efficiently aligning economic activities with governance mechanisms (Tadelis & Williamson, 2012, p. 168). The idea is that whenever the agency costs of organizing a particular activity within a firm exceed the transaction costs of organizing that very activity through the market, the activity in question will be supplied by the market—and vice versa.

The Platform Narrative brings the efficient alignment hypothesis into play by advancing the claim that peer-to-peer platforms have been able to cost-effectively outsource their core activities to the market, in virtue of the purported relative reductions in market transaction costs they effectuate. The idea is that, before the advent of platforms such as Uber and Airbnb, services like cab rides and short-stay rental accommodations were most efficiently supplied by respectively taxi companies and hotel firms. With the platforms in place, however, it is relatively cheaper to have these services supplied by individual market participants who engage in "grassroots entrepreneurship" (M. Cohen & Sundararajan, 2015, p. 129), or so the Narrative goes.

On this reading, platforms need not own the physical capital nor employ the human resources to realize the services that they specialize in. Platforms' role is confined to that of 'matchmaking' between providers, thus facilitating a market between them.¹²⁴ In this way, as one commentator put it, "[v]ery small firms can do things that in the past required very large organizations" (Kilpi, 2015). Even stronger is the conjecture that "[a]s technology continues to reduce transaction

¹²⁴ Scholars who have explicitly expressed the view that peer-to-peer platforms' economic role is confined to that of matchmaker include: Cohen & Sundararajan (2015, p. 117); Einav et al. (2016, pp. 618–619); Liang et al. (2021, p. 2); Munger (2018, pp. 49–70); Oranburg & Palagashvili (2021, p. 227); and Ritter & Schanz (2019, pp. 324–325).

costs, the very notion of a [traditional] firm may start to be eroded” (Oranburg & Palagashvili, 2021, p. 228).¹²⁵

3 *No Control Claim (NCC)*

Platforms do not exercise control over their users nor over their users’ activities.

The picture painted by the Externalization Claim is that of platforms as being nothing more than “pure intermediaries” (Munger, 2018, p. 20) or “coordinating interface[s]” (Liang et al., 2021, p. 2) for users, who freely engage in market transactions *amongst each other*. Proceeding on the Narrative’s implicit assumption that there exist sharp boundaries between firms and markets and that these boundaries coincide with respectively having and not having control, what follows is that users reside outside platforms’ organizational boundaries, ‘out there’ on the market—and outside platforms’ sphere of control. Hence, the capstone of the Platform Narrative is that platforms cannot and do not exercise managerial control over users or over their exchanges.

Unpacking the Platform Narrative into these three claims brings out how the Narrative supports the platforms’ No Responsibility Argument. Given the fact that responsibility is commonly taken to require control, it logically follows from the narrative’s No Control Claim that platforms bear no responsibility for their users or for the external effects of their users’ exchanges. What is more, since the No Control Claim follows from the Increased Relative Market Efficiency Claim and the Externalization Claim, which are both formulated in the idiom of transaction cost theory, the Narrative bolsters the No Responsibility Argument by furnishing it with a scientific basis. The purported upshot is that the efficiency-driven externalization of platform activities to the market goes hand in hand with the externalization of responsibility.

3.2 Challenging the No Responsibility Argument

In spite of its initial plausibility, I propose that the platforms’ No Responsibility Argument fails, as does the Platform Narrative that supports it. To substantiate this, I first oppose the No Responsibility Argument with the well-documented observation that platforms *do* in fact exercise control. I then turn to the Platform Narrative, the countering of which requires more subtle argumentation. In effect, I construe a modified version of the Platform Narrative that better accommodates the

¹²⁵ Others who have explicitly hypothesized the ‘end of the firm as we know it’ in light of the advent of the peer-to-peer economy are G. Davis (2016) and Munger (2018).

type and degree of control that peer-to-peer platforms in fact exercise, without dismissing transaction cost theory as a central theoretical tool for understanding platforms' workings and why they proliferate.

3.2.1 How Platforms Exercise Control

Recall that platforms' No Responsibility Argument simply states that platforms bear no responsibility for their users or for the effects of their users' exchanges, on the grounds that platforms' control over users is nil. A look at how platforms in fact operate, however, evinces that this cannot be true. It is well-documented that Uber, Airbnb, and other platforms utilize behavioral incentive tools in addition to so-called 'algorithmic management' techniques to track, check, and steer user activity (for a comprehensive overview of these techniques, see: Z. M. Tan et al., 2021, pp. 3–4).¹²⁶ More specifically, platforms' strategies for controlling user activity include: (i) directing the form and content of listings by means of templates, minimum quality standards, and extensive guidelines; (ii) checking whether users behave in the desired way through extensive data collection and analysis; (iii) rewarding desired behavior by giving priority to specific parameters in the matching algorithms; (iv) influencing users' behavior through behavioral engagement tools and incentive schemes; (v) promoting desired behavior by displaying online reputations and performance metrics on users' profiles; (vi) providing feedback to users through compelling 'suggestions', and (vii) keeping behavior in check through the threat of expulsion from the platform.

Notably, as pointed out in Chapter 1 (§1.3.2), ride-hailing and delivery platforms (a.k.a. 'gig' platforms) typically expose their supply-side users to a particularly invasive species of algorithmic management (Calo & Rosenblat, 2017, pp. 1660–1668; Rosenblat & Stark, 2016). Uber's driver application has been characterized as an "intense supervisory devise" (Ahsan, 2020, p. 22). Drivers' behavior—including request-acceptance rates, braking, and acceleration behavior, whereabouts, and working time—is "scrutinized, monitored, tabulated and controlled with great precision" (id. at p. 22). Those drivers who do not meet certain threshold requirements (such as high ride-acceptance rates, efficient routes, low cancellation rates, and good passenger ratings) risk being expelled from the platform (Calo & Rosenblat, 2017, p. 1661). Further, Uber effectively penalizes drivers who 'multi-home' (i.e., log in to multiple ride-hailing platforms simultaneously), through deactivation or restriction of use (Steinbaum, 2019, pp. 55–56). Also, drivers are

¹²⁶ Recall from Chapter 1 that algorithmic management has been defined as a labor regime in which algorithms assume managerial functions that "correspond to decisional, informational, and evaluation roles of human managers in organizations" (M. K. Lee et al., 2015, p. 1604). Algorithmic management is characterized by "continuously tracking and evaluating behavior and performance, as well as automatic implementation of algorithmic decisions" (Möhlmann & Zalmanson, 2017, p. 4).

automatically assigned rides with unknown destinations (prior to task acceptance) for a fare determined by the algorithm based on data and parameters that are unknown to drivers (Dubal, 2023a, pp. 15–19). What is more, even the freedom to decide when and where to work, which Uber drivers formally enjoy, is tapered by Uber’s compelling behavioral incentive tools (Rosenblat & Stark, 2016; Scheiber, 2017). These tools incorporate gamification techniques—such as (the promise of) pay premiums and other rewards, goal-setting tools, and Netflix-like automatic assignment of ride requests until the stop button is actively pressed—to exercise ‘soft control’ (Rosenblat & Stark, 2016, p. 3759) over drivers’ work schedules, whereabouts and shift durations (Schor, 2020, p. 80). In this way, Uber essentially features ‘Taylorism’ in a digital guise (Cherry, 2016, p. 21; Tomassetti, 2016, p. 21).

Though Airbnb’s strategies for controlling user activity are less pervasive than Uber’s, it shouldn’t go unmentioned that Airbnb also employs compelling incentive schemes. It does so mainly through its ‘superhost badge’, which is awarded to hosts who (i) have rented out their accommodation either at least ten times or at least one hundred days in the past twelve months; (ii) have a response rate of over ninety percent; (iii) maintained a less than one percent cancellation rate; and (iv) maintained a 4.8 rating on a scale of 5 at minimum.¹²⁷ Hosts have a powerful incentive to pursue a superhost status, as it allows them to charge higher prices for their rentals (D. Wang & Nicolau, 2017).

In sum, peer-to-peer platforms make choices about which and how listings appear on their interfaces; how exchanges are organized and monetized; whom can be expelled and why; in addition to what the socio-technical architecture of their applications further allows and prohibits. These are substantive interventions through which platforms impose their own logic on the encounters they mediate (J. E. Cohen, 2017, p. 155; Gillespie, 2010, p. 359). As Schor (2020, p. 80) observes, the modus operandi of peer-to-peer platforms “looks suspiciously like a path toward more control, as platforms attempt to get a more committed, disciplined labor force, which they induce to work more hours.”¹²⁸ Some scholars have argued that platforms’ algorithmic management of supply-side users matches traditional bosses’ capacity to interfere with their employees (e.g., Cherry, 2016, p. 6; Muldoon & Raekstad, 2022, pp. 11–13; H. Rahman, 2021, p. 979; Rosenblat & Stark, 2016, p. 3371; Z. M. Tan et al., 2021, pp. 3–4). These scholars contend that algorithmic management techniques and behavioral engagement tools have replaced overt surveillance and control typical of traditional ‘brick and mortar’ service providers,

¹²⁷ See: <https://www.airbnb.com/help/article/829/how-to-become-a-superhost> (accessed 30 August 2022).

¹²⁸ Schor (2020, pp. 40-81) draws on extensive empirical support for this claim.

rendering the once “visible hand of management” (Chandler, 1977, p. 12) less conspicuous yet unabatedly efficacious.¹²⁹

3.2.2 The Platform Narrative Revisited

Platforms’ algorithmic sway over users is not only incompatible with platforms’ No Responsibility Argument; it also raises a conceptual problem for the Platform Narrative that is meant to support the No Responsibility Argument. The observation that platforms *do* in fact exercise control invalidates the Narrative’s No Control Claim. But if the Narrative’s No Control Claim is mistaken, there must be something wrong with the Increased Relative Market Efficiency Claim and/or the Externalization Claim as well.¹³⁰

In what follows, I argue that each of the Platform Narrative’s three claims is flawed. This brings out that the way in which the Narrative applies transaction cost theory is problematic, both for theoretical and empirical reasons. I proceed by proposing a modified version of the Platform Narrative that better accommodates platforms’ de facto modus operandi (including the type and degree of control that they exercise), yet upholds transaction cost theory as a valuable theoretical tool for understanding how platforms work and why they proliferate.

1’ Balanced Market and Firm Efficiency Claim (BMFEC)

Platforms employ innovative technologies to reduce the costs of both market and firm mechanisms for organizing the activities that platforms specialize in, such that the relative efficiency of market organization is at least lower than assumed under the original Platform Narrative.

Remember that according to the original Platform Narrative’s Increased Relative Market Efficiency Claim, platform technologies substantially reduce the costs of organizing particular services through

¹²⁹ According to Rahman (2021), for many platform suppliers the ‘visible hand of management’ is simply replaced by an ‘invisible cage’.

¹³⁰ Notably, some scholars who have drawn attention to platforms’ techniques of control, thereby effectively disproving the Platform Narrative’s No Control Claim (NCC), nonetheless appear to subscribe to the Increased Relative Market Efficiency Claim (IRMEC) and the Externalization Claim (ExC) of the Platform Narrative. Ferretti (2020), for example, first elaborates on how “online platforms create *new markets* by reducing the costs of market transactions and thus leading organizations to *externalize* more transactions on the market” (p. 58, emphasis is mine), while later underscoring how large peer-to-peer platforms “retain ... substantial power to control transactions” (id. at p. 60). Ritter & Schanz (2019), in turn, classify peer-to-peer platforms as “multi-sided markets” in which transaction costs are “significantly reduc[ed]”, while they also observe that platform control can be “tight” (p. 324). These accounts fail to explain how it can be that transaction-cost-reduction-induced externalization of activities to the market goes hand-in-hand with elaborate platform control. In fact, on my analysis, these accounts are conceptually flawed. A commitment to IRMEC and ExC (which these accounts do feature) logically entails a commitment to the No Control Claim (which these accounts oppose).

the *market* mechanism. Indeed, matching algorithms, reputation systems, and automated transactions have in fact lowered the costs of market exchange of particular goods and services between peers. Yet closer analysis reveals that this is not the whole story. As discussed, other technologies that platforms employ—such as algorithmic management techniques and behavioral engagement tools—have made it easier (i.e., cheaper) to nudge, steer, or even discipline the activity of users—in a way typical of hierarchical *firm*-like governance. This implies that peer-to-peer platforms have not only lowered the *transaction costs* of exchanges between users but also the *agency costs* of directing and monitoring those very users' activities (Tomassetti, 2016, pp. 7, 64). This means that the relative efficiency of organizing platform activities through the market is at least *lower* than assumed under the original Narrative. In other words, this Balanced Market and Efficiency Claim proposes that the ratio between market efficiency and firm efficiency is more balanced than under the Increased Relative Market Efficiency Claim.

2' *Quasi-Externalization Claim (QExC)*

Platforms have quasi-externalized their economic activities to the market.

Recall that the original Platform Narrative's Externalization Claim recommends outsourcing activities to the market as the most cost-effective platform strategy. This makes sense if: (i) platform-induced reductions in market-related transaction costs outweigh the reductions in firm-related agency costs and (ii) the tradeoff between firms and markets is binary in the sense that economic activities are organized either through the market mechanism or through the firm mechanism.

I propose that (i) is implausible given platforms' elaborate algorithmic management techniques discussed in paragraph 3.2.1.¹³¹ Further, I offer that (ii) is simply incorrect. This is because the firm/market boundary needn't be sharp but can in fact be blurry. Indeed, scholars within the field of organization theory in general, and transaction cost theory in particular, have long recognized that mechanisms for organizing economic activities are on a continuous spectrum, with on one end pure market arrangements and on the other end fully integrated firms (see e.g., Alston & Gillespie, 1989; Masten, 1996;

¹³¹ Cf. Tomassetti (2016, p. 7). Focusing on Uber, she proposes that "Uber's technology [...] appears to have lowered the costs of firm coordination relative to market coordination by reducing agency costs."

Ménard, 2004, 2012; Tadelis & Williamson, 2012; Williamson, 1991). Between those extremes sit so-called ‘hybrid’ forms of governance, which combine any mix of market-like and firm-like elements, taking advantage of both.¹³² The possibility of hybrid governance defies the binary taxonomy of governance mechanisms implicit in the Platform Narrative.

Acknowledging the possibility of blurry firm/market boundaries opens the way for the claim that platforms have only *quasi*-externalized the realization of the services they specialize in. Crucially, my contention is that platforms are exemplifications of hybrid forms of organizing, as they combine market-making with firm-like orchestration of the human and physical assets that feature in these markets.¹³³ As such, platforms’ boundaries are much more porous than those of traditional firms as platforms’ boundaries are not marked by formal property rights and employment contracts.¹³⁴ On this modified claim, then, platforms’ activities are realized in a realm that is not fully outside nor completely internal to the platform—hence the term ‘quasi’-externalization. In this way, platforms can take advantage of both the reductions in transaction costs *and* the reductions in agency costs they have effectuated: they allocate and direct resources with firm-like efficacy without having to assume the costly rigidities that come with formal ownership and employment arrangements.¹³⁵

¹³² Markets are generally better at organizing economic activities that involve generic assets, informational transparency and low uncertainty. Under these conditions, markets tend to outperform firms in light of the high-powered incentives and low bureaucratic costs they feature. In contrast, firms typically outperform markets when it comes to organizing activities that feature significant uncertainty, informational opacity and asset specificity. With regard to these activities, markets feature high market-specific search and contracting costs, which tend to outweigh the costs associated with firms’ rigidities. Because hybrids combine elements of both governance mechanisms, they rely on strategies that coordinate activities more efficiently than do markets without losing the advantages of flexibility, low bureaucratic burdens and stronger incentives that fully integrated firms forfeit (Ménard, 2004, 2012; Tadelis & Williamson, 2012).

¹³³ Scholars of platforms have hardly applied the concept of hybridity to peer-to-peer platforms. Akbar & Tracogna (2018) are an exception, as they mention that platforms represent “novel hybrid governance forms of transactions” (p. 92). Vallas & Schor (2020) come close to characterizing platforms as hybrids when they write that “[w]hile platforms incorporate many of the features of prior economic structures—markets, hierarchies, and networks—they do so selectively, generating a type of governance mechanism that is qualitatively distinct from its precursors” (p. 282).

¹³⁴ Another way of saying this is that platforms ‘partially organize’ their environment in the sense theorized by Ahrne & Brunsson (2011, pp. 87-90). Platforms bring order to their environment through applying some of the organizational elements propounded to be constitutive of formal organizations, such that their environment is no longer fully ‘outside’.

¹³⁵ Platforms’ hybridity—and ensuing quasi-externalization of activities—is both empirically accessible and theoretically derivable. First, it can be empirically observed that platforms combine market-like and

3' *Partial Control Claim (PCC)*

Platforms exercise partial control over their users and users' activities.

Recall that according to the original Narrative's No Control Claim, platform suppliers reside strictly outside platforms' organizational boundaries, which are taken to coincide with the scope of their (i.e., platforms') control. But if platforms' organizational frontiers are fuzzy rather than sharp (as I have just claimed they are), a different picture of the scope and degree of platform control emerges. In this picture, platforms' modus operandi comprises a simultaneous *retainment* and *relinquishment* of control over the activities that they enable (cf. Akbar & Tracogna, 2018, pp. 94–95; Vallas & Schor, 2020, pp. 281–284).

That platforms *retain* control over economic activities beyond their *juridically defined* organizational boundaries is clear enough from paragraph 3.2.1, where I recounted how platforms track, check, and steer users and the exchanges among them. To appreciate how platforms *relinquish* control, consider how they refrain from direct interference over many aspects of the labor process compared to 'pure' firms (G. F. Davis, 2016. p. 513-514; Vallas & Schor, 2020, p. 282). Platform workers (Uber drivers and Airbnb hosts) engage in their activities in the absence of routinization and scheduling. At least formally, it is *they* who decide on when, where, and how to work, incentivized by potential earnings and opportunity costs. These observations concur with Akbar and Tracogna's (2018, p. 95) point that "the level of control exerted by peer-to-peer platforms is generally higher than that which occurs in the market, but lower than that observed in a hierarchy." In other words, peer-to-peer platforms exercise *partial* control over users and the exchanges they engage in.

The alternative claims just presented emanate a revised version of the Platform Narrative. According to this alternative account, peer-to-peer platforms are hybrid forms of organizing that feature a simultaneous relinquishment and retainment of control, aptly captured by Vallas & Schor's characterization of platforms as "permissive potentates" (2020, p. 281). As such, my revised Platform Narrative better accommodates theoretical insights (on platforms' organizational hybridity) as well as empirical findings (on the particular cost-efficiencies that platforms effectuate as well as the degree of the control they exercise). In this way, the revised

firm-like elements of organization. This is attested by the fact that platforms such as Uber and Airbnb orchestrate the human and physical assets that feature in the markets they have enabled. Second, the hybridity of platforms can be theoretically derived from the characteristics specific to the activities they specialize in, in combination with the 'efficient alignment hypothesis' that is central to transaction cost theory. This derivation is beyond the scope of this paper.

Narrative establishes an improved fit with reality, while retaining transaction cost theory as the central theoretical framework for understanding how peer-to-peer platforms work and why they proliferate.

What is more, the revised Platform Narrative allows us to theoretically account for the differences among platforms in the scope and intensity of their control. Control is a function of the ratio between firm-like elements (i.e., hierarchical orchestration of resources) and market-like elements (i.e., decentralized coordination through the price mechanism) in a particular platform's business model. When it comes to Uber, firstly, the market mechanism of voluntary exchange based on price signals is weak. Indeed, Uber unilaterally sets fares for drivers' services, which are non-negotiable. Also, its forward dispatch system automatically assigns ride requests to drivers. What is more, Uber influences the quality of ride-hailing services through a system of reward and punishment (see §3.2.1). From this, it is clear that Uber leans to the hierarchical end of the spectrum between the polar cases of fully integrated firms and pure markets. Airbnb, in contrast, allows for more discretion on the part of supply-side users: hosts can set their own prices and can more or less freely select their transaction partners. It follows that Airbnb tends more to the market end of the governance spectrum, having relinquished control over more aspects of coordination than Uber has.¹³⁶

3.3 Platform Responsibility

The moral implications of the Partial Control Claim of my revised Platform Narrative are very different from those of the No Control Claim inherent to the Narrative's original version. Here, I discuss the ramifications for platform responsibility. As I shall make clear, these ramifications depend on the scope and intensity of control that platforms in fact exercise.

In what follows, I first argue that the sort of control that Airbnb exercises over its users implies that it bears (at least) partial *outcome* responsibility for the external effects of users' exchanges. Second, I propose that Uber's control over supply-side

¹³⁶ One sub-category of peer-to-peer platforms resides close to the market end of the governance spectrum. These are digital marketplaces like eBay, Etsy and Craigslist, where all sorts of goods are offered for sale. These marketplaces exercise little control over the users of and transactions on their platforms. Especially Craigslist (which doesn't even source or display users' reputational information) is simply an online version of the classical advertising section of a newspaper, or a digital supermarket bulletin board. The difference with platforms such as Uber and Airbnb is that these marketplaces involve a transfer of ownership rather than temporary access to assets (Frenken et al., 2017, p. 26). As such, they comprise different types and levels of risks, in addition to requiring different mechanisms for ensuring efficient allocation. Because of these aspects, elaborate platform orchestration to ensure high quality, personal safety, and efficient matching is less called for (Einav et al., 2016, p. 617).

users (i.e., drivers) is so extensive that it bears *role* responsibility for ensuring decent work and pay.

Before I proceed, I should note that I will simply assume that both Uber and Airbnb fulfill the agency condition for moral responsibility. This is plausible in light of their corporate set-up, which is generally indicative of the sort of normative competence required for being a moral agent (*cf.* French, 1979, 1984; Hess, 2014, 2017).

3.3.1 Partial Outcome Responsibility for Airbnb

The first upshot of my analysis of platform control is that Airbnb bears *pro tanto* partial outcome responsibility for its harmful external effects in light of the fact that the platform acts *vicariously* through its supply-side users (i.e., hosts).

This claim is inspired by May's (1983) account of corporate responsibility, which in turn echoes the well-established principle of 'respondeat superior'—a common-law doctrine that makes a 'master' liable for the actions of her 'servant' when the actions take place within the scope of employment (Edelman & Geradin, 2016, p. 325).¹³⁷ On May's account, corporations are responsible for the harms that particular agents cause just in case: (1) the corporation acts vicariously through these agents by virtue of a *causal nexus* that exists between them (i.e., the corporation and the agents); and (2) this causal nexus is not broken by adequate preventive efforts that the corporation could reasonably have taken.¹³⁸

Note how these provisos mirror the necessary conditions for attributing responsibility presented in Chapter 2. Indeed, proviso (1) parallels the causal condition, which stipulates that a significant causal relation needs to obtain between the outcome at issue and an act of a putatively liable moral agent. The notions of 'respondeat superior' and 'vicarious agency' serve to carve out the 'moral field'—i.e., the set of acts taken to be relevant for moral appraisal. Furthermore, proviso (2) echoes the control condition (requiring avoidance opportunity of some sort) in combination with the epistemic condition (requiring some degree of foresight). To appreciate this point, note that I take the 'reasonableness' qualification in (2) to stipulate that an alternative option was not only *available* at the time of acting but also *known* to be such to the relevant agent.

¹³⁷ The 'respondeat superior' doctrine and the associated notion of vicarious agency have traditionally been applied to hierarchical firms and their employees. However, as Glavaničová & Pascucci (2022) observe, new working arrangements are slowly forcing the detachment of these notions from formal employership, "as it is increasingly difficult to distinguish employees from independent contractors and borrowed workers" (p. 11). This is attested by the rise of platform work.

¹³⁸ Goetze (2021) captures the notion of causal nexus in the context of vicarious agency with the phrase of 'moral entanglement', which "refers to the ways in which our agency is connected with the behavior of others, particularly when our own activities contribute to those others' behavior" (p. 222).

Both (1) and (2) apply to Airbnb. As for (1), the causal nexus between Airbnb and its supply-side users is constituted by the control the platform exercises over these hosts, prompting them to jack up their platform activity (*cf.* §3.2.1. on platform control). Regarding (2), the negative externalities arising from the aggregate of users' activities are *not* mitigated by expectedly efficacious precautions that Airbnb could reasonably have taken. For example, to attenuate the negative quality-of-life impacts on neighboring residents, Airbnb could have introduced technical features that automatically prevent illegal listings (e.g., listings in excess of locally imposed rental caps or spatial restrictions) from appearing on its interfaces.¹³⁹ Furthermore, the fact that Airbnb *has* already implemented these features in some cities and has remained in operation there indicates that: (a) this precautionary measure is in Airbnb's reasonably feasible set of options, and (b) Airbnb is well aware of this.¹⁴⁰ Further, as I detail in Chapter 5 (where I engage in a comprehensive assessment of the efficiency of different policies to mitigate Airbnb externalities) regulation-induced revenue loss is presumably limited if externality-mitigating policies are designed to be expedient and proportionate. These aspects suggest that the overdemandingness objection is unlikely to apply to the moral demand that Airbnb take precautionary measures of the relevant sort.¹⁴¹

The upshot of May's account is that Airbnb is, at least to some extent, vicariously responsible for the negative externalities of its users' exchanges. This is not to say that *users* themselves do not bear any responsibility for the negative effects of their exchanges—I think they do, as I argue in the next chapter. The point is that, in light of the hybrid nature of peer-to-peer platforms, users and platforms can *both* be held responsible at the same time.¹⁴² From the fact that platforms have only *quasi*-externalized their activities and, as a corollary, exercise *partial* control, it follows that responsibility for externalities is not as concentrated as when clearly delineated hierarchical firms would have been the sole loci of control, while responsibility is

¹³⁹ Various municipalities in Europe and the US have in fact implemented quantitative and/or spatial restrictions of Airbnb rental activity, including Amsterdam, Copenhagen, London, Madrid, New Orleans, Paris, and San Francisco. Studies indicate that these regulatory limitations are likely to lead to decreases in Airbnb activity in designated areas (for empirical support see: Chen et al., 2021; Hübscher & Kallert, 2023; Nieuwland & Van Melik, 2020; Valentin, 2021; Van Holm, 2020). I discuss regulatory restrictions of Airbnb activity in more detail in Chapter 5.

¹⁴⁰ Airbnb has agreed to introduce technical features that prevent booking and listing of properties owned by non-compliant hosts in cities such as London (Gurran et al., 2018, p. 413) and Santa Monica (see: <https://smmirror.com/2019/12/airbnb-must-remove-illegal-santa-monica-listings/>, accessed 25 January 2023).

¹⁴¹ Recall from paragraph 2.1.3 that the overdemandingness objection may apply to a *pro tanto* duty in case discharging that duty entails incurring costs that are (according to some normative standard) disproportional relative to the stakes on the part of the duty-bearer.

¹⁴² As Cane (2002, pp. 175–176) points out, outcome responsibility grounded in vicarious agency (which he simply refers to as 'vicarious liability') is a form of *shared responsibility* between the parties involved.

much less diffuse than it would have been if these externalities had been produced through pure market exchanges.¹⁴³

3.3.2 Role Responsibility for Uber

The second upshot of my analysis of platform control is that Uber bears *pro tanto* role responsibility vis-à-vis its supply-side users (i.e., drivers) that take the form of employment duties for decent work and pay. Let me clarify this point.

Recall from Chapter 2 (§2.2.5) that role responsibilities are packages of duties that attach to institutional, social, or conventional roles (Cane, 2016, p. 269; Hardimon, 1994, pp. 334–335; Sachs, 2022, pp. 6–8). The putative social role pertaining to gig platforms (like Uber) that exert a significant degree of control over users and their behavior, is the role of employer. Generally, the role of employer is defined as “a person or entity who hires another to perform services under an express or implied agreement and has control, or the right to control, over the manner and means of performing the services”.¹⁴⁴

Importantly, I proceed on the assumption that the employer role has its basis in the social contract, reflecting the idea that social justice requires counterbalancing employers’ bargaining power surplus with worker protections and entitlements (H. Collins, 2011; Croucher et al., 2012; Rogers, 2016, pp. 505–505).¹⁴⁵ This counterbalancing is typically secured through the imposition of duties attaching to the role of employer (Todolí-Signes, 2017, p. 199), which—at least in Western societies—include taking reasonably practicable care of the health, safety, and well-being of workers within the scope of their employment as well as living up to regulations governing the maintenance of income security, decent pay and collective bargaining (Johnstone et al., 2012).

As discussed earlier in this chapter, Uber explicitly rejects the employer role vis-à-vis platform workers. Indeed, Uber claims that “drivers’ work is outside the usual course of Uber’s business, which is serving as a technology platform for several different types of digital marketplaces”.¹⁴⁶ This claim has been referred to as the

¹⁴³ Notwithstanding complexities of practical elaboration, Airbnb’s partial outcome responsibility can in principle be mirrored by juridical liability. Indeed, juridical liability can take account of vicariousness and it may take on a joint or shared quality. Under comparative fault law, for example, multiple parties can be assigned responsibility to the degree of fault that they have been found to bear for a particular harm. See: <https://www.investopedia.com/terms/j/joint-and-several-liability.asp> (accessed 22 September 2022).

¹⁴⁴ This is the US legal definition, see: <https://definitions.uslegal.com/e/employer/> (accessed 20 September 2022). Definitions in other (Western) jurisdictions are very similar.

¹⁴⁵ Indeed, “[e]mployment is a major structural element of the social contract, shaping the rights and responsibilities of workers and employers, labour and capital [...]” (International Labour Office, 2018, p. 2).

¹⁴⁶ See: <https://www.uber.com/newsroom/ab5-update> (accessed 8 September 2022). Also see note 113.

‘contractor defense’ (Cunningham-Parmeter, 2016, p. 1677), according to which responsibilities for work safety and income stability bear on platform workers rather than on platforms.

Be that as it may, the mere fact that a particular role is not voluntarily assumed doesn’t mean that it doesn’t pertain to the putative bearer. Indeed, there may be good reasons to “impress” a particular actor “into” a social role and burden her with attendant obligations against her will (Hardimon, 1994, pp. 347-348). In the context of employment, one such reason is arguably the incidence of control on the part of the putative employer-role bearer. The underlying reason for taking control as a criterion for burdening an actor with employment duties is that control effectively functions as a signal for economic dependence and ensuing bargaining-power inequality (Rogers, 2016, p. 483). These features, in turn, jeopardize one important element of social justice that the social contract is meant to protect (Rogers, 2016, pp. 500–505). In this way, taking control as a normative basis for assigning employment duties can be justified in reference to the social contract.

The upshot is that, contrary to the ‘contractor defense’, Uber should be burdened with responsibilities pertaining to the role of employer in proportion to the degree of control that it exercises. In light of the *de facto* control Uber exercises, I propose that Uber should offer drivers at least some guarantees that serve to insulate them from certain risks—for example through basic sick pay or minimum hourly wage guarantees. Indeed, the significant influence on working conditions and outcomes exerted by Uber warrants concerns of unequal bargaining power (Ahsan, 2020, p. 26; Bieber, 2023, p. 7; Calo & Rosenblat, 2017, p. 1662; Muldoon & Raekstad, 2022), against which employment duties are meant to protect. Phrased differently, burdening Uber with (at least some) employment duties would put an end to its profiteering of mismatches between its *legal* boundaries and its *economic-organizational* boundaries (which correspond to the extent of centrally planned and hierarchically coordinated production as I have argued in the foregoing)—a mismatch that has long enabled the platform to “enjoy economic benefits of vertical integration while avoiding many of the legal risks and costs” (Callaci in: Steinbaum, 2019, p. 50).

This conclusion raises the question of whether requiring Uber to take on employment duties gives rise to the ‘overdemandingness objection’, given the possibility that subjecting Uber to employment duties would undermine the platform’s economic viability. In response, I put forward three lines of reasoning that may accommodate overdemandingness concerns. A first argument, put forward by Rogers (2016), challenges the validity of the overdemandingness objection in relation to subjecting Uber to employment duties. Referencing Rawls, Rogers maintains that Uber’s economic viability (or customers’ finances, in case higher labor expenses are passed on in the form of higher fares) should simply not take

priority over labor justice (p. 504).¹⁴⁷ In other words, “inability to pay [either by Uber or by customers] is no defense against basic employment duties” (p. 507), given these duties’ critical societal significance as a bulwark against Uber’s economic power.

Second, even if the overdemandingness objection is found to apply to imposing employment duties on Uber, note that the phrasing of my argument in this paragraph leaves room for the possibility that Uber may equally well shake off accusations of labor injustice by granting drivers more freedoms (i.e., to set their own prices and/or to perform their work without surveillance or interference). Indeed, I proposed that *given* the scope and intensity of control it exercises, Uber should take on employment duties *proportional* to its wielding of control. This is consistent with my line of reasoning in Chapter 1 (§1.3.2), where I proposed that it is the *combination* of (1) withholding from drivers relevant freedoms through the extensive exercise of control and (2) failing to offer drivers guarantees that insulate them from certain business risks, that renders Uber’s modus operandi a threat to labor justice. One way to restore labor justice would be for Uber to offer drivers relevant guarantees by taking on employment duties. Another way would be for Uber to grant drivers more freedoms. Indeed, as Halliday (2021, p. 229) proposes, “[labor] justice may be indifferent between whether platforms offer greater security or permit workers greater freedom, provided they do at least one of these things.” If granting drivers more freedoms rather than securities proves to be less costly, thus less of a threat to Uber’s economic viability, this option for restoring labor justice may accommodate overdemandingness concerns.

Third, there is another way in which the application of the overdemandingness objection doesn’t necessarily mean that Uber is morally off the hook. Indeed, if the verdict of overdemandingness applies to subjecting Uber to employment duties *as they are currently defined* in most (Western) jurisdictions, this leaves room for adjusting the content of these duties so as to assuage overdemandingness concerns. To appreciate this point, note first that in many jurisdictions labor law maintains a binary distinction between freelancers and employees, whence employment duties are a fixed package of obligations that attach to employership (Dubal, 2017b, p. 121).¹⁴⁸ Suppose that, based on the degree of control that Uber in fact exercises and

¹⁴⁷ Rawls (cited in: Rogers, 2016, p. 504, note 154) proposes that the state should grant “lexical priority to basic individual liberties, then ensure distributive justice, and then consider issues of aggregate welfare or efficiency”.

¹⁴⁸ Also, the touchstone for this binary classification of employership is a juridical operationalization of control that features a threshold structure rather than an incremental one. One operationalization of control widely employed by courts is the so-called multi-factor test, which assesses a range of individual factors indicative of control—such as the skills required on the part of the worker, integration of the work into the business of the putative employer, and the duration of the parties’ engagement (Rogers, 2016,

according to some normative standard, attributing the full range of employment duties to Uber is found to be disproportionately costly.¹⁴⁹ Even so, one way of granting drivers at least *some* protections in a way that evades the overdemandingness objection would be to modify the classification of employership and/or the attendant attribution of employment duties. This could be accomplished by the introduction of one or more new categories of workers sitting between the polar ends of ‘employee’ and ‘independent contractor’ (see e.g., Dubal, 2017b; Fendrick, 2018; S. D. Harris & Krueger, 2015; Sternler, 2016; Todolí-Signes, 2017). Under such a hybrid classification, firms could for example be obliged to contribute to social security funds, while workers would not be covered by hours-based regulations like minimum wage and overtime rules. In this way, workers who feature only some characteristics of employees but not others can be offered at least basic rights and protections, while the platform-employers’ innovative business models remain viable and working opportunities remain. My point is that in countries like the UK, Canada, and Spain, where a hybrid worker classification already exists (Cherry & Aloisi, 2017), both labor justice *and* reasonableness of the moral demand inherent to Uber’s role responsibility may be served by granting Uber drivers this hybrid status.¹⁵⁰ Indeed, as Halliday (2021, p. 245) proposes, “[t]o the extent that a rideshare app stipulates prices but not working hours, justice may require that only some subset is offered [...] out of the guarantees that would be required if [driver] freedom were ceded to the level of employment.” Furthermore, in jurisdictions that (still) feature binary employment categories, Uber could engage in political action to push for the introduction of a third category.

3.4 Conclusion

The socio-legal image of peer-to-peer platforms as unique business entities has long allowed platforms to disavow responsibility for their users as well as for the (effects of the) exchanges among them. As I made clear in the foregoing, this ‘platform exceptionalism’ is at least partially unfounded. First, I rejected platforms’ No Responsibility Argument with the simple and well-documented observation that platforms do in fact exercise control. Second, I argued that the Platform Narrative, which supports the No Responsibility Argument and lends it credulity, rests on flawed empirical and theoretical underpinnings. This led me to propose a modified

pp. 487-488). Simply stated, if enough boxes are ticked, the putative employer is legally classified as an employer.

¹⁴⁹ Subjecting Uber to the full range of employment duties may also be overly costly from the perspective of (would-be) Uber drivers. They risk losing a source of income in case a regime of forcing platforms to hire workers would lead to a loss of working opportunities. I come back to this issue in Chapter 5.

¹⁵⁰ I extend my analysis of hybrid employment duties in Chapter 5.

version of the Platform Narrative that better fits the facts while upholding transaction cost theory as a central theoretical tool for understanding how platforms operate and why they proliferate. On this revised narrative, platforms are hybrid forms of organizing that feature a simultaneous relinquishment and retainment of control, in degrees that vary across platforms.

Importantly, my alternative Platform Narrative implies that platforms are different from pure firms, though they are not so exceptional that they bear no responsibility. Indeed, these platforms no longer appear as “uniquely untouchable” (J. E. Cohen, 2017, p. 178) as they did under the original Platform Narrative. I have argued that Airbnb is, at least to an extent, vicariously responsible for the external effects of the activities it enables. This means that its reluctance so far to discharge this responsibility subjects Airbnb to attributions of retrospective responsibility. This, in turn, indicates the applicability of the corrective principle when it comes to grounding forward-looking responsibilities to attenuate touristification externalities. What is more, I put forward the claim that Uber bears *role* responsibilities vis-à-vis its supply-side users to ensure decent work and pay *proportional* to the degree of control that Uber in fact exercises. As such, my analysis brings out the pertinence of the role principle for grounding the forward-looking responsibilities of Uber (as it currently operates) for ameliorating drivers’ working conditions to restore labor justice.

4. PLATFORM USERS AND THEIR 'MANY HANDS'

If platforms bear responsibility for the problems they are associated with, this doesn't necessarily mean that platform *users* are morally off the hook. In light of the hybrid nature of peer-to-peer platforms, users and platforms can in principle both be held responsible at the same time, as I argued in the previous chapter. In this chapter, I examine whether morally significant relations obtain between platform users and the platform problems of concern. More specifically, this chapter deals with the situational particularities of platform problems bearing on the applicability of the corrective principle to users of platforms, which may ground the allocation of prospective responsibilities to them.

Recall from Chapter 2 that the corrective principle takes past wrongful contributions to the situation that is in need of redress as foundational for assigning duties specific to that situation. In other words, it takes the attribution of *retrospective* responsibility for an outcome as input for allocating *prospective* responsibilities that serve to alleviate that outcome. Thus, establishing whether or not the corrective principle applies to platform users requires examining if and how users are implicated in the harms that result from platform-mediated exchanges and whether they can be blamed for being so.

Engaging with these questions, I devote special attention to what Nefsky (2019) refers to as the 'inefficacy problem'. This problem arises in situations where the actions of many individual 'hands' add up to produce an outcome, but no individual's action was strictly necessary to produce that outcome. In such cases, it may be difficult to pinpoint who bears retrospective responsibility for the collective harm. The platform problems I am concerned with are cases in point.

Underlying the inefficacy problem is a particular interpretation of the control condition for moral responsibility as specified in Chapter 2, or so I will argue. This is the proviso that responsibility implies the ability to have made a *difference* to the outcome in question. I call this the 'difference-making' assumption. In an attempt to solve the inefficacy problem, I will propose an alternative to this assumption that *can* account for the moral significance of individual acts that add up to a collective harm or injustice. On this alternative account, platform users appear as *pro tanto* responsible for the platform problems they contribute to in virtue of their

exchanges. Even so, this *pro tanto* responsibility is often likely to be defeated by context-specific justifications.

This chapter is structured as follows. In section 4.1, I discuss the inefficacy problem and the underlying difference-making assumption in more detail. In section 4.2, I introduce the alternative approach that can account for individual responsibility in collective harm cases. In section 4.3, I apply this approach first to Airbnb users’ contributions’ to touristification externalities and second to Uber passengers’ contributions to the working conditions of Uber drivers.

4.1 The Inefficacy Problem

Retrospective responsibility attributions are “a very elementary means by which we regulate our social, political, and economic affairs” (Braham & Van Hees, 2018, p. 95). To be sure, the significance of finding fault extends well beyond the promotion of corrective justice in allocating prospective responsibilities.¹⁵¹ This is all the more reason why the inefficacy problem mentioned in the introduction of this chapter is generally a pressing concern for many collective harm cases.

In the ensuing paragraphs, I first elaborate on the difference-making assumption as a specific interpretation of the control condition for moral responsibility, before setting out how this assumption gives rise to the inefficacy problem. Further, I highlight how this problem applies to platform users’ contributions to the adverse outcomes of concern. Important to mention is that, while the following paragraphs are written from a backward-looking vantage point (i.e., assuming that a particular outcome has materialized and we look back into the past to discern who is to blame), the thrust of my analysis applies to prospective responsibility as well.

4.1.1 *Difference-Making and Inefficacy*

In a word, the difference-making assumption is the arguably intuitive idea that an agent is only retrospectively responsible for an outcome if her act made a *difference* with respect to that outcome. This is to say that, had the agent in question acted differently (or not at all), the outcome would have turned out differently, to a greater or lesser extent. *Ex post*, the difference-making thus requires that an agent’s act was causally necessary for the outcome at issue.¹⁵² *Ex ante*, it requires that the agent has

¹⁵¹ Recall from Chapter 2 that allocating retrospective responsibility may serve various purposes, including securing positive outcomes through inspiring behavioral change, cultivating moral agency, expressing moral protest, and/or locating weaknesses of an existing arrangement liable to modification.

¹⁵² As such, the difference-making assumption corresponds to the ‘Principle of Possible Prevention’, originally formulated by Van Inwagen (1983), which reads that “[a] person is morally responsible for an outcome (that is the consequence of one of [her] acts/omissions) only if [s]he could have prevented that outcome” (in: Sartorio, 2012, p. 631).

a “robust kind of control over the future”, such that she is “able to bring about different types of future scenarios” (McKenna, 1997, p. 73). This brings out that the difference-making assumption is a specific interpretation of the control condition for moral responsibility. This assumption has been defended by various scholars, including Feinberg (1988), Johnson (2003), Kagan (2011), Parfit (1988), Sinnott-Armstrong (2005), and Van Inwagen (1983). Others have argued that difference-making features in common-sense moral thought (e.g., Driver, 2016; Green, 2005; Kutz, 2000; Lichtenberg, 2010; Nefsky, 2019; Scheffler, 1995).¹⁵³

Notably, responsibility accounts that feature the difference-making assumption run into difficulties when applied to cases where many agents jointly or collectively acted to produce an outcome that no single agent could have (partially or fully) prevented by acting otherwise. Viewing such cases through the lens of the difference-making assumption commits one to the claim that the only contributions to such collective outcomes that can be morally condemned are those that exactly hit a threshold that triggered the harmful and/or unjust result (Kagan, 2011, p. 118). On this perspective, an agent who knowingly contributed to a collective outcome yet whose acting didn’t make a difference to that outcome is morally off the hook.

Besides the fact that a straightforward identification of such a ‘straw that broke the camel’s back’ is often virtually impossible, difference-making accounts fail to capture the moral significance of all other (non-threshold-hitting) contributions to harmful and/or unjust collective outcomes. Even so, our intuitions may tell us that a non-difference-making contributor *is* deserving of blame by virtue of her bearing responsibility for her contribution. This is especially so in cases likely to stir our moral emotions—such as climate change, global labor injustice, or animal suffering.¹⁵⁴ Probably many of us would want to morally condemn those individuals who drive a gas-guzzling sportscar on a Sunday afternoon just for fun, or those who knowingly buy cheap sweatshop produce to save money to buy the latest iPhone. Hence, at least in these cases, we are left with two conflicting intuitions: one intuition tells us that difference-making is required for blame, and the other intuition tells us that someone who contributed to a harmful and/or unjust collective outcome is blameworthy.

At the heart of this discord of moral intuitions is what Nefsky (2019) refers to as ‘the inefficacy problem’. The inefficacy problem concerns situations in which no

¹⁵³ This is not to say that the scholars who point out the common-sense status of the difference-making assumption also endorse assumption from a theoretical point of view.

¹⁵⁴ These issues are instances of what Lichtenberg (2010) refers to as ‘the New Harms’. By this she means harms that do not arise from “discrete individual actions with observable and measurable consequences for particular individuals” (pp. 558-559)—like hitting, killing, or stealing—but from the sum of many individuals’ activities, the harmful effects of which are often far away in a geographical and/or temporal sense.

individual had a ‘robust kind of control’ over the outcome, such that each can argue: “things will be just as bad whether or not I act in this way, so there’s no point in doing otherwise” (id. at p. 2). Notably, Nefsky is not alone in her diagnosis. Others have referred to this issue as the ‘no difference challenge’ (Lawford-Smith, 2016, p. 66), the ‘collective action problem’ (Kagan, 2011, p. 111), the ‘problem of negligibility’ (Lane, 2018, p. 157) and the ‘problem of insignificant hands’ (Hindriks, 2022, pp. 831-833).¹⁵⁵ It is also covered by the well-known ‘problem of many hands’, originally formulated by Thompson (1980)—although this problem applies more broadly (i.e., generally to outcomes that are non-divisible in terms of individual contributions).

I take the inefficacy problem to arise when the following three factors obtain. First, the agents who jointly or collectively cause the relevant outcome constitute an *unorganized* group—i.e., an aggregate of people who do not have a common decision-making procedure for processing moral reasons and taking action. As I pointed out in Chapter 2 (§2.1.1), such a group lacks the normative competence required for moral agency *qua* collective. Second, those who make up the unorganized collective produce an outcome that is either or both causally overdetermined and/or not divisible in terms of the actions that have contributed to it.¹⁵⁶ Third, causal necessity of individual acts is taken to be a prerequisite for attributing moral responsibility—which is to say: the ‘difference-making’ assumption is in force.

4.1.2 Platform Users Who Lack Control

Crucially, I propose that under the difference-making assumption, the inefficacy problem applies to platform users’ contributions to the Airbnb-induced harms and Uber-induced labor injustice outlined in Chapter 1.

To see this, consider first the negative quality-of-life impacts resulting from Airbnb-induced touristification of residential areas in popular tourist destinations. To be sure, the Airbnb hosts and guests whose exchanges on the platform produce said externalities constitute *unorganized groups* of individual agents who are distinguishable *qua* group only in a minimal sense—i.e., in virtue of their respective economic role on the Airbnb platform. Furthermore, the adverse outcome of users’ multi-agent interactions in particular places (i.e., the combined externalities captured under the heading of ‘touristification’ in popular tourist destinations) has a threshold structure, as the harm it comprises is produced only when some

¹⁵⁵ The main reason why I adopt Nefsky’s phrasing is that I engage with her solution to the problem at issue in paragraph 4.2.2.

¹⁵⁶ Recall from Chapter 2 that in situations of causal overdetermination causal factors are jointly more than sufficient to generate the outcome of concern. Non-divisible outcomes arise in situations where different actors (either individually or jointly) contribute to an outcome, aspects of which cannot be uniquely traced back to particular actions. The two categories may overlap but are not co-extensive.

threshold density of Airbnb rentals is met or surpassed. This means that, once the negative quality-of-life impacts on local residents have materialized, this threshold has already been surpassed and the outcome at issue is *overdetermined*. Also, the outcome is by and large *non-divisible*, as most of the physical and immaterial nuisances experienced by local residents cannot be uniquely traced back to individual rental activities.¹⁵⁷ The upshot is that a single Airbnb user’s act of renting or letting an apartment via Airbnb is neither sufficient nor necessary for the negative externalities at issue—only a great many of those acts together are.

Next, consider the labor injustice that Uber drivers are subject to. Similar to Airbnb users, Uber’s supply-side users (i.e., passengers) are an *unorganized group* of individual agents, united only by their consumptive preferences and economic role on the platform. What is more, it is the aggregate of passengers’ consumptive preferences (i.e., their choice to arrange their personal transportation via the Uber app) that, after passing some unspecified threshold, has enabled Uber to outcompete ‘traditional’ taxi companies, forcing drivers with little outside options to switch to platform labor and accept attendant working conditions. This brings out that this instance of labor injustice is both *overdetermined* and *non-divisible*, whence an individual passenger’s consumptive choice doesn’t strictly make a difference for the good or for the worse.

In sum, individual platform users generally lack the *ex ante* ‘robust kind of control over the future’ required for individual difference-making to the platform problems at issue here. Viewing these platform problems through the lens of the difference-making assumption proffers the verdict that platform users who contributed to them by virtue of their exchanges are morally off the hook.

4.2 Individual Responsibility for Collective Outcomes: An Alternative Account

If we value, or maybe even require, that moral theory tracks our intuitions, the discord of moral intuitions at the heart of the inefficacy problem is puzzling. While I am unable to produce an argument to conclusively defy the difference-making assumption, I do think we should take seriously the intuition that something is wrong with (knowingly) contributing to a collective harm even if one doesn’t make a difference. For this reason, I concord with various scholars (e.g., Braham & Van Hees, 2012; Hindriks, 2022; Nefsky, 2017, 2019; Wieland & Van Oeveren, 2020) that the difference-making assumption (and the ‘robust kind of control’ it implies on the

¹⁵⁷ An exception is presented by situations in which people experience direct harm from a party in an Airbnb rental in close proximity. Such harm *is* divisible in the sense that it can be uniquely traced back to an individual instance of renting activity.

part of individuals) fails to capture what is morally significant about individual acts that contribute to, yet do not make a difference to, the outcome at hand.

Various alternative approaches to individual responsibility have been proposed that *can* account for the moral significance of non-difference-making contributions to a collective harm or injustice.¹⁵⁸ In this section, I highlight one such approach, offered by Braham & Van Hees (2012). As I shall make clear, this approach replaces the ‘difference-making assumption’ with the notion that responsibility implies a reasonable opportunity to avoid authorship—whence I refer to it as the ‘Avoiding Authorship Approach’ (AAA). The approach combines a weak interpretation of the causal condition with a weak interpretation of the control condition for moral responsibility. After offering my reconstruction of Braham & Van Hees’ account, I point out the advantages it has over another prominent solution to the inefficacy problem.

4.2.1 *The Avoiding Authorship Approach*

Central to Braham & Van Hees’ account of individual responsibility for collective outcomes is the notion of ‘avoidance potential’ (2012, p. 616), which I further clarify in a moment. The first thing to appreciate is that, on Braham & Van Hees’ account, retrospective responsibility requires that a *causally relevant* agent should have had a *reasonable* opportunity to do otherwise than she did—where ‘doing otherwise’ is to be interpreted in a minimal sense, i.e., as ‘*avoiding authorship*’. To clarify the italicized key phrases and grasp the essence of what Braham & Van Hees are getting at, I offer the following reconstruction of their account.

Authorship. An outcome bears the “stamp of authorship” (id. at p. 606) of a particular agent in case the following obtains: (i) the outcome bears the hallmark of the agent’s intentions and/or decisions, and (ii) the agent played a causal role in bringing about the outcome. This is not to say that the relevant agent *intended* the outcome as such, but rather that her causally relevant act was intentional in the sense that it derived from a more or less conscious decision (and was not, for instance, an involuntary spasm).

¹⁵⁸ It should be noted here that scholars have come up with responses to the inefficacy problem premised on refuting the assertion that individual acts do not make a difference in situations of collective harm. Some of these appeal to the non-zero *chances* of making a difference of an individual act, which implies negative expected utility of that act (e.g., Kagan, 2011, p. 127; Lawford-Smith, 2016, pp. 72-78; Parfit, 1988). Others have pointed to the chances of making a difference *indirectly*, through influencing others to take action (e.g., Glover & Scott-Taggart, 1975, pp. 179-181; Lawford-Smith, 2015, pp. 321-323). Nefsky (2019, pp. 7-9) provides an insightful overview and critical discussion of these responses. The issues she raises are not intended as decisive refutations of these proposals but they do point to central areas of concern, which arguably indicate that a more robust response to the inefficacy problem is called for. Nefsky herself provides one such response, which I will discuss in more detail further on in this chapter.

Causal relevancy. The specification of ‘causal relevancy’ comprises two elements. First, to exclude extraneous acts from the set of acts subject to moral appraisal, Braham & Van Hees (id. at p. 611) invoke the idea of a “moral field”. Recall from Chapter 2 (§2.1.1) that tracing the moral field presupposes knowledge of which ancestral acts in a causal chain leading up to the outcome of concern are relevant for the normative assessment of a particular agent’s doing (or non-doing). Second, causal relevancy is further specified in terms of the ‘NESS test’ (id. at p. 613). Recall also from Chapter 2 that this test replaces the idea of identifying some single act or event as ‘*the cause*’ with that of a ‘causally relevant factor’—where a causally relevant factor is understood as a necessary element of a sufficient set (‘NESS’) of conditions for that outcome. Under this conception of causal relevancy, an act can be attributed causal status even if there are other actually or hypothetically sufficient sets, such that the particular act was not strictly necessary for the outcome *in the relevant circumstances*. As such, this conception covers cases of overdetermination and non-divisible collective outcomes.¹⁵⁹

Avoidability. Avoidability of authorship comes down to having the *ex ante* possibility to break the causal link between oneself and the outcome (id. at p. 616), where the ‘causal link’ is specified by the ‘NESS test’. *Ex post*, this amounts to having had the opportunity to ensure that one would not be causally effective in the relevant sense for the realization of the outcome, by doing otherwise than one did.¹⁶⁰

Reasonableness. To be morally relevant, the opportunity to have done otherwise (and thereby avoid authorship) needs to be *reasonable* in the sense that the acts it comprises should be acceptable according to some (normative) standard (id. at p. 616). An opportunity to act in some way may be deemed ‘unreasonable’ or ‘unacceptable’ if there are good reasons why the act should not be performed. I propose that these reasons are captured by the responsibility defeaters outlined in Chapter 2 (§2.1.3).

With this in mind, we are now in a position to grasp the import of Braham & Van Hees’ key notion of ‘avoidance potential’—and how it presents an alternative conception of moral responsibility capable of accommodating the intuition that there is something wrong about contributing to a collective harm, even if doing so didn’t make a difference.

¹⁵⁹ Braham & Van Hees (2012, pp. 611, 613) point out that their interpretation of causal relevancy has its theoretical roots in the work of Hart & Honoré (1959), Mackie (1965, 1974), and Wright (1988).

¹⁶⁰ As Braham & Van Hees (2012, p. 628) duly note, this notion of avoidability also features in the work of Hetherington (2003), McKenna (1997), Otsuka (1998), and Wyma (1997).

The ‘avoidance potential’ of an act indicates the extent to which, by performing that act, an agent would avoid (co-)authorship of the relevant outcome in the sense just specified. If there is an act with a higher avoidance potential that one could have *reasonably* performed, then one is morally responsible for the resulting outcome in case one did *not* perform that act—but chose to perform the act with a lower avoidance potential instead. As such, moral responsibility implies that an agent acted from a number of “forking paths” (Sartorio, 2012, p. 630), yet these different paths need not lead to different outcomes. Indeed, the ‘Avoiding Authorship Approach’ (AAA) focuses on the availability of alternative *courses of action*, rather than on the possibility of realizing alternative *outcomes*.

This brings out how the AAA differs from the ‘difference-making assumption’. The latter features a notion of control that is poised on being able to unilaterally control outcomes. Indeed, the difference-making assumption proceeds on the idea that moral responsibility implies that one was able to realize a different outcome than the one that in fact materialized. In contrast, the AAA draws on a notion of control that concerns agents’ *authorship* of outcomes and the opportunity they had for avoiding such authorship, rather than the outcomes themselves. As such, the AAA resolves the ‘inefficacy problem’ by rejecting the difference-making assumption. It thereby significantly broadens the scope for attributing responsibility to individual contributors to a collective outcome.

4.2.2 In Support of the Avoiding Authorship Approach

In the present context, I will not go over all possible arguments in favor of adopting the AAA over other solutions to the inefficacy problem, but I limit myself to pointing out a number of advantages the AAA has relative to another noteworthy account—offered by Nefsky herself.¹⁶¹

In her discussion of the inefficacy problem, Nefsky (2017, 2019) likewise argues that we need to move away from the idea that the moral significance of a single act is determined by its capacity to make a difference—and that, instead, we need to recognize that an individual’s causal contribution can be morally relevant in another way. In contrast to Braham & Van Hees’ account, however, Nefsky (2017, pp. 2752-58; 2019, pp. 10-12) cashes out the proposedly morally relevant causal significance of an act in terms of ‘non-superfluosity’. That is, on Nefsky’s account, an act is

¹⁶¹ Nefsky is concerned with questions of forward-looking responsibility and correspondingly offers her account in terms of reasons that an agent may have for (not) acting in one way or another. However, as she herself remarks in an endnote (2019, p. 11, note 4), her account can be applied to ‘backward-looking’ questions about responsibility as well. I took the liberty to ‘translate’ her account into backward-looking terms.

morally significant just in case it made a ‘non-superfluous causal contribution’ to the outcome of concern.

First Advantage: Responsibility for Superfluous Acts

I propose that Braham & Van Hees’ account has two advantages over Nefsky’s approach. The first advantage is theoretical in nature and concerns the fact that the AAA can accommodate responsibility ascriptions to agents who knowingly contributed to a collective harm in the awareness that this harm was utterly unavoidable anyway. This is a point worth examining in some detail. Nefsky’s proposal stipulates that individual moral responsibility for contributing to a collective harm requires that, *ex ante*, it was “up in the air” (2017, p. 2753) whether that outcome would materialize. In other words, it needs to be the case that there was a real possibility (however small) that an obstacle to the collective outcome’s realization was that there were not enough individual contributions of the relevant sort. *Ex post*, the act (if performed) can be said to have made a “non-trivial progress” (id. at p. 2764) toward the outcome, even if things didn’t turn out.

Crucially, Nefsky proposes that if it is, *ex ante*, already *guaranteed* that some outcome will obtain (such that an individual agent’s contribution would be entirely superfluous with regard to the outcome), the agent doesn’t have good reason to refrain from acting. In other words, if the harm was unavoidable and the agent knows this for sure, her contribution is morally insignificant. In such cases, Nefsky writes, “[t]he thought that I should not allow myself to be part of the cause, then, might seem to be over-concern—or, at least, not morally mandated concern—with keeping my own hands clean” (2019, p. 10).

My point is that Nefsky’s non-superfluousness qualification of causal significance leads to counterintuitive judgments in particular cases. To appreciate this point, consider a fictional example adapted from Parfit’s ‘Harmless Torturers’ example (1984, p. 80). Suppose that a thousand people can each turn one switch of an electric shock machine that is hooked up to a thousand victims. Each additional turned switch increases the voltage by a tiny amount, which cannot be perceived by the victims. Even so, from some point onward, the victims would be in excruciating pain. Now imagine, firstly, that it is still ‘up in the air’ (in the sense just discussed) whether enough switches will be turned to cause excruciating pain to the victims. In other words, the realization of the focal outcome (i.e., a thousand people being in very much pain), which depends on enough switches being turned, is *ex ante* avoidable. For this reason, as Nefsky (2019, pp. 10-11) argues, each individual act of turning one switch plays a non-superfluous part in bringing about the relevant outcome—and is, therefore, morally significant.

Now imagine, secondly, a situation that is virtually identical except for the fact that it is *guaranteed* that the excruciating pain level will be reached due to some

mechanical backup that kicks in whenever not enough people in fact turn their switches. Suppose, also, that the people at the switches know about the backup. Following Nefsky’s reasoning we would have to conclude that, in this case, there is *no* morally significant reason for individual torturers *not* to turn their switch. Since every torturer’s contribution is entirely superfluous with respect to the guaranteed outcome, turning a switch does not count as getting their hands dirty—whence there is no ground for blame for doing so.

But this is a counterintuitive result, or so I propose. Contrary to Nefsky, I think that what these cases bring out is that there *is* something about an individual’s causal involvement in the realization of a collective harm (and the opportunity for avoiding that involvement) that *is* morally significant regardless of whether that involvement is superfluous or not. Indeed, I contend that there is no crucial difference between the two Harmless Torturers cases when it comes to individual agents’ moral responsibility for (not) turning their switch. Doing so is wrongful, irrespective of whether it is trivial or not.¹⁶²

Importantly, the Avoiding Authorship Approach *can* account for the similarity between the two cases, and thus accommodate the attribution of moral responsibility to individual switch-turners irrespective of whether their act is superfluous or not. Indeed, on the AAA, what morally matters *ex post* is whether an agent was *ex ante* in the position to choose not to be a causally relevant factor (i.e., an ‘author’) of the outcome at issue.

Second Advantage: A Practical Roadmap for Attributing Responsibility

A second advantage of the AAA is that it is richer than Nefsky’s account. Where Nefsky limits herself to providing a theoretical response to the inefficacy problem, Braham & Van Hees provide a practical roadmap for attributing moral responsibility to individual agents in light of their contributions to overdetermined and/or indivisible outcomes.

To see this, note that five conditions can be distilled from Braham & Van Hees’ account that need to obtain if responsibility is to be adequately attributed (which mirror the retrospective responsibility conditions set out in Chapter 2). These conditions are:

¹⁶² Presumably, there is an asymmetry here between not contributing to a harm and helping to prevent a harm. Nefsky’s argument is arguably less counterintuitive when it comes to cases of superfluously helping to *prevent* an outcome as compared to cases that feature superfluous *contributions* to a harm. This would imply that her account of what morally significant causal involvement amounts to would make (more) sense for *positive* duties (to help), and not for *negative* duties (not to harm)—but see Lichtenberg’s (2010) critique of this distinction between positive and negative duties in situations of complex and/or distant collective harms in note 66.

- (i) the agent was acting intentionally in the sense specified earlier in this section;
- (ii) the agent’s act was part of the ‘moral field’ enveloping the outcome for which responsibility is to be attributed;
- (iii) the agent’s act was a causally relevant factor for the outcome on the NESS test;
- (iv) the agent had available an alternative course of action with a higher avoidance potential;
- (v) the demand that the agent perform that alternative action was reasonable.

As such, the AAA is a practical tool for identifying which agent(s) bear(s) responsibility. Furthermore, as the last condition (v) brings out, the AAA makes explicit room for the possibility that *pro tanto* responsibility attributions may be *defeated* (on the topic of which Braham & Van Hees themselves do not further elaborate). Recall from Chapter 2 (§2.1.3) that responsibility is defeated if the threshold of reasonableness in regard to morality’s demands is crossed. This may occur if incidental factors either altogether cancel an agent’s responsibility (i.e., ‘excuses’) or override the responsibility an agent would otherwise be subject to (i.e., ‘justifications’). As such, taking into account responsibility defeaters is essential in any normative analysis of individuals’ involvement in the production of adverse collective outcomes.

4.3 Application to Platform Users

Under the difference-making assumption, platform users of both Airbnb and Uber appeared morally irreproachable despite their causal involvement in the materialization of negative externalities and labor injustice, respectively. In this section, I apply the responsibility conditions inherent to the Avoiding Authorship Approach to Airbnb hosts and guests as well as to Uber passengers. As specific empirical data is lacking on many elements pertaining to this analysis, it is inevitably conjectural. That said, on the AAA, particular types of platform users appear as *pro tanto* responsible for the platform problems in case they contributed to them by virtue of their exchanges. Even so, as I shall make clear, this *pro tanto* responsibility is often likely to be defeated by context-specific justifications.

Notably, in the case studies of platform users featured in the next paragraphs, I will simply assume that users generally act intentionally (in the sense specified by the AAA). Also, I will proceed on the assumption that users’ exchanges are part of the moral field enveloping the platform problems of concern. I will not defend this assumption but limit myself to noting an analogy between platform users and consumers in other settings. Surely, consumers’ aggregate demand may sustain

various adverse outcomes and practices such as environmental pollution, sweatshop labor, and animal cruelty. In light of these contributions, consumers are arguably subject to moral reproach despite the legality of the business practices which they help sustain (see e.g.: Goff, 2016; Herzog, 2016; Kutz, 2000; Lawford-Smith, 2018; Young, 2006). On these two assumptions, the AAA responsibility conditions (i) (requiring intentionality) and (ii) (concerning the ‘moral field’) are generally fulfilled for platform users. In the remainder, I consider whether conditions (iii) (requiring causal relevancy), (iv) (requiring authorship-avoidance alternatives), and (v) (concerning the reasonableness of these alternatives) obtain.

4.3.1 *Airbnb Guests and Hosts*

In a word, applying conditions (iii) and (iv) to Airbnb guests and Airbnb hosts in relation to their on-platform exchanges, brings out that both user types can at least be held *pro tanto* responsible for contributions to the collective harms captured under the heading of touristification. Even so, as I shall make clear, in light of the reasonableness demand expressed by condition (v), the responsibility of at least a substantial share of Airbnb *guests* is expectedly defeated, while the responsibility of at least 60 percent of the Airbnb *hosts* is unlikely to be defeated. I now discuss the applicability of the AAA conditions (iii), (iv), and (v) to Airbnb users in more detail.

Condition (iii): causal relevancy. First, on the NESS test, Airbnb *guests* are causally relevant for the negative externalities at issue in virtue of their consumptive choices just in case they chose to reside in an area that suffers from touristification, thereby contributing to that very touristification. Likewise, Airbnb *hosts* are causally relevant in virtue of their commercial activities in case these take place in neighborhoods already weighed down by touristification. In other words, both booking an Airbnb accommodation and renting out one’s apartment are necessary elements of a (large) set of conditions that together are sufficient for the sustainment of touristification, conditional on the threshold for materialization of negative externalities already having been crossed. This means that the relevant Airbnb users are *authors* of the negative externalities at issue, whence condition (iii) of the AAA is fulfilled.

Condition (iv): avoidance potential. Secondly, both Airbnb guests and hosts (at least on paper) have the opportunity to avoid their authorship of the negative externalities at issue. Hosts can avoid authorship by moderating the rental frequency of their property in case it is located in an area weighed down by tourism-induced negative externalities. Guests, in turn, could avoid authorship by refraining from booking an Airbnb accommodation located in an area that suffers from touristification. This means that the relevant Airbnb users fulfill condition (iv) of the AAA.

Condition (v): reasonableness. Even so, I propose that Airbnb users’ *pro tanto* responsibility for the negative externalities resulting from their exchanges may be defeated in practice by contextual factors that justify their acting in the way they did.¹⁶³ This would imply that these users fail to meet condition (v) of the AAA. Recall (from §2.1.3) that justifications are countervailing considerations that alter the moral “balance of reasons” (Duff, 2009, p. 980) on which an agent is supposed to act in such a way that the moral demand that an agent acted otherwise becomes disproportionate. This ‘balance of reasons’ refers to the costs and stakes involved in pursuing an alternative course of action that avoids authorship of the relevant outcome. I separately go over these costs and stakes that bear on the reasonableness of the *pro tanto* moral demand not to contribute to Airbnb-related negative externalities.

Concentrating on Airbnb *guests*, firstly, the relevant costs mainly comprise the forgone utility of choosing an alternative Airbnb accommodation as well as the ‘research costs’ of obtaining the information minimally required for thus avoiding authorship (i.e., information about the present situation as well as alternative courses of action and the morally relevant consequences of pursuing those). For some guests, attendant foregone utility may be negligible as they are simply indifferent between staying in a tourist-ridden city district and elsewhere. For other Airbnb guests, however, it is plausibly the case that their preference to stay in a particular area is strong, up to the point that their foregone utility is considerable. While specific data on this topic is wanting, studies indicating that Airbnb guests generally value the ‘local flavor’ of their Airbnb accommodation (see: Amaro et al., 2019; Mody et al., 2017) suggest that alternatives to staying in a tourist hotspot are associated with substantial utility losses for many guests.

Also, Airbnb guests’ ‘research costs’ of obtaining the information minimally required for pursuing alternative courses of action may be considerable. Indeed, the relevant knowledge these users need to have to be able to satisfy the *pro tanto* moral demand not to contribute to negative externalities, covers awareness of neighborhood-level particularities with respect to touristification in foreign countries.¹⁶⁴ This information may be difficult to access.¹⁶⁵ Also, the whole idea that they might need

¹⁶³ Airbnb users’ acting may also be *excused* in case they were temporarily psychologically or physically unable to act in accordance with morality’s demands (i.e., the demand not to contribute to the harms at issue). As these excuses are more incidental in nature than the justifications I discuss here (which apply more broadly), I will not dwell on them.

¹⁶⁴ Recall from Chapter 1 that the impacts of Airbnb activity is highly differentiated between different cities and neighborhoods (Gurran & Phibbs, 2017, p. 401).

¹⁶⁵ One may wonder whether guest reviews offer this type of information. Research by Zhang (2019, p. 379), however, indicates that reviews generally do not cover topics that straightforwardly reveal touristification pressures. Instead, reviews typically concentrate on topics such as value-for-money, comfort, view, apartment amenities, cleanliness, host responsiveness and access to public transportation.

this information to avoid authorship of a collective harm may understandably not even occur to Airbnb guests in the first place. This is because (a) the “halo of excitement and positive branding” (Gerwe & Silva, 2020, p. 72) surrounding Airbnb as a so-called ‘sharing platform’ together with (b) a lack of an institutionally embedded ‘epistemic infrastructure’ (Herzog, 2019) for disseminating information about the morally relevant aspects of these transactions, arguably induce ‘epistemic opacity’ among Airbnb guests (and the wider public) about the harms of Airbnb-related touristification.

For Airbnb *hosts*, in turn, the foregone utility of avoiding authorship is likely to be substantial. Particularly for hosts whose property is situated in an area with high ‘touristic value’, renting out their accommodation through Airbnb is lucrative (Schor et al., 2020). Therefore, reducing their rental frequency involves high opportunity costs. How heavily these costs weigh on a particular host’s economic situation is person-specific. For well-off hosts, renting out their property is a nice extra that they could easily spare. Schor et al. (id. at p. 843) find that almost 60 percent of Airbnb hosts fall into this category. These hosts are highly educated and have well-paying jobs, such that Airbnb income opportunities are adding to the incomes of these high earners rather than substituting for other kinds of off-platform earnings.¹⁶⁶ In contrast, for (more) financially strapped hosts who are dependent on their rental activity to support their livelihoods, decreasing rental activity may amount to a relatively serious decline in their disposable income. Notably, none of the Airbnb hosts surveyed by Schor et al. (2020) are reliant on their Airbnb earnings in this way. Even so, 40 percent of Airbnb hosts are what they call ‘partially dependent’ on their Airbnb earnings (id. at p. 843). These hosts have other sources of income, yet rely on their rental revenues to cover some basic expenses. For these hosts, foregone Airbnb income weighs more heavily on their personal economic situation, to a greater or a lesser extent.

A further consideration bearing on an assessment of the relative costs involved in avoiding authorship is that Airbnb hosts’ research costs are plausibly lower than those faced by guests. By virtue of their residency in neighborhoods that may or may not suffer from overcrowdedness and touristification, it is likely that hosts are already aware of the relevant details of the situation. Furthermore, given the fact that many Airbnb hosts earn good money through the platform and do so on a quasi-professional basis (Adamiak, 2022, p. 3133), they are more likely to be aware of the fact that Airbnb activities are voluminous and commercially driven rather than

¹⁶⁶ Schor (2017, p. 269) finds that well-off and highly educated providers use Airbnb to increase their earnings. In a study by Schor et al. (2020, p. 843) *none* of the Airbnb hosts in their sample rely on their rental revenues as a primary source of income (compared to 70.6 percent of Uber drivers). These findings are confirmed by Jiao & Bai (2020, p. 7), who conclude from their study (which involved more than 130,000 Airbnb listings in 40 American cities) that “those best positioned to rent out their houses are those who [are] already relatively well off and live in better neighborhoods”.

fostering a communal spirit of sharing—whence an appeal to inculpable ignorance about the morally relevant aspects of Airbnb exchanges is hardly credible.

As for the stakes side of the ‘balance of reasons’, recall from Chapter 2 that these are a function of (i) the severity of the moral ill for which responsibility is putatively attributed; (ii) the degree of the agent’s causal involvement in the production of that ill; and (iii) the *ex ante* likelihood of avoiding causal involvement by acting otherwise. To be sure, touristification is a collective harm produced by many ‘hands’, whence the degree of individual Airbnb *guests’* causal involvement is small, if not negligible, assuming that they use Airbnb casually. As such, the gains to be expected from an individual guest pursuing an alternative course of action are likely low. In contrast, the causal involvement of Airbnb *hosts*, and as a corollary the stakes associated with them pursuing an alternative course of action with higher avoidance potential, are likely somewhat higher on average. This is because a substantial share of Airbnb providers rent out multiple properties in one area and do so on a permanent or semi-permanent basis (Adamiak, 2022, p. 3133).

The upshot of this conjectural cost-benefit analysis pertaining to the reasonableness of the moral demand inherent in *pro tanto* responsibility attributions, is that for at least a share of Airbnb *guests* there is arguably a disbalance between the likely gains and required sacrifices for pursuing alternative courses of action that produce less externalities. This implies that the “overdemandingness objection” applies to these particular guests, such that the *ex ante* moral demand that they pursue an alternative course of action is unreasonable. For roughly 60 percent of the Airbnb *hosts* it is less obviously the case that the costs of pursuing an alternative course of action outweigh the stakes involved. In light of the supplemental nature of their Airbnb earnings, these hosts can easily spare this nice extra.

On grounds of these considerations, I propose that the responsibility of at least a substantial share of Airbnb *guests* is expectedly defeated, while the responsibility of at least 60 percent of the Airbnb *hosts* is unlikely to be defeated.

4.3.2 Uber Passengers

Applying the AAA responsibility conditions (iii) and (iv) to Uber passengers brings out that they can at least be held *pro tanto* responsible for the unjust working conditions of Uber drivers.¹⁶⁷ Even so, applying condition (v) brings out that some passengers’ *pro tanto* responsibility may be defeated. I now elaborate on the applicability of the AAA conditions (iii), (iv), and (v) to Uber passengers.

¹⁶⁷ I only discuss Uber passengers here, assuming that Uber drivers are not to be blamed for the labor injustice they are themselves subject to. For a contrasting view (not particular to Uber drivers), see Jugov & Ypi (2019, p. 8), who reason that “those oppressed by structural injustice have political responsibilities with regard to its remedy”.

Condition (iii): causal relevancy. Uber passengers are causally relevant for the incidence of labor injustice on the NESS test, in virtue of their contribution to the aggregate demand that bestows on Uber the market power to ‘have it both ways’ in the sense discussed in Chapter 1.¹⁶⁸ Indeed, Uber passengers’ causal role is similar to that of clothing consumers who are causally implicated in the sustainment of sweatshop labor working conditions (on the latter topic see: Lawford-Smith, 2018). As such, condition (iii) of the AAA is satisfied by Uber passengers.

Condition (iv): avoidance potential. Furthermore, alternative courses of action with higher avoidance potential are arguably available to most Uber passengers. These include making use of traditional taxi companies to satisfy their demand for transportation, or, alternatively, generously tipping their Uber driver (as I discuss in more detail in Chapter 5). This means that most Uber passengers fulfill condition (iv) of the AAA.

Condition (v): reasonableness. Even so, I propose that Uber passengers’ *pro tanto* responsibility for the working conditions of drivers may, under particular circumstances, be defeated by contextual factors that justify passengers’ consumptive choices. The underlying reason is that, for some passengers, the *costs* involved in pursuing an alternative course of action (e.g., choosing to ride with a traditional taxi) outweigh the benefits of doing so, whence the demand that the alternative course of action is pursued is unreasonable. To see this, consider first the cost side of the equation. Riding with a traditional taxi may amount to a forfeit of utility on the part of the passenger. Indeed, as outlined in Chapter 1, Uber is considerably more efficient compared to the traditional taxi industry, leading to lower hassle costs and lower consumer prices. Alternately, the alternative course of action presented by the option of tipping drivers preserves the efficiency benefits that Uber provides to passengers, yet involves the direct financial burden of paying the tip. Now, at least in the US, more than a quarter of Uber passengers is relatively well-off.¹⁶⁹ Plausibly, tipping does not weigh heavily on these passengers’ personal economic situation. Even so, according to the same data, 22 percent of Uber passengers are from the bottom income quartile. For them, tipping weighs relatively more heavily on their personal finances.

Moving to the stakes side of the reasonableness equation, the gains to be expected from an individual passenger pursuing an alternative course of action are likely low. Indeed, the degree of causal involvement of individual Uber passengers in the

¹⁶⁸ Recall from paragraph 1.3.2 that Uber’s ‘having it both ways’ refers to the fact that Uber drivers absorb the risks normally associated with freelance work, while they are simultaneously treated as (something close to) employees in light of the control that Uber exercises over them. I further elaborate on the driving factors underlying Uber’s market power as well as the causal connection between this market power and Uber’s strong bargaining position in Chapter 5 (§5.3.3).

¹⁶⁹ See: <https://blog.gwi.com/chart-of-the-day/uber-demographics> (accessed 30 January 2023).

sustainment of drivers’ working conditions is small, given that this is the result of the aggregate demand of many Uber customers.

The upshot of these tentative considerations bearing on the reasonableness of the demand that Uber passengers avoid authorship for the adverse working conditions of drivers, is that their *pro tanto* responsibility for this authorship may be defeated either in case: (a) they already have a custom of tipping Uber drivers, or (b) in case their personal economic situation doesn’t allow them to avoid authorship through tipping.

4.4 Conclusion

In this chapter, I focused on *users* of Uber and Airbnb. I asked how they are implicated in the problems associated with these platforms, and whether they can be blamed for being so. As such, this chapter dealt with the situational particularities of platform problems bearing on the applicability of the *corrective* principle to platform users. The corrective principle, in turn, may ground the allocation of prospective responsibilities to these passengers.

I devoted special attention to what Nefsky (2019) refers to as the ‘inefficacy problem’. As I explained, this problem arises in situations where the actions of many individual agents add up to produce an outcome, but no individual’s action was necessary to produce that outcome. In such cases, it may not be immediately clear who bears responsibility, even though our intuitions tell us that those who causally contributed must be. Underlying the inefficacy problem is the proviso that responsibility implies the ability to have made a *difference* to the outcome in question. Viewing overdetermined and/or non-divisible collective harm cases through the lens of this ‘difference-making assumption’ commits one to the claim that an agent who knowingly contributed to a collective outcome yet whose contribution didn’t make a difference to that outcome, is morally off the hook. This would imply that platform users fail to be retrospectively responsible for the problems they are causally implicated in.

To resolve the inefficacy problem, I proposed to view causal contributions to the adverse outcomes by individual platform users in the frame of the ‘avoiding authorship approach’ (AAA) to responsibility. This approach replaces the ‘difference-making assumption’ with the notion that responsibility implies a reasonable opportunity to avoid authorship. As such, the AAA *can* account for the moral significance of individual acts in complex, overdetermined, and/or non-divisible networks of causes, typical of situations in which many hands operate.

Crucially, applying the AAA to users of peer-to-peer platforms led me to the conclusion that many of them bear *pro tanto* retrospective responsibility for contributing to the harms that result from platform-mediated exchanges. However,

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this *pro tanto* responsibility may be defeated by context-specific excuses that stem from a disbalance between the costs and stakes of satisfying the moral demand inherent to the attribution of retrospective responsibility. Defeat is particularly likely for a substantial proportion of Airbnb *guests*. The responsibility attributed to roughly 60 percent of Airbnb *hosts* and more than a quarter of Uber *passengers* is unlikely to be defeated.

5. POLICIES FOR ADDRESSING PLATFORM PROBLEMS

To properly address platform problems, we need policies that work—assuming (as I do) that interventions to address these problems are called for.¹⁷⁰ This chapter is devoted to establishing which policy options qualify as such. It comprises an identification of the respective mechanisms through which the platform problems associated with Airbnb and Uber might be settled. Furthermore, this chapter features an assessment of these mechanisms' potency in achieving their objective. This will allow me to filter out those policy options that are sufficiently effective. Additionally, for each policy option, I point out possible unintended consequences associated with their implementation.

The present chapter, then, takes a different turn from the last two chapters. Where these engaged with the fairness-based considerations that inform us how responsibilities should be *allocated* on grounds of (various notions of) justice, the present analysis shifts focus to the effectiveness considerations that bear on the *contents* of the responsibilities to be allotted. Indeed, the content of prospective responsibilities is determined by the particular policy option adopted, a necessary requirement for which is that the policy in question be sufficiently effective.

It should be noted that my effectiveness assessments in this chapter are of a tentative quality. I do not wish to create the impression, or raise the expectation, that this chapter provides a full-fledged empirically grounded policy analysis. Hence, my approach will be to formulate *justified expectations* about policies' effectiveness in addressing the platform problems of concern. As I further detail in this chapter, these expectations—or *propositions* as I shall refer to them—take account of the facts of the world that bear on (a) agents' compliance, (b) possible feedback effects, and (c) the feasibility of policy options.

My discussion is structured as follows. In the next section (5.1), I set out a number of preliminary clarifications relating to my conceptual and argumentative approach. Subsequently, I put this approach into action by reviewing particular policy options aimed at assuaging Airbnb externalities (section 5.2) and at improving Uber drivers'

¹⁷⁰ Note that this phrasing leaves room for the viewpoint that the platform problems of concern do not warrant intervention. Indeed, whether or not a particular concern calls for intervention is a normative issue. I settle that issue here by simply assuming that the moral status of platform problems propels the search for adequate interventions (leaving open the possibility that there is no such intervention).

working conditions (section 5.3) through the lens of effectiveness. I also identify otherwise relevant policy considerations.

5.1 Preliminary Clarifications

Before I move on to review a range of *prima facie* promising policy options for addressing platform problems, a number of preliminary clarifications are in place. These bear on: (i) the status of effectiveness considerations within my pluralist account for attributing responsibility; (ii) my interpretation of the term ‘effectiveness’; and (iii) the style of reasoning I employ.

5.1.1 *The Status of Effectiveness Considerations*

An important point to appreciate regarding the status of effectiveness considerations is that, within my value-pluralist outlook, effectiveness is a *necessary* condition for adequately securing a morally significant outcome—but not a *sufficient* one. As I have argued in Chapter 2, responsibility specifications and allocations implied by particular policy options should reflect combined judgments “about what it is fair to expect people to do, what it is efficient to ask people to do, and what it is possible to motivate people to do” (Shue, 1997, p. 170) in the context at hand. In other words, policy measures deserving of the predicate ‘sustainable’ are feasible, functional, and fair—which are context-dependent notions. This implies that considerations of effectiveness should certainly play a role in the normative analysis of policy options—yet they need not always take center stage. On my pluralist account, it is arguably only in dire situations (e.g., a pending nuclear disaster) that effectiveness would trump all other considerations for grounding responsibilities and/or choosing between policy options.

A related upshot is that, on my account, responsibility arrangements must be sufficiently competent at achieving the aims they were set up for, yet they needn’t be optimally effective in doing so. After all, the requirement that we maximize over effectiveness when choosing between policy options (even assuming this is possible) would commit us to prioritizing the value of effectiveness over other values as a matter of course—which is incompatible with the pluralist outlook I endorse.

To put all of this another way, *sufficient* effectiveness is a *necessary* feature of any policy option (yet not a sufficient condition). This constraint corresponds with a so-called ‘satisficing’ approach to decision-making. Coined by Simon (1956) and embraced by scholars working in the tradition of bounded rationality (for an overview see Artinger et al., 2022, pp. 599-601), the notion of satisficing refers to a selection process concerned with finding options that meet or exceed specific

criteria without concern for finding an optimum.¹⁷¹ An advantage of this approach is that it requires less information and less computational efforts than does a maximizing procedure for choosing between policy options.

5.1.2 Effectiveness as a Non-Ideal Notion

A second preliminary clarification is that I employ a non-ideal conception of effectiveness that is appropriately sensitive to the possibility of non-compliance, to feasibility constraints, and to other relevant feedback or spillover effects.¹⁷² In other words, I take effectiveness to be a measure of the performance of a certain policy in achieving the goals it is aimed at *given relevant facts* about human nature (i.e., the psychological and motivational features that influence compliance) and other real-world constraints (e.g., the financial, political, social, and technical factors that determine what can realistically be accomplished).¹⁷³

Notably, the *appropriateness* and *relevancy* qualifications in the stipulation of effectiveness just offered indicate that determining the ‘right’ degree of fact-sensitivity—or the “correct level of idealization” (Valentini, 2012, p. 660)—is a delicate issue. On the one hand, we may wish to factor in as many real-world constraints as possible when assessing the potency of different policy options, so as to arrive at a policy recommendation that is practically effective in the concrete circumstances here and now. On the other hand, the more factual considerations are introduced into the effectiveness assessment, the closer this may keep us to the status quo (Stears, 2005, p. 326; Valentini, 2012, p. 559). Indeed, the risk is that we might “substitute[e] the demands of short-term contingency for those of deeply valued long-term ideals” (Stears, 2005, p. 327). I come back to this puzzle at the conclusion of this chapter.

5.1.3 Argumentative Approach

These reflections on non-ideal effectiveness bring me to the status of the empirical input to my effectiveness assessments in the following sections. To be sure, I agree

¹⁷¹ Under uncertainty and/or intractability, satisficing has been shown to outperform other decision-making strategies in terms of expected search-effort/outcome-quality ratio (Artinger et al., 2022, p. 598). This implies that, under these conditions, satisficing can be qualified as a meta-optimizing decision-making strategy (Winter, 2018, p. 1510). In other words, satisficing can be construed as a type of maximizing decision-making in cases where information and search are costly.

¹⁷² As Miller (2013, p. 207) writes on the issue of compliance: it is “unfortunately only too easy to anticipate that because of bad faith, selfishness, weakness of will, or whatever, some agents will find reasons not to do their share”.

¹⁷³ A similar use of the notion of effectiveness is commonplace in the field of (vaccine) epidemiology, where (‘non-ideal’) *effectiveness* denotes a “real world” view of how a vaccine reduces disease in a population (Weinberg & Szilagyi, 2010). The (‘ideal’) notion of *efficacy*, in contrast, denotes vaccine protectiveness under controlled conditions (ibid.), whence it qualifies as a measure of performance that is relatively unaffected by the contingencies of time and place.

with Shue (1997, p. 169) when he writes that “philosophers ought not simply to flee the scene when things start getting practical”. Indeed, philosophers should take aspects of the empirical social sciences “extremely seriously” (Stears, 2005, p. 325).

At the same time, due modesty is warranted on my part. Conducting empirical studies of the phenomena at issue is outside the scope of this (principally) philosophical thesis, whence I rely on available empirical material and inferences based on established theories. Some of this material directly applies to the concrete cases I am concerned with, while other parts concern findings from related contexts. Hence, my effectiveness assessments are not simply intuitive nor are they supported by conclusive empirical evidence. Hence, my game plan is to formulate *justified expectations* about policies’ effectiveness in addressing the platform problems of concern. I capture these justified expectations in *propositions*, in the sense of that term common in the social sciences. There, propositions refer to declarative statements of a conjectural sort that draw causal relations between concepts and, as such, they serve as guideposts for future empirical research (Cornelissen, 2017; Ulaga et al., 2021). To arrive at these propositions, I formulate *preliminaries* for each of the policy options to be discussed. These preliminaries capture justified expectations regarding *expedience* (factoring in compliance effects and feedback effects) and *feasibility* (accounting for facts and/or conjectures regarding technical, financial, social, and political constraints).

In effect, a proposition-based style of argumentation allows me to tentatively express ideas concerning the effectiveness of various policy options in the face of incomplete empirical information. The conceptual mode operating in the background of most (though not all) proposition-generating analyses that follow, is a rudimentary multilevel social mechanism framework. That is, my reasoning about the likely consequences of many of the relevant policy options roughly takes notice of the interlinkages between the macro and micro levels of cause and effect. These run through (i) *situational mechanisms* that capture social-context effects on individuals’ opportunities, incentives, desires, and beliefs; (ii) *action-generating mechanisms* that cover how these changes impact individuals’ behavior; and (iii) *aggregation mechanisms* that translate micro-level consequences into macro-level effects taking into account possible feedback processes.¹⁷⁴ Where relevant and conducive to the reader’s understanding, I draw attention to the particular ways in which these mechanisms are at play.

¹⁷⁴ This rendering of a multi-level social mechanism framework is based on Hedström & Udehn (2011), Van Tubergen (2021), and Ylikoski (2016).

5.2 Policies for Assuaging Airbnb-Induced Externalities

In Chapter 1, I discussed how Airbnb rental activity may impel the touristification of residential neighborhoods and/or add to the touristification of already popular city districts, imposing negative quality-of-life impacts on residents of these areas. Recall from paragraph 1.3.1 that ‘touristification’ is an umbrella term that captures the externalities of Airbnb rental activity. These externalities include physical nuisances—i.e., those stemming from the misuse of common areas, stress on neighborhood traffic and waste management infrastructure as well as noise and smells (which dissipate with the cube of the distance from the source, and for which people presumedly have tolerance up to a certain level). These externalities also comprise immaterial nuisances—i.e., feelings of insecurity due to the presence of strangers in one’s apartment block or street, as well as a sense of alienation induced by the perceived loss of local culture and cohesion in the neighborhood.

In some cases, where Airbnb activity is intensely concentrated in a particular area, the costs of Airbnb activity that these externalities impose on neighboring residents may exceed the combined benefits to travelers, property owners, and the platform itself, to the detriment of net social welfare. As I made clear, the compound of externalities denoted by ‘touristification’ has a threshold structure, as the harm it comprises is produced only when some threshold is met or surpassed by the aggregate of individuals’ actions.

In the next paragraphs, I review a number of *prima facie* promising policy options for addressing Airbnb-induced externalities. These policies fall into three different categories: (1) choice-architectural adaptations intended to induce hosts to reconsider their rental activities and/or motivate guests to alter their booking behavior; (2) external regulations that compel hosts to cease or bring down their rental activities by force of formal sanctions; (3) compensatory schemes aimed at offsetting Airbnb-induced setbacks suffered by neighboring residents. While this list is not exhaustive, I proceed on the contention that it covers the main mechanisms through which Airbnb-induced externalities may be addressed. For each policy option, I formulate a proposition about its effectiveness in addressing the problems it was set up for, taking into account relevant facts that bear on *expediency* (including compliance effects and other feedback/spillover effects) and *feasibility*. These propositions are summarized in Table 5.1 on the next page. Further, for each policy option, I point out possible unintended consequences of implementing particular policy options, captured under the heading of ‘additional policy considerations’.

	Choice-architectural adaptations ('neighborhood receptivity score')	External regulation		Compensatory schemes
		Bans	Limitations	
Expedient?	moderately	no	yes	no
Feasible?	yes	no	yes	no
Effective?	moderately	no	yes	no

Table 5.1: Overview of Airbnb policies and how they score on expedience, feasibility, and effectiveness

5.2.1 Choice-Architectural Adaptations: ‘Neighborhood Receptivity Score’

One approach to reducing the adverse impact of the negative externalities spurred by densely concentrated Airbnb activity is to try and mitigate these very externalities by targeting their source: i.e., the choices that Airbnb hosts make regarding the frequency at which they rent out their property as well as the choices of Airbnb guests when it comes to the location selection of their Airbnb accommodation. These choices can be controlled through regulative coercion (policies of which I will discuss in §5.2.2). Alternatively, they can be influenced by changes in the ‘choice architecture’—i.e., the organization of the environment in which people make choices (Thaler et al., 2013, p. 428).

One promising policy option for intervening in the choice architecture for Airbnb users is epistemic in nature. It consists in accessibly presenting information bearing on the degree of touristification in a particular area, for example through adding a ‘neighborhood receptivity score’ (NRS) to each accommodation’s on-platform advertisement. Such a score could be composed of Airbnb density data combined with neighboring residents’ input. The idea is that this moral scaffolding of the epistemic component of the choice architecture in a way that is almost as easy to process as a price signal, could stimulate ‘ethical’ choices by market participants (Herzog, 2019, p. 17; Thaler et al., 2013, pp. 435–437). These ethical choices would then ideally lead to a reduction of rental activities in those areas in which the externality threshold has been crossed. Furthermore, by fine-grainedly targeting only those users whose activities are likely to contribute to negative externalities, this policy could in principle preserve the value-creating potential of Airbnb in areas that are receptive to tourists.

The potency of this policy option is premised on activating the ‘normative goal frame’ for Airbnb users to guide their behavior.¹⁷⁵ To be sure, people in this goal frame are sensitive to the appropriateness and/or moral quality of their behavior in reference to a particular social norm (Lindenberg & Steg, 2007, p. 120).¹⁷⁶ For hosts, the normative goal frame could stimulate them to moderate the rental frequency of their property in case it is located in an area weighed down by tourism-induced negative externalities. For guests, in turn, the normative goal frame could induce them to refrain from booking an Airbnb accommodation located in an area with a low ‘receptivity score’ (and possibly book elsewhere instead).¹⁷⁷ The conjectured activation of the normative goal frame by means of an epistemic trigger (i.e., the neighborhood receptivity score) would run through (1) a situational mechanism through which the exposure to a low receptivity score influences the beliefs of individual Airbnb users regarding the impact and appropriateness of their activities in the ways specified; and (2) an action-generating mechanism through which these beliefs translate into behavioral change.

Expedience. Findings in the context of environmental behavior cast (some) doubt on the potency of these mechanisms. For instance, heightened awareness of air travel implications for climate change has not (yet) led to a significant change in travel behavior (Gössling et al., 2020, pp. 5, 7). Furthermore, many people who perceive climate change as a serious concern are not more likely to engage in concrete adaptive behaviors than people who do not worry about global warming (Van Valkengoed et al., 2022, pp. 13–15).¹⁷⁸ Contrastingly, however, other studies

¹⁷⁵ Goal-framing theory postulates that various goals ‘frame’ how people process information and/or act on this information. The theory distinguishes three goal frames: a hedonic, gain and normative goal frame. To be sure, people in the *hedonic* goal frame are sensitive to short-term increases/decreases in their pleasure or quality of their mood. People in the *gain* goal frame, in turn, are sensitive to changes in their personal resources. People in the *normative* goal frame tend to pay attention to the appropriateness and/or moral quality of actions or comportment. For elaboration and discussion of these goal frames in the context of environmental behavior, see Lindenberg & Steg (2007).

¹⁷⁶ Social norms are deontic standards that feature normative rules, i.e., prescriptions, prohibitions or permissions, that regulate people’s behavior. Agents may be motivated to follow a particular norm because of the sanctions associated with violations. Sanctions can be formal (e.g., fines or imprisonment) or informal (i.e., social costs associated with various forms of social disapproval) (Schotter, 1981; Ullmann-Margalit, 1977). Alternatively, agents may opt to follow a norm for *norm-internal* reasons in case they perceive the norm as legitimate (Bicchieri, 2006; Brennan et al., 2013; Hindriks, 2019a). By promoting certain types of behavior and/or imposing a cost on others, social norms can be conducive to realizing or maintaining desirable states of affairs (Caney, 2016a; Lawford-Smith, 2015a; Sunstein, 1996).

¹⁷⁷ Assuming that Airbnb users have a *pro tanto* moral duty to contribute to alleviating or preventing Airbnb-induced negative externalities, access to fine-grained information on a particular area’s level of touristification is a proviso for, and thereby enables, the *in-situ* exercise of their moral agency in the way specified in Chapter 2.

¹⁷⁸ In fact, only perceptions of severe personal threats may function as psychological antecedents that robustly motivate people to engage in pro-environmental behavior (Fritzsche et al., 2010, p. 76).

suggest that altruistic values as well as ‘warm glow benefits’ (i.e., the experience of self-gratifying emotional reward) can in fact be strong drivers for engaging in pro-environmental behavior (for an overview see: Hartmann et al., 2017, pp. 44-46).

All of this suggests that even if full information on the effects of Airbnb activity in overcrowded tourist destinations were accessibly available, it is most likely that not all Airbnb users would indeed make more ‘responsible’ choices. The influence of the neighborhood-receptivity-score policy on individuals’ beliefs and actions is presumably strongly mediated by their individual characteristics. Nonetheless, concurring with Shue (1997, p. 170) that many people find themselves somewhere in “the vast middle range between the barbaric and the ideal”, I expect that increased awareness of the possible negative impact on external parties of Airbnb rental activities would resonate with at least a share of Airbnb users in a way that activates the normative goal frame in the relevant way.¹⁷⁹

Even so, the effectiveness of this policy could potentially be undermined in yet another way: i.e., through an endogenous feedback process that involves abuse of the ‘neighborhood receptivity score’ system. Indeed, responding to the new constellation of opportunities and incentives, actors may start behaving in ways that clot the epistemic infrastructure to the extent that the receptivity score’s signaling function is weakened. Neighboring residents, for example, may be tempted to provide untruthful information. Alternatively, the Airbnb platform may find itself seduced to ‘buy’ positive feedback from residents. In response to the former issue (residents providing false information), Airbnb could take additional measures to promote the accurateness of neighbors’ input to the composition of receptivity scores, for example by means of an algorithmic tool that detects and reports outlier reviews (i.e., one-off bad reviews), which is already in place for guest reviews.¹⁸⁰ As for the latter issue (Airbnb bribing residents), the best we can hope for is that the prohibition of “selling, buying and submitting false consumer reviews in order to promote products” under EU law and in many other jurisdictions is sufficiently deterrent.¹⁸¹

¹⁷⁹ It is likely that Airbnb *guests* would be more responsive to the moral appeal that emanates from the ‘neighborhood receptivity score’. This is because guests’ utility loss in choosing an alternative Airbnb location is (presumably) generally lower than the opportunity costs for hosts of reducing the rental frequency of their property (see also §4.3.1), whence guests’ normative goal frame faces less competition from the gain goal frame.

¹⁸⁰ See: <https://www.airbnb.com/resources/hosting-homes/a/making-reviews-more-fair-for-hosts-93> (accessed 18 January 2023).

¹⁸¹ See: https://ec.europa.eu/commission/presscorner/detail/en/ip_22_394 (accessed 2 March 2023).

Preliminary 1a (*expedience_NRS*): Taking into account possible avenues of non-compliance, the introduction of a neighborhood receptivity score (NRS) is likely enough to motivate at least a share of Airbnb users to adjust their behavior in a way that contributes to mitigating Airbnb-induced externalities.

Feasibility. Given the elaborate reputation system that is already in place on the Airbnb platform, the NRS intervention is likely to be technically feasible. Furthermore, it is quite likely that Airbnb would be willing to implement the neighborhood receptivity scoring system given the platform's interests in keeping peace with local and national authorities in order to ward off more extensive regulatory measures.¹⁸²

Preliminary 1b (*feasibility_NRS*): It is likely that a neighborhood receptivity score can feasibly be implemented.

Effectiveness. From relevant facts that bear on compliance and feasibility (captured by preliminaries 1a and 1b), the following proposition concerning this policy's effectiveness can be derived.

Proposition 1 (*effectiveness_NRS*): It can reasonably be expected that a policy of intervening in the choice architecture for Airbnb users by means of a neighborhood receptivity score is moderately effective at addressing Airbnb-induced negative externalities.

Additional policy considerations. Besides effectiveness, additional features or other possible consequences of the implementation of a neighborhood receptivity score prove relevant for evaluating this policy option. First, note that policies relying on choice-architectural interventions respect the freedom of choice of the subjects whose decision-making they are targeted at (Lichtenberg, 2013, p. 495). In other words, interventions of this sort attempt to influence choices without relying on coercion through formal sanctions nor on instituting obstacles that prohibit subjects from opting out. Even so, to the extent that choice-architectural interventions are not voluntarily implemented by those in the position to do so (in this case: Airbnb), some form of incentivization (or mild coercion) would be required to move the relevant agent to implementation.

Second, the NRS policy may compromise economic surplus generation for particular actors—i.e., for hosts through a drop in revenues, and for guests through lower

¹⁸² Airbnb has ample reason to 'fear' the authorities, given the regulatory pushbacks impending in many countries (for discussions of such regulatory pushbacks, see generally: Hübscher & Kallert, 2023; Nieuwland & Van Melik, 2020; Van Holm, 2020; Von Briel & Dolnicar, 2021).

match values.¹⁸³ Nonetheless, *social* welfare might still be positively affected even if *economic* surplus is compromised. Indeed, some areas may suffer from touristification so badly that any loss of economic surplus by transacting partners is offset by reductions in disutility for neighboring residents (Bivens, 2019, pp. 2, 17–18). Furthermore, to the extent that the introduction of a neighborhood receptivity score would stimulate rental activity in less tourism-strained areas, the policy would add to the welfare of hosts in those very areas, thus effectively functioning as a redistributive mechanism.

5.2.2 External Regulation: Bans and Limitations

A second policy option for influencing the particular economic choices of Airbnb users that are at the root of the negative externalities at issue is to externally impose coercive measures through regulation. Regulatory instruments that (local) governments can employ to this end are so-called ‘land use policies’ which protect neighborhoods from what is essentially a form of commercial incursion (Wegmann & Jiao, 2017, p. 495). Such urban regulation policies are typically justified on the basis that they address market failures that take the form of negative externalities. That is, these policies secure one or more public goods, such as utilities and social infrastructure, that would otherwise be ‘under-allocated’ in a free market (Gurran et al., 2018, p. 403).

Specific land use policies for regulating Airbnb come in two flavors:

- i. *Bans.* Outright prohibitions of Airbnb rental activity are a simple yet drastic form of regulation that only a few municipalities worldwide have implemented—either in specific neighborhoods (e.g., Barcelona, New Orleans, and, for some time, Amsterdam) or throughout the city (e.g., Palma de Mallorca, Anaheim—home to Disneyland California—and New York City).¹⁸⁴
- ii. *Limitations.* Less drastic are limitations on Airbnb rental activity through quantitative restrictions on either or both (i) the number of nights an Airbnb can be rented out per year; and (ii) the number of Airbnb listings in a particular area (Nieuwland & Van Melik, 2020, p. 814). Various municipalities in Europe and the US have implemented such restrictions,

¹⁸³ Recall from Chapter 1 that the microeconomic concept ‘match value’ is a function increasing in the ‘fit’ between the good or service on offer and the consumer’s preferences.

¹⁸⁴ The city of Amsterdam banned the rental of entire residential units in centrally located neighborhoods in July 2020. However, in March 2021, a local court ruled that the ban had no legal basis and ordered to lift it. See: <https://www.reuters.com/article/us-netherlands-airbnb-amsterdam-idUSKBN2B81NS> (accessed on 11 August 2023). On the recent de facto ban on Airbnb rentals in New York City see: <https://www.theguardian.com/commentisfree/2023/sep/27/new-york-airbnb-renters-cities-law-ban-properties> (accessed 29 September 2023).

including Amsterdam, Copenhagen, London, Madrid, New Orleans, Paris, and San Francisco.¹⁸⁵

Expedience. Generally, the envisioned effect of regulatory measures crucially depends on the strength of the action-generating mechanism connecting, on the one hand, individuals' beliefs and opportunity space (co-determined by the implementation of these measures), and on the other hand, their behavioral compliance. The strength of the action-generating mechanism, in turn, hinges on (a) the *perceived legitimacy* of the regulations (Bicchieri, 2006; Brennan et al., 2013; Hindriks, 2019a) and (b) the *expected costs* of violating these regulations (Schotter, 1981; Ullmann-Margalit, 1977), which are a function of the weight of the sanctions and the quality of enforcement.

As for *bans*, perceived legitimacy is presumably low, from the perspective of both the Airbnb platform and Airbnb hosts. To the extent that this negatively impacts actors' willingness to comply with the prohibitions, enforcement would be required to compensate for the lack of perceived legitimacy. Given the dispersed geographical distribution, private nature, and lucrateness of Airbnb rental activity, non-compliance is attractive and enforcement would have to be strict for the rules to be effective at all (S. R. Miller, 2016, pp. 167–168). Indeed, if both scaffolds are lacking (i.e., perceived legitimacy and adequate enforcement), an underground market is likely to ensue (Jefferson-Jones, 2015, p. 574; S. R. Miller, 2016, p. 185), undermining the effectiveness of the Airbnb prohibition.¹⁸⁶

Preliminary 2a.i (*expedience_bans*): In light of expected low compliance, regulatory bans risk driving the market for short-term rentals underground, impairing their effectiveness.

As for regulatory *limitations*, perceived legitimacy is presumably higher, whence they are less likely to drive or keep short-term rental markets underground (S. R. Miller, 2016, pp. 153–154). What is more, there is empirical support for the effectiveness of *quantitative* restrictions on Airbnb accommodations to limit the overall growth of listings at least in some cities (Y. Chen et al., 2021, pp. 2-5;

¹⁸⁵ There are other types of land use policies that cities have implemented that fall under the heading of 'qualitative restrictions' (Nieuwland & Van Melik, 2020, p. 814). These include safety requirements (e.g., the presence of a smoke detector) and stipulations of the type of accommodation that may, or may not, be rented out (e.g., a complete apartment versus a room; with or without the owner present during the stay). I do not discuss these policies here as they are not targeted at mitigating negative quality-of-life impacts for local residents, but at consumer safety and rental price control, respectively. Indeed, as Wegmann & Jiao (2017, p. 495) write, "quality-of-life impacts can be imposed by any type of urban vacation rental, whether whole-unit or otherwise", and whether adorned with a fire extinguisher or not.

¹⁸⁶ Indeed, in a number of cities that prohibited unlicensed short-term rentals even before the advent of Airbnb, a vibrant underground market for these rentals exists (Van Holm, 2020, p. 2).

Hübscher & Kallert, 2023, pp. 21-22; Nieuwland & Van Melik, 2020, p. 821).¹⁸⁷ In addition, *spatial* restrictions (that set a limit on the number of Airbnb listings allowed in a particular area) have been found to be helpful in locally stopping expansion (Hübscher & Kallert, 2023, pp. 21-22; Valentin, 2021, pp. 163-165). These findings evidence that, even if compliance isn't perfect (or perhaps far from it), regulatory limitations may produce a significant effect in terms of Airbnb activity reduction.¹⁸⁸

It should be noted, however, that spatial restrictions entail spillovers of rental activity into other residential neighborhoods due to shifting demand (Hübscher & Kallert, 2023, p. 19; Valentin, 2021, 166-170; Van Holm, 2020, p. 6). Even if the net effect of such spatial spillover is positive (as I discuss under the heading of 'additional policy considerations'), zoning restrictions may nonetheless carry a 'penalty' for the residents of new Airbnb hotspots. This type of spatial spillover has been documented in New Orleans, where residents in areas surrounding the French Quarter (which was subjected to spatial restrictions) have grown dissatisfied with the continued expansion of Airbnb accommodations in their neighborhoods (Van Holm, 2020, p. 6). Close monitoring by local authorities will be needed to ensure that spatial restrictions of Airbnb rentals are regularly updated so as to attenuate waterbed effects.

Preliminary 2a.ii (*expedience_limitations*): Compliance with quantitative and/or spatial limitations is in all likelihood high enough such that said regulations are capable of effectuating a decrease in Airbnb activity in the relevant areas.

Feasibility. First of all, *bans* would likely meet political resistance. Most cities plainly prefer quantitative and/or spatial regulations over prohibitions—so as to not miss out on the economic benefits of Airbnb (Hübscher & Kallert, 2023, p. 10; Nieuwland & Van Melik, 2020, p. 818) and/or to avoid having to fight the juridically resourceful Airbnb platform over prohibitions in court, as happened in San Francisco, New York, and Amsterdam (Nieuwland & Van Melik, 2020, p. 818).

Furthermore, even if Airbnb *bans* were to be adopted, effective enforcement would likely impose significant feasibility constraints. As I pointed out, bans in particular would presumably require heavy monitoring and, possibly, invasive use of force that are costly up to the point that they become financially unfeasible. In addition, such measures would likely be controversial to the extent they would be perceived as too

¹⁸⁷ I am not aware of any studies that look at the effect quantitative restrictions on the perceived quality-of-life of local residents, whence I take the number of listings in a particular area as a proxy.

¹⁸⁸ This was confirmed by a 2017 analysis by UBS, which found that Airbnb growth rate had slowed partly due to increased regulation. See: <https://www.cnbc.com/2017/04/13/airbnb-growth-slowing-regulation-ubs.html> (accessed 25 January 2023).

draconian for the nature of the violations that enforcement is meant to prevent—and therefore lack public and political support (S. R. Miller, 2016, pp. 185, 195).¹⁸⁹

Another feasibility constraint on the implementation of Airbnb bans is legal in nature. Various courts around the world have ruled that the legal basis for prohibiting Airbnb activity is lacking. Creating a new legal basis for bans for Airbnb bans can be a complex endeavor. The different levels of jurisdiction (local, regional, national, or even supra-national) with different objectives as well as the possibility of unintended ripple effects produced by new legislations complicate the legislative procedure (Hübscher & Kallert, 2023, p. 10).

Preliminary 2b.i (*feasibility_bans*): The implementation of regulatory bans on Airbnb activity is unlikely to be feasible.

Turning to *limitation measures*, the point to appreciate when it comes to feasibility is that these measures require a much lighter regulatory touch compared to bans. This is partly due to the higher perceived legitimacy of quantitative restrictions, as they leave room for non-professional hosts to rent out their primary residence while on holiday (which was the original value proposition of the Airbnb platform). In fact, some cities have managed to implement effective enforcement mechanisms by combining mandatory registration for Airbnb listings with reliable data sourcing to track usage and check compliance (Von Briel & Dolnicar, 2021, p. 4).¹⁹⁰

Preliminary 2b.ii (*feasibility_limitations*): It appears that regulatory limitations of Airbnb activity *can* feasibly be implemented.

Effectiveness. From relevant facts that bear on compliance and feasibility (captured by preliminaries 2a.i-ii and 2b.i-ii), the following propositions concerning the effectiveness of, respectively, bans and limitations can be derived.

¹⁸⁹ Note that lack of political and/or social support are dynamic feasibility constraints in the sense that these factors may change quite drastically over time, possibly in response to effectiveness assessments (such as the one presented here). I come back to this point in this chapter's conclusion.

¹⁹⁰ The requisite data can be accessed either externally through 'web scraping' or via Airbnb itself. In the fall of 2020, Airbnb launched a 'data portal' in the United States to help local governments monitor host activity and compliance (see: <https://www.bloomberg.com/news/articles/2020-09-23/why-airbnb-launched-a-data-sharing-tool-for-cities>, accessed 25 January 2023). A similar data portal (adjoined by a harmonized registration system) is in the making for Airbnb activity within the European Union (see: https://ec.europa.eu/commission/presscorner/detail/en/IP_22_6493, accessed 27 February 2023). As privacy laws may prohibit Airbnb sharing detailed personal host information with public authorities, a fruitful avenue for detecting non-compliance may be to have Airbnb police its users. In fact, under the new EU Digital Services Act, which will fully enter into force in February 2024, city administrations will be able to issue Airbnb to act against illegal content (see: <https://eurocities.eu/latest/stricter-control-of-airbnb-co-cities-welcome-proposals/>, accessed 25 January 2023). Notably, Airbnb has agreed to introduce technical features that prevent booking and listing of properties owned by non-compliant hosts in cities such as London (Gurran et al., 2018, p. 413) and Santa Monica (see: <https://smmirror.com/2019/12/airbnb-must-remove-illegal-santa-monica-listings/>, accessed 25 January 2023).

Chapter 5 – Policies for Addressing Platform Problems

Proposition 2.i (*effectiveness_bans*): A policy of prohibiting Airbnb activity is unlikely to be effective at mitigating Airbnb-induced externalities.

Proposition 2.ii (*effectiveness_limitations*): Quantitative and/or spatial restrictions appear to be effectively capable of mitigating Airbnb-induced externalities.

Additional policy considerations. Besides considerations of effectiveness, there are some additional policy considerations that may prove relevant in an all-things-considered assessment of these regulatory policies' appeal. First, both types of regulations (i.e., bans and limitations) compromise the autonomy and freedom of all transactive parties involved. For homeowners, policies that restrain Airbnb activity impair the personal agency, fulfillment, and control that come with the sort of micro-entrepreneurship that Airbnb has enabled them to engage in—which is what hosts highly value, as brought out in Chapter 1. Also, regulative measures infringe on homeowners' bundle of property rights associated with buying a house. Furthermore, regulations would infringe on the Airbnb platform's entrepreneurial freedom, as the proposed policies would affect its capacity to continue operation as it sees fit. A further concern is that, by introducing prescriptive regulation, each of the transacting parties' sway in interpreting and fulfilling their responsibilities is compromised, impacting their autonomy in yet another way. It goes without saying that these infringements are more pervasive for outright bans as compared to spatial and/or quantitative restrictions.

A second policy consideration concerns decreases in economic welfare through deadweight losses. These are virtually unavoidable under an Airbnb ban: hosts and guests stand to lose if they are no longer able to transact with one another, and the platform nor the municipality can appropriate a share of their surplus through commission fees and tourist taxes, respectively. However, regulation-induced welfare loss is presumably limited if externality-mitigating policies are designed to be expedient and proportionate. As I pointed out, the impact of Airbnb can differ from one neighborhood to another, and a similar influx of tourists may be perceived as much more problematic in a quiet residential neighborhood than in lively downtown districts (Gurran & Phibbs, 2017, pp. 400, 406; Nieuwland & Van Melik, 2020, pp. 813, 820)—or vice versa. This brings out the need for crafting tailor-made policies that take account of local parameters relating to neighborhood character, the bearing capacities of amenities, current hotel density and Airbnb intensity, etcetera (Davidson & Infranca, 2016, p. 276). Indeed, with well-informed and regularly updated spatially defined quantity restrictions in place, regulators could effectively limit undesirable concentrations of Airbnb accommodations in some areas and retain or even push demand in the direction of districts that stand to gain

from an upsurge in tourists (Wegmann & Jiao, 2017, p. 500).¹⁹¹ In fact, spatial restrictions have been found to counteract pressure on central residential districts without depriving less affected neighborhoods of Airbnb’s affordances in London (Quattrone et al., 2016, p. 1392). In New Orleans, spatial limitations in central districts have promoted the expansion of Airbnb activity in historically black, low-income residential neighborhoods (Van Holm, 2020, p. 6). In this way, well-designed regulations may even spur positive externalities by effectively functioning as a redistributive mechanism (Davidson & Infranca, 2016, pp. 276–277; Wegmann & Jiao, 2017, p. 500).

5.2.3 Compensation: Coasian Bargaining and Pigouvian Taxes

Quite a different approach to addressing the negative externalities of Airbnb activity is to compensate affected residents for the nuisances they experience from Airbnb-induced touristification. Two compensatory options come into view:

- i. *Private bargaining* between parties who (directly) benefit from Airbnb rental activity and those who experience the negative consequences thereof. This approach to managing externalities was originally developed by Coase (1960) and later complemented by Stigler (1989). The idea is that, after arbitration, hosts voluntarily compensate those bearing the negative externalities of their activities.
- ii. *Pigouvian taxes* equal to the monetary equivalent of negative externalities that are levied on those who produce these externalities (Polinsky & Shavell, 1982)—i.e., Airbnb hosts—and from which compensations to neighboring residents could be financed.

Expedience. Regardless of compliance considerations, it is contestable whether financially compensating people for the types of harms at issue here—i.e., negative impacts on quality-of-life, social infrastructure, and neighborhood character—is an expedient procedure for addressing these harms at all. One could reasonably argue that these particular private and public goods belong to those ‘spheres’ of life that *cannot* or *should not* be commodified as they are valued for their own sake (*cf.* E. Anderson, 1990; Sandel, 2012; Walzer, 1983).

Preliminary 3a (*expedience_compensation*): Financial compensation of those impaired by Airbnb activity is presumably not an expedient way to address the types of harm at issue.

¹⁹¹ Due care should be taken to avoid arbitrariness in the differential management of Airbnb activities across neighborhoods. To this end, targeted regulation could take the form of data-driven, transparent and regularly updated zoning restrictions of Airbnb rentals that are enforced through a system of permits.

Feasibility. Even if, counterfactually, compensatory schemes were found to be expedient vehicles for addressing the adverse effects of Airbnb activity at issue here, the practical implementation and operation of either instrument would presumably run into trouble. These troubles concern the identification of the individuals entitled to compensation as well as the determination of the adequate level of compensatory payments. Indeed, the successful operation of a compensatory scheme—be it through private bargaining or through Pigouvian taxes—requires that externalities are experienced by a defined and determinable group (such that those who are entitled to transfer sums can be identified) and that externalities are easily measurable (to enable calculation of the right transfer sums). Neither is true for most of the negative externalities of Airbnb activity (Filippas & Horton, 2018, p. 8; Gurran et al., 2018, pp. 412-414). As Gurran et al. (2018, p. 414) note, “these approaches [i.e. compensatory schemes] are only likely to address a small number of localized impacts, and will also struggle to address the cumulative burden which will arise in buildings or precincts where home-sharing practices increase”. Additionally, private bargaining may be prohibitively costly due to the transaction costs of searching, negotiating, and enforcing contracts (Gurran et al., 2018, p. 412).¹⁹²

Preliminary 3b (*feasibility_compensation*): It appears that the implementation and operation of schemes to compensate parties impaired by Airbnb activity is not or hardly feasible.

Effectiveness. The considerations regarding expedience and feasibility make for the following proposition:

Proposition 3 (*effectiveness_compensation*): A policy of compensating affected parties is unlikely to be effective at addressing the negative impacts of Airbnb-induced externalities.

Additional policy considerations. A general advantage of the compensatory policy type is that, at least in theory, it avoids the deadweight losses associated with any strategy that effectuates reductions in rental activity, as well as the regulatory costs of realizing such reductions through land use policies.

Also, both types of compensatory schemes discussed preserve the entrepreneurial freedom of hosts and the Airbnb platform, while also leaving guests’ freedom of choice unimpaired. It should be noted that a Pigouvian scheme would restrict the formal freedom of agents on which taxes are levied by regulating how these agents can use their income or revenues.

¹⁹² Generally see Claassen (2016, p. 544) and Coase (1960) on the issue of transaction costs involved in private bargaining.

5.3 Policies for Improving Uber Drivers’ Working Conditions

In Chapter 1, I discussed the working conditions of Uber drivers. In short, drivers receive relatively low and volatile pay and they have little to no access to social security or other benefits, while they enjoy little more autonomy than traditional employees in light of the (algorithmic) control that is exercised over them. In the words of Halliday (2021, p. 241), Uber has been able to “have things both ways”: it gets to “behave like [an] employer when it comes to directing workers” and to “behave like [a] mere broker when it comes to not providing workers with the relevant guarantees [i.e. regular income, minimum wage, sick pay, etc.]” This combination of limited autonomy and high risk exposure that characterizes driving for Uber has evoked accusations of labor injustice against Uber.

As I pointed out earlier, the fact that Uber can ‘have it both ways’ is plausibly due to an underlying imbalance of (bargaining) power between Uber and its drivers (Bieber, 2023; Muldoon & Raekstad, 2022; Steinbaum, 2019). Indeed, most Uber drivers depend on their platform work to cover their basic expenses (Schor et al., 2020, p. 843), while many of them have few attractive outside options for earning their livelihood (Holtum et al., 2022, pp. 294-295; Van Doorn et al., 2020, p. 3).¹⁹³ The lack of outside opportunities is likely driven by the typical Uber driver’s labor market disadvantage (ibid.), in addition to the labor market power of the Uber platform (Smichowski, 2018; Steinbaum, 2019), as well as wider trends in the labor market (Bieber & Moggia, 2021, pp. 9–11; Schor, 2020, pp. 69–70). This puts drivers in a position of vulnerability vis-à-vis the Uber platform, which the latter leverages so as to avoid offering drivers a just combination of freedoms and guarantees. Indeed, as Schor (2020, p. 69) concludes from the results of an extensive body of empirical research on platform workers, “desperation yields bad deals”.

In the ensuing paragraphs, I review a number of *prima facie* promising policy options for improving working conditions of Uber drivers. These policies fall into a number of different categories: (1) choice-architectural adaptations intended to induce Uber passengers to tip more generously; (2) external regulation of the relation between Uber and drivers to extend driver’s social security coverage; (3) market interventions aimed at fortifying drivers’ bargaining power; (4) reforms of the organizational governance structure such that drivers’ interests are structurally better served; and (5) social system reforms that ensure social security coverage for all workers irrespective of their employment status.

¹⁹³ Recall from Chapter 1 that around 70 percent of Uber drivers are dependent or partially dependent on their platform work to cover their basic living expenses (Schor et al., 2020, p. 843).

Consistent with my review of the Airbnb-related policies in the foregoing, I offer propositions on the effectiveness of each policy in achieving its envisioned end, taking into account relevant facts regarding feasibility, compliance, and other possible feedback or spillover effects (see Table 5.2 on the next page for an overview). Again, the list of policy options discussed is not exhaustive but covers the main mechanisms through which Uber drivers’ working conditions might be improved.

	Choice-architectural adaptations: tipping inducements		External regulation: presumption of employment		Market interventions		Governance reform: platform cooperatives
	In-app	Awareness	Full	Hybrid	Ex ante	Ex post	
Expedient?	slightly	slightly	slightly	yes	slightly	moderately	slightly
Feasible?	yes	moderately	yes	moderately	moderately	no	no
Effective?	slightly	slightly	slightly	yes	slightly	no	no

Table 5.2: Overview of Uber policies and how they score on expedience, feasibility and effectiveness

5.3.1 Choice-Architectural Adaptations: Tipping Inducements

One approach to promoting labor justice for Uber drivers is to raise their income, considering the fact that income is a means of gaining greater financial security (*cf.* Halliday, 2021, p. 242). Pay raises can be enforced through regulation (policies of which I will discuss in §5.3.2). Alternatively, pay rises can be stimulated by choice-architectural adaptations. While Uber drivers’ fees are automatically determined by the algorithm of the Uber app in a way that drivers nor customers (i.e., passengers) can influence, the Uber app does feature the option for customers to tip drivers right after each trip once they provided a rating.¹⁹⁴ This opens up the possibility for driver

¹⁹⁴ See: <https://www.uber.com/us/en/ride/how-it-works/tips/> (accessed 27 January 2023). The in-app tipping feature was introduced in July 2017, after a period in which Uber and drivers had been engaged in a struggle over tipping, which Uber’s competitor Lyft had already introduced in 2012 (see: <https://www.washingtonpost.com/news/dr-gridlock/wp/2017/06/20/uber-rolls-out-in-app-tipping-for-drivers/>, accessed 28 January 2023). Of course, before the introduction of in-app tipping, passengers were free to tip in cash, but they rarely did (Henao & Marshall, 2019, p. 443). This was presumably due to a combination of reduced tipping norms for technology-mediated gig work (Duhaime & Woessner, 2019, p. 233), high hassle costs associated with cash tipping (on a platform where fares are automatically

earnings to increase if passengers were stimulated to become more generous in their tipping behavior.

Tipping is a pervasive and significant feature of the service economy at least in the United States (Azar, 2007, 2011; Star, 1988). While tipping doesn't occur in all service occupations, it certainly does in the ('traditional', off-platform) taxi-driving business (Azar, 2020, p. 215; Duhaime & Woessner, 2019, p. 234).¹⁹⁵ Remarkably, however, Uber drivers receive tips less often and of more modest sizes compared to 'traditional' taxi drivers (Duhaime & Woessner, 2019, p. 234).¹⁹⁶ Various attributes of the Uber passengers' experience might explain this phenomenon:

1. The tipping decision is made privately and the tipping is not immediately observed by the driver, who can only see the amount of a tip for a particular trip on a list of historical trips. Indeed, as the strength of social norms is generally diminished without public verification of the norm-governed action, this attribute of the Uber experience may explain the relative uncommonness of tipping Uber drivers (Chandar et al., 2019, pp. 6, 37).
2. Specific contextual factors of the in-app tipping option that Uber provides impact passenger psychology in a way that has a negative effect on the tipping decision. Chen et al. (2023), for example, document a decline in willingness to tip and a decrease in the number of tips when service provider ratings are solicited *before* the option of tipping is presented on ride-hailing platforms. The suggested mechanism is that passengers classify positive feedback as a reward benefitting the driver, and then (partially) substitute positive feedback for tips. In other words, it is hypothesized that seeing positive feedback as a 'gift' to the driver partially alleviates the felt obligation to tip on the part of the passenger (id. at p. 82).
3. Salience of the independent-contractor status of gig workers in general and of Uber drivers in particular may effectuate the crowding out of the sort of social motives that drive tipping behavior in favor of market motives (Duhaime & Woessner, 2019, p. 234).¹⁹⁷ The rationale behind this

deducted from customers' credit cards), and the fact that people experience cash tipping as (financially) more painful compared to tipping with a credit card (J. Chen et al., 2023, p. 83).

¹⁹⁵ In a study in Chicago, 95 percent of (non-Uber) taxi passengers left a tip, with the average tip amounting to 27 percent of the fare (Conlisk, 2022, p. 6). Other studies have found customary tips for taxi drivers at over 20 percent of the base fare (Duhaime & Woessner, 2019, p. 234).

¹⁹⁶ In a large-scale study with over 40 million observations, Chandar et al. (2019, p. 3) found that only 16 percent of the Uber trips are tipped, with an average of 50 dollar cents. Duhaime and Woessner (2019, p. 234) report that average tips to Uber drivers are only 5 percent of the base fare. Based on Uber's own data, Chandar et al. (2019, p. 3) observe that only one percent of passengers tip in every Uber trip, while three out of five people never tip.

¹⁹⁷ Tipping behavior is thought to be influenced by a number of distinct social motives, including reward motives (i.e., tipping as a token return for good service), altruistic motives (i.e., tipping to help servers

mechanism is that gig workers are generally thought to have autonomy over working hours and trip acceptance by virtue of their contractor status. This evokes the market-oriented ‘gain goal frame’ rather than the socially oriented ‘normative goal frame’ to govern the relationship between drivers and passengers, such that pro-social motivations to tip are eroded. Indeed, as studies by Ariely (2008) and Gneezy & Rustichini (2000) have demonstrated, “once market norms enter our considerations, the social norms depart” (Ariely, 2008, p. 77).

Based on these findings, various instruments can be devised to prompt Uber passengers to increase their tipping at both the extensive and the intensive margin. These include:

- i. *Changes of the in-app decision architecture* for tipping drivers, including (a) swapping the order of rating and tipping; (b) setting higher tipping defaults; and (c) lifting the ‘veil of anonymity’ in the tipping process.
- ii. *Information campaigns* that either inform passengers about Uber drivers’ precarity or otherwise add fuel to passengers’ social motivations to tip.

Expedience. Consider first *changes in the decision architecture* for tipping Uber drivers. The purported mechanism that would produce the envisioned effect (i.e., higher and more frequent tips) runs through a change in passengers’ beliefs and incentives prompted by said interventions, to which passengers would respond by increasing their tipping, adding up to higher driver pay.

For each intervention in the in-app decision architecture (a)-(c), there is at least some indication that things might work this way. Indeed, with regard to (a) *swapping the order of tipping and rating*, Chen et al. (2023, p. 82) find that tipping before rating results in higher tips but not in lower ratings, lending support for a decision architecture that solicits tips before ratings. Second, as for (b) *increases in default tip suggestions*, a study by Haggag and Paci (2014, p. 2) using data on over 13 million New York City taxi rides finds that moderate increases in defaults have a large positive impact on tip amounts—a result that was confirmed by Alexander et al. (2021) for a range of service occupations. Third, the significance of (c) *social verification of the tipping act* is supported by research showing that anonymity reduces generosity (e.g., Andreoni and Petrie, 2004; Aplizar Rodriguez et al., 2008; List, 2006; List et al., 2004) as well as by findings on the positive effect of social pressure on tipping (e.g., Lynn, 2008; Lynn & Starbuck, 2015). This suggests that if direct monitoring of the tipping act by the driver could somehow be incorporated

who are perceived to be struggling), duty motives (i.e., tipping to obey social norms), and equity motives (i.e., tipping to restore equity in exchange if exchange is perceived as unequal). For a discussion of these ‘tipping motives’, including references, see: Conlisk (2022, pp. 2–4).

into the decision architecture of the Uber app, this might increase tipping at both the extensive and the intensive margin.

In spite of these promising findings, there are a number of notable caveats. First, much of the research cited here has been conducted in the US, and the results do not straightforwardly translate to the European context.¹⁹⁸ Second, once tipping norms have deteriorated, it may be very difficult to re-establish them (*cf.* Gneezy & Rustichini, 2000, p. 16). This result may carry over to the context of Uber, given that, prior to the introduction of the in-app tipping feature, customers received the message that ‘there is no need to tip’ for years (Duhaime & Woessner, 2019, p. 243). Third, tipping patterns are volatile as they vary substantially across place and time (Gössling et al., 2021, pp. 812, 820). Tips are sensitive to passengers’ income level (Chandar et al., 2019, p. 11; Lynn, 2015, p. 83) and to income shocks (Azar et al., 2015, p. 19; W. Tan & Zhang, 2021, p. 3982). In other words, the underlying mechanisms that drive tipping decisions are presumably strongly mediated by economic background conditions. This reduces the fitness of the tipping model as a robust and reliable vehicle for boosting Uber drivers’ income.

Preliminary 4a.i (*expedience_in-app changes*): In light of volatile compliance, the implementation of in-app changes to solicit higher and more tips is a somewhat expedient yet unreliable vehicle for boosting Uber drivers’ income.

Next, consider the instrument of inducing *epistemic changes* among Uber passengers. Raising awareness about the realities of Uber drivers’ circumstances—i.e., their precarious working conditions as well as the fact that they do not enjoy as much autonomy as suggested by their *de jure* independent-contractor status—could presumably effectuate a re-establishment of the pro-social motivational framework (i.e., the ‘normative goal frame’) to govern the relationship between drivers and passengers. More specifically, the idea is that, through a situational mechanism, epistemic changes of the right sort could spark altruistic and equity motives to drive tipping decisions, which then presumably supersede the strategic considerations stemming from the gain goal frame so as to propel more generous tipping behaviors.

Findings from other contexts suggest that things might indeed work this way. For one, there is ample supportive evidence that factors increasing the salience and importance of helping others boost tips (Lynn, 2015, pp. 79-80). Such factors conducive to priming altruism in customers’ minds include situational cues, such as background music with pro-social lyrics or heart-shaped bills (Guéguen, 2013; Jacob et al., 2010, 2013), and prompting awareness of the poor labor conditions of the

¹⁹⁸ Compared to the US, tipping is much less common and is done in much smaller amounts in Europe (Azar, 2020, p. 217; Gössling et al., 2021, p. 812), where tipping often takes the form of rounding up the bill by a little (Whaley et al., 2019 in: Gössling et al., 2021, p. 813).

service provider (Azar, 2010, p. 424). The explicit promotion of tipping can have a similar beneficial effect on tipping amounts, as has been observed in the context of the ride-hailing platform Lyft (Henao, 2017, p. 50). Furthermore, there is a fair amount of empirical support for the hypothesis that perceived inequitableness of a relationship—which is driven by consumers’ perception of the cost for the worker of providing the service—increases customers’ tipping, presumably to restore equity in the exchange (for a general discussion of this point and references see: Conlisk, 2022, p. 4).¹⁹⁹ Even so, the very same context-specific caveats that applied to the supporting evidence for in-app changes discussed previously apply to these empirical findings.

Preliminary 4a.ii (*expedience_awareness*): In light of volatile compliance, raising awareness about the realities of Uber drivers’ working conditions to solicit higher and more tips is a somewhat expedient yet unreliable instrument for boosting Uber drivers’ income.

Feasibility. Firstly, technical and financial aspects are unlikely to present serious constraints to the deployment of a tipping-based approach. Indeed, both instruments to stimulate tipping (i.e., in-app changes and awareness-raising efforts) are presumably relatively easy and inexpensive to implement. Motivational constraints, however, are likely to differ across the instruments. As for in-app changes, Uber is likely to be sympathetic to adapting its decision architecture in the relevant ways. This is because (a) swapping the order of rating and tipping, (b) lifting the ‘veil of anonymity’ in the tipping process, as well as (c) increasing default tipping suggestions, are unlikely to impose reputational or financial harms on the company.

Preliminary 4b.i (*feasibility_in-app changes*): The relevant changes to Uber’s in-app decision architecture are likely feasible.

In contrast, Uber is unlikely to lend its support to setting up information campaigns aimed at increasing awareness about drivers’ precarious conditions, as this would likely lead to reputational damage. Therefore, such awareness campaigns would have to be set up by other agents, such as (civil society) pressure groups. Given the incidence of Uber drivers’ overt struggle for better working conditions (Dubal, 2020;

¹⁹⁹ For instance, customers who witness supervisors or fellow customers mistreat service providers have been found to leave higher tips (Hershcovis & Bhatnagar, 2017; Jin et al., 2020), presumably because the mistreatment is perceived as a cost of providing the service. Similarly, bad weather conditions were found to boost passengers’ tips for taxi drivers, as passengers acknowledge the increased efforts on the part of drivers to deliver in poor weather (W. K. Lee & Sohn, 2020). Furthermore, during the COVID-19 pandemic, customers reciprocated the increased risk of infection, considered as an additional cost for the service worker, with higher tips—both in delivery services (Lynn, 2021) and in transportation services (Conlisk, 2022).

Joyce et al., 2020) and extensive media coverage, organized efforts of setting up awareness campaigns probably stand a chance of getting off the ground.

Preliminary 4b.ii (*feasibility_awareness*): Adequate information campaigns are likely difficult to set up, yet are supposedly not unachievable.

Effectiveness. The preliminaries concerning compliance and feasibility of the relevant policy instruments give rise to the following propositions.

Proposition 4.i (*effectiveness_in-app changes*): Relevant changes in the in-app decision architecture are likely to be somewhat effective at improving Uber drivers' situation, though not reliably so.

Proposition 4.ii (*effectiveness_awareness*): Epistemic changes through awareness-raising campaigns are likely to be somewhat effective at improving Uber drivers' situation, though not reliably so.

Additional policy considerations. One additional consideration is that this policy option of relying on tips to improve drivers' situation may be conducive to widening earnings inequities among drivers, to the detriment of racial minorities and otherwise marginalized groups. In fact, significant race-based inequities in tipping frequency and size have been documented in restaurant settings (Brewster & Brauer, 2017; Brewster & Lynn, 2014; Lynn et al., 2008).

A second policy consideration stems from the fact that the voluntary nature of tipping ensures that the autonomy and freedom of all transacting parties involved are adequately preserved. In other words, the proposed choice-architectural interventions attempt to influence choices without relying on coercion through formal sanctions nor on instituting obstacles that prohibit subjects from opting out.

A third point is that tipping as a pricing model can be social-welfare enhancing (Azar, 2020). The rationale is that tipping is essentially a "voluntary form of price discrimination" (Conlisk, 2022, p. 13) to the effect that additional income for low-paid drivers originates from customers who can afford (additional) tipping, while those who cannot afford this are still able to benefit from Uber drivers' services.

A final point, which specifically applies to the awareness-raising policy instrument for inducing increasing tipping, bears on the stigmatization of Uber drivers as 'precarians'.²⁰⁰ Such may detract from drivers' personal dignity and equal social standing (*cf.* Rawls' account of the social bases of self-respect, discussed in Freeman, 2019).

²⁰⁰ 'Precarians' is the adjective indicating those who belong to the 'precariat'. See note 35.

5.3.2 *External Regulation: Presumption of (Hybrid) Employment*

A second policy option for improving Uber drivers' situation is by enforcing higher pay, benefits provision, and/or social security coverage through external regulation. There are roughly two approaches to externally regulating the relationship between the Uber platform and drivers (Z. M. Tan et al., 2021, p. 6):

- i. *Granting drivers employee status through a presumption-of-employment measure.* Under this policy regime, regulation of the relationship between Uber and drivers takes the form of a decree that forces Uber (and similar gig platforms) to hire workers as full-fledged employees and to offer them at least minimum wage, sick pay, holiday leave, insurances, and other features that are typically part of an employment contract.
- ii. *Creating a hybrid employment category and having Uber classify drivers as such.* Under this policy regime, the presumption-of-employment stipulation is accompanied by the introduction of a new employment category for workers sitting between the polar ends of 'employee' and 'independent contractor'.²⁰¹ Under this classification, firms would be obliged to contribute to social security funds and sick pay, but workers would not be covered by hours-based regulations like minimum wage and overtime rules. In this way, it is argued, workers who present only some characteristics of employees but not others (which is true of platform workers) enjoy at least basic labor rights and protections.²⁰²

Expedience. I first consider the policy option of granting Uber drivers employee status. While this is presumably an adequately enforceable instrument (such that compliance is high), various caveats threaten its actual *expedience* in improving the working conditions of most drivers. Indeed, endogenous processes are likely to feed back into the relevant mechanisms of change and raise a number of serious concerns.

First is the concern that a regime of forcing platforms to hire workers would probably lead to a loss of working opportunities. For instance, after a Swiss court ruled that Uber had to hire its workers, only 23 percent of the drivers active on the platform were offered employment contracts (Arets, 2022). The underlying mechanism is that hiring workers as employees is bound to increase platforms'

²⁰¹ I already touched on this option in Chapter 3, where I argued that a hybrid employment category would be a fitting legal status for many gig workers (including Uber drivers), as it corresponds to the hybrid nature of platform governance of them.

²⁰² Scholars who have advocated the introduction a hybrid employment category for platform workers include; J. E. Cohen (2017), Dubal (2017b), Fendrick (2018), Harris & Krueger (2015), Prassl & Risak (2016), Sternler (2016), and Todoli-Signes (2017).

expenses through higher labor costs and efficiency losses. These increases in expenses are then passed on to consumers in the form of higher fares, to the result that drivers may find (much) less demand—forcing platforms to only hire a portion of the drivers active on the platform (Oranburg & Palagashvili, 2021, pp. 232-233; Richards, 2021).²⁰³

Dismissed drivers may not necessarily be better off elsewhere, since often enough, these are migrant workers or members of otherwise marginalized communities with few outside opportunities (Holtum et al., 2022, pp. 294-295; Van Doorn et al., 2020, p. 3). Indeed, vulnerable workers may become unemployed or forced to find work in the informal ('black') market, where they face even more precarity and less safety.

Additionally, Schor et al. (2020, pp. 841-843) find that drivers for whom platform income is supplemental typically report *positive* experiences with driving for Uber.²⁰⁴ These are workers who supplement a secure main source of income. For them, the presumption-of-employment legislation would close off a convenient and flexible way to make extra cash.²⁰⁵

A final point of concern is that, in practice, gig platforms that are forced to hire their workers often resort to temp agencies and subcontractors. As some accounts have brought out, these agencies are not necessarily providing much better working conditions (Arets, 2022; Van Doorn et al., 2020, p.7). Also, platforms' outsourcing policies may shield gig platforms from blame when problems arise. Indeed, platform workers have reported that, in case they want to report or address problems, they

²⁰³ In an analogous situation in Spain, where online delivery platforms were forced to hire the couriers active on their platforms, this regime resulted in longer waiting times and higher consumer prices. See: https://www.elconfidencial.com/tecnologia/2022-02-06/uber-eats-glovo-delivery-ley-rider-just-eat-gorillas-getir_3369229/ (accessed 10 July 2022) and <https://www.businessinsider.com/spain-made-uber-eats-hire-full-time-employees-chaos-ensued-2022-3> (accessed 10 July 2022). It should be noted, however, that Reich (2020, p. 2) expects less pronounced price increases and a (very) modest drop in consumer demand as a consequence of granting Uber drivers employee status in the Californian context. The true economic and financial consequences of the worker-status switch remain unclear as reliable empirical data is still lacking (which is unsurprising given the recency and limited scope of court rulings and regulations that force Uber to employ drivers).

²⁰⁴ To be precise, Schor et al. (2020, pp. 841-843) find that “[t]hose who are not dependent on the platforms have better experiences and // more control over when and how they work. They are more discriminating about whom they accept as customers, the amount of time they work, their conditions of work, and their schedules. They can more easily avoid exchanges they suspect will be unsafe or financially risky or will yield low earnings, or end up being negative experiences. These axes of control serve to enhance satisfaction, raise earnings, and ensure safer and // more pleasant working conditions.” As the Uber app automatically assigns rides to drivers, not all of this pertains to Uber drivers, but the basic idea stands.

²⁰⁵ Schor et al. (2020, p. 843) estimate that around 12 percent of Uber drivers qualify as supplemental earners.

Chapter 5 – Policies for Addressing Platform Problems

are stuck between the companies (i.e., the platform and the temp agencies), who simply point at each other (Meaker, 2022).²⁰⁶

Preliminary 5a.i (*expedience_full employment*): Granting Uber drivers employee status is presumably insufficiently efficacious, as it is likely to improve the situation for only a subset of drivers while leaving the remainder worse off.

Next, I consider the policy instrument of introducing a hybrid employment category. As suggested, this classification allows workers with only some characteristics of employees to enjoy basic rights and protections in a way that arguably restores labor justice. Indeed, as Halliday (2021, p. 245) proposes, “[t]o the extent that a rideshare app stipulates prices but not worker hours, justice may require that only some subset is offered [...] out of the guarantees that would be required if [driver] freedom were ceded to the level of employment.” At the same time, it can reasonably be expected that Uber’s innovative business model is less threatened by this in-between category, as it comes with less formal responsibilities and more flexibility compared to full employership (Harris & Krueger, 2015, pp. 25–26; Todolí-Signes, 2017, pp. 200–201). Therefore, the feedback processes that are likely to obstruct the expedience of granting workers full-fledged employee status are presumably (much) less of a problem for this policy instrument. For this reason, it can be expected that the balance between the *scope* of employment opportunities for Uber drivers and the *quality* of their working conditions swings to the positive.

Preliminary 5a.ii (*expedience_hybrid employment*): Introducing a third worker category and classifying Uber drivers accordingly is likely to improve the situation of many (if not most) drivers.

Feasibility. Consider first the feasibility of issuing a regulatory decree that Uber hire its drivers. While still strongly contested by platform lobbyists (see e.g., Basalisco et al., 2021), this policy option appears to be increasingly politically feasible.²⁰⁷ Indeed, political and juridical support for this regulatory approach is gaining traction throughout Europe. Recent court rulings in the UK and The Netherlands have ruled that Uber should hire its drivers. Also, a 2021 proposal by the European Commission

²⁰⁶ This plight has been anecdotally confirmed by newspaper coverages, such as: <https://www.nrc.nl/nieuws/2022/05/13/maaltijdbezorger-lino-brak-zijn-knie-wie-gaat-hem-nu-helpen-a4124368> (accessed 10 July 2022).

²⁰⁷ The report by Basalisco et al. (2021) mentioned in the main text, which contests the ‘presumption of employment’ stipulation for platforms, was commissioned by ‘Delivery Platforms Europe’—a lobbying coalition representing leading delivery platforms, among which Uber Eats and Deliveroo (see: <https://deliveryplatforms.eu/>, accessed 13 Augusts 2023).

dictates a ‘presumption of employment’ for all platform workers, including Uber drivers.²⁰⁸

Preliminary 5b.i (*feasibility_full employment*): A regulatory decree that Uber (and similar platforms) hire its workers is likely feasible.

The introduction of an in-between worker category and the corresponding classification of Uber drivers raises two feasibility concerns. First, there are practical difficulties associated with introducing and implementing a hybrid worker category. Such would be a complex legislative intervention that involves hard decisions about which rights and responsibilities to include and exclude from the various employment categories (Cherry & Aloisi, 2017, p. 681). Second, it has been argued that adding more employment classification tests corresponding to the new worker categories would likely sow confusion on legal rights and duties among the parties involved (Cherry & Aloisi, 2017, p. 681; Rogers, 2016, p. 516; Stewart & Stanford, 2017, p. 430). Even so, Fendrick (2018, pp. 17–22) argues that these issues can presumably be accommodated at least to some extent, by introducing a ‘safe harbor’ period prior to full implementation that allows for regulatory sandboxing, preparation, and habituation.

Preliminary 5b.ii (*feasibility_hybrid employment*): The introduction of a hybrid employment category and having Uber drivers fall under its auspices, is expectedly moderately feasible.

Effectiveness. From the relevant facts that bear on expedience and feasibility (captured by the relevant preliminaries), the following propositions concerning effectiveness can be derived.

Proposition 5.i (*effectiveness_full employment*): Ruling that Uber drivers should be classified and treated as full employees is presumably slightly to not effective in improving the situation for most drivers.

Proposition 5.ii (*effectiveness_hybrid employment*): Fitting Uber drivers into a hybrid employment category would likely result in an across-the-board improvement for many (if not most) drivers.

Additional policy considerations. A first set of additional considerations concerns the freedom and autonomy of the transacting partners involved. As I remarked in my discussion of Airbnb, external regulation is typically freedom- and autonomy-infringing. At stake here is, firstly, drivers’ autonomy—which is a highly valued

²⁰⁸ For the European Commission’s ‘presumption of employment’ proposal see: https://ec.europa.eu/commission/presscorner/detail/en/ip_21_6605 (accessed 24 May 2023). For the European Council’s position see: <https://www.consilium.europa.eu/en/press/press-releases/2023/06/12/rights-for-platform-workers-council-agrees-its-position/> (accessed 19 August 2023).

attribute for many platform workers (Dubal, 2020, pp. 35–36). Additionally, the regulations at issue would infringe on the Uber platform’s entrepreneurial freedom, as the proposed policies would affect its capacity to continue operation as it sees fit. A further concern is that, by introducing prescriptive regulation, transacting parties’ sway in interpreting and fulfilling their responsibilities is compromised, impacting their autonomy in yet another way. It goes without saying that these infringements are more pervasive under the presumption of *full* employment as compared to *hybrid* employment. Most importantly, classifying Uber drivers as third-category workers allows them to retain a great deal of the scheduling flexibility that they reportedly value so much. This observation ties into Halliday’s (2021, p. 245) more general point that it is desirable to promote a range of options in the labor market, with different combinations of freedoms and guarantees.

A second policy consideration particular to the introduction of a new in-between worker category is that the availability of this category may spark an unintended ripple effect throughout the labor market. Indeed, the availability of the hybrid category could effectuate a widespread ‘leveling down’ rather than a ‘leveling up’ in the sense it creates the potential for employers to misclassify their de facto employees in order to avoid employment responsibilities (Rogers, 2016, p. 516). This worry is affirmed by the fact that Italy has seen widespread systemic arbitrage between the standard employment category and the in-between category, after the latter was introduced in 1973. In essence, Italian firms have used the third category to evade regulations applicable to full employees, such that the unintended consequence of its introduction was *less* protection for workers across the board (Cherry & Aloisi, 2017, pp. 656-666). Even so, an alternative version of the hybrid category, which was introduced in Spain, did not have these unintended consequences—whence it appears that much depends on the particular design of this category (id. at pp. 667-674).

5.3.3 Market Intervention: Limiting Uber’s Economic Power

Until this point, I have discussed policy options that seek to restore labor justice for Uber drivers through measures that directly increase their income and/or extend other labor guarantees. A different approach to improving drivers’ working conditions is to curtail Uber’s bargaining power by limiting its economic power (or, at least, Uber’s scope for leveraging this power).

In Chapter 1 (§1.3.2), I pointed out that the root cause of Uber’s ability to ‘have things both ways’—i.e., to “behave like [an] employer when it comes to directing workers [...] and to behave like [a] mere broker when it comes to not providing workers with relevant guarantees” (Halliday, 2021, p. 241)—is plausibly its strong bargaining position vis-à-vis workers (Bieber, 2023; Muldoon & Raekstad, 2022; Steinbaum, 2019). As I highlighted, one main driving factor of this strong bargaining position is

Uber's sizeable degree of market power on the consumer side of the platform (Bamberger & Lobel, 2017, p. 1063; Smichowski, 2018, pp. 56–62). This degree of market power is not specific to Uber: platform markets are typically characterized by high concentration (Dube et al., 2018; Haucap & Heimeshoff, 2014). This is due to a number of factors that lead to a winner-takes-all dynamic, including: (i) *network effects*, where a greater number of users on one side of the platform increases the value of the platform service to users on the other side (Tirole, 2019, p. 397, also see §1.1.1); (ii) *economies of scale*, where the marginal cost of expanding a service is (very) small compared to initial investments (Tirole, 2019, p. 398); and (iii) the so-called *data snowball effect*, where access to larger amounts of data improves platform services, hence attracting more users in a virtuous feedback loop (Smichowski, 2018, pp. 46–47). Notably, these factors are particularly strong in Uber's case (Bamberger & Lobel, 2017, pp. 1085–1086; Smichowski, 2018, p. 48).

Crucially, Uber's market power on the consumer side translates to the provider side, resulting in a monopsony-like market structure (Steinbaum, 2019, p. 63), in which a single buyer controls the market as the major purchaser of, in this case, labor power. Uber's monopsony power is solidified by its policies of user lock-in, the most important of which is the administration of platform-specific and untransferable reputation scores (Bamberger & Lobel, 2017, p. 1067; Smichowski, 2018, p. 53). Generally, reputation scores are valuable to platform providers (including Uber drivers), as they are a crucial instrument to attract demand and realize price premiums (Tadelis, 2016, p. 326; Teubner et al., 2017, p. 74). Also, building and maintaining a good reputation is a costly and time-consuming endeavor for providers (Hesse et al., 2022, p. 350). In light of these factors, a reputation system that doesn't allow for cross-platform transferability of hard-won reputation scores (like Uber's reputation system), features significant 'switching costs' for providers (Hesse et al., 2022, p. 356; Smichowski, 2018, p. 53). Indeed, if providers switch to another platform, they will have to start building their reputations from scratch—a phenomenon known as the 'cold-start problem' (Kokkodis & Ipeirotis, 2016, p. 1690). The resulting provider 'stickiness' is a token of workers' dependency on the platform at which they earned their reputation scores, as this platform is their dominant gateway to access customers.

The foregoing considerations suggest that Uber's strong bargaining position vis-à-vis drivers (and its ensuing ability to impose unjust labor conditions) could be mitigated by compromising that platform's market power. Such could potentially be achieved by two different types of instruments, constituting, respectively, an *ex ante* and an *ex post* market intervention.

- i. *Ex ante intervention: interoperability.* Lock-in of drivers on the Uber platform could be mitigated by lowering their cross-platform switching costs. This, in turn, could be achieved by stimulating interoperability

between Uber and rival platforms by means of *reputation transferability* (see e.g., Arets, 2021, pp. 18-31; Rathenau Institute, 2020, p. 4; Smichowski, 2016; Teubner et al., 2020). The underlying idea is that, under a policy of reputation transferability, a platform no longer ‘owns’ providers’ reputation scores. This allows providers to deploy their reputational data on other platforms and possibly also in the offline economy, which is presumably conducive to their freedom of exit (Hesse et al., 2022, p. 350)—and, as a corollary, their bargaining power.

- ii. *Ex post intervention: competition law.* A more encompassing instrument for addressing Uber’s dominant market position is through measured enforcement of competition law (see e.g., Steinbaum, 2019). Generally, competition law is geared at deconcentrating economic power by prohibiting certain types of economic behavior that are generally agreed to be anticompetitive, in purpose, or in effect (Lang, 2021).

Expedience. I first consider the *ex ante* market intervention of reputation transferability. The presumed mechanism through which reputation transferability would be conducive to better platform working conditions is as follows. The introduction of reputation transferability impacts the opportunity space of platform workers, as it allows them to switch to another platform without facing reputation-specific switching costs. To the extent that a platform observes or anticipates workers to act on this transformation by switching to a rival platform offering better conditions, a feedback effect is set in motion: the platform is incentivized to improve its attractiveness to workers.

Given the fact that as of early 2024, only very few smaller-scale platforms enable the transferability of reputation scores, hardly any evidence exists that may support or undermine the proposed mechanism. Even so, there is some empirical evidence supporting the existence of a situational mechanism through which reputation transferability increases platform workers’ opportunity space. Both Otto et al. (2018) and Teubner (2020) find that imported reputations from one platform can serve as an effective signal to stimulate consumer trust on another platform, thereby significantly reducing workers’ between-platform switching costs. Reduced switching costs, in turn, could plausibly affect the interplay between platforms to become somewhat more competitive when it comes to attracting workers (Hesse et al., 2022, p. 356).

Even so, Uber’s dominant market position is mainly driven by other factors besides its lock-in policies—most notably the cross-side network effects, economies of scale, and data snowball effects mentioned earlier. Furthermore, Uber’s bargaining power vis-à-vis drivers isn’t exclusively attributable to its large market share. As I pointed out in paragraph 1.3.2, the platform’s bargaining power is also mediated by wider

trends in the labor market as well as by the particularities of the social safety net (Bieber & Moggia, 2021, pp. 9–11; Schor, 2020, pp. 69–70). In light of these considerations, it is far from certain that ensuring reputation score transferability gives drivers sufficient leverage to effectuate a (sufficiently) significant difference in their situation so as to restore labor justice.

Preliminary 7a.i (*expedience_reputation portability*): *Ex ante* intervention in the form of cross-platform reputation portability is expectedly at least somewhat efficacious at strengthening drivers' bargaining power, the leverage of which to improve working conditions (in the form of either more guarantees or more autonomy) is highly uncertain.

Ex post market intervention in the form of competition law enforcement is, *prima facie*, a potential antidote to Uber's market-power-fueled ability to 'have things both ways'. Note, however, that Uber's presumed strong market position is not an infringement of competition law *per se*. Indeed, a high market share may simply be the result of market success. It is rather the *abuse* of a dominant market position and/or the incidence of *anticompetitive agreements* (or concerted practices) that would bring Uber under the scrutiny of competition authorities.²⁰⁹ Arguably the most (if not only) promising way of targeting Uber's market power through competition law is by accusing the platform of engaging in a particular sort of anticompetitive agreement, i.e., a 'vertical agreement' (Bamberger & Lobel, 2017, p. 1071; Bekisz, 2021, p. 232).²¹⁰ Under Article 101 (1) of the Treaty of the Functioning of the European Union (TFEU), vertical agreements are defined as "agreement[s] or arrangement[s] between two or more undertakings operating at different levels of the production or distribution chain relating to the conditions under which they buy or sell goods or services".²¹¹ More specifically, Uber's pricing model, which comprises algorithmically generated upfront fares that are unchangeable by drivers (who are nonetheless earmarked as independent economic entities), makes the platform vulnerable to the challenge that it engages in a particular form of illegal vertical price fixing, i.e. *resale price maintenance* (Bekisz, 2021, p. 232).

²⁰⁹ This is generally true under US antitrust law (see: <https://www.ftc.gov/advice-guidance/competition-guidance/guide-antitrust-laws/antitrust-laws>, accessed 26 August 2023) as well as under EU competition law (see <https://www.europarl.europa.eu/factsheets/en/sheet/82/competition-policy>, accessed 26 August 2023).

²¹⁰ I proceed on the basis of EU competition policy. For a comparative analysis of the applicability of EU and US competition policy to Uber and similar gig platforms, see Huffman & Schmidt-Kessen (2021). The basic difference between these jurisdictions concerns the burden of proof. In the US, Uber's vertical agreements are permitted unless anticompetitive effects can be proven, while in the EU, these agreements are prohibited unless procompetitive effects can be shown (*id.* at p. 13). On the relatively lax treatment of vertical agreements in US antitrust law, also see Steinbaum (2019).

²¹¹ See: https://eur-lex.europa.eu/EN/legal-content/summary/guidelines-on-vertical-restraints.html#keyterm_E0001 (accessed 27 August 2023).

Undertakings in violation of EU competition law risk incurring a fine of up to ten percent of the company's turnover.²¹² *Conditional* on the applicability of competition law stipulations to Uber's pricing mechanism (which I shortly cast doubt on under the heading of 'feasibility'), the prospect of incurring such sizable fines is plausibly an efficacious deterrent against engaging in resale price maintenance (Steinbaum, 2019, p. 62).

If Uber would refrain from unilateral price-setting, this would obviously permit drivers more sway in setting their prices. In turn, this would tilt the balance between freedoms and guarantees in favor of labor justice. Even so, pricing (un)freedom on the part of drivers was found to be only one factor among many that gave rise to the accusation of labor injustice, as set out in paragraph 1.3.2. This brings out that targeting Uber's sway of economic power, evidenced by its ability 'to have things both ways', through competition law enforcement is at best only moderately efficacious at addressing the labor injustice that drivers are subject to.

Preliminary 7a.ii (expedience *competition law*): *Ex post* competition law intervention is likely to be moderately efficacious at addressing the labor injustice that Uber drivers are subject to.

Feasibility. Implementing a policy of reputation portability is likely to be technically feasible. In fact, the Dutch initiative 'GigCV', which was launched in 2022, is slowly but surely gaining traction among platforms and platform workers (*not* including Uber and its drivers, though).²¹³ It is far from obvious, however, that Uber would be willing to lend its cooperation to the interoperability of reputation scores, in which case interoperability would have to be imposed on the platform. Indeed, as Hesse et al. (2022, p. 356) observe, from a strategic perspective, incumbent platforms have no incentive to allow the export of their providers' reputational scores, as these represent a competitive lever in the ways described. Of course, reputation portability may be enforced by the (competition) authorities—as happened to Microsoft with regard to its technical interoperability with other software systems (Wahyuningtyas, 2015). In fact, the European Commission already seems to be moving in this direction, as it has identified a lack of integration between platform reputation systems as problematic for competition (Hesse et al., 2022, p. 356). Further, in case Uber is identified either as a 'gatekeeper' or as an 'emerging gatekeeper' under the new EU Digital Markets Act, it would be legally obligated to enable drivers to export their reputation scores.²¹⁴ Whether Uber will indeed be

²¹² See: Council Regulation (EC) No 1/2003 of 16 December 2002 on the implementation of the rules on competition laid down in Articles 81 and 82 of the Treaty [2003] OJ L1/1, Article 23.

²¹³ See: <https://gigcv.org/> (accessed 10 July 2022).

²¹⁴ See: https://ec.europa.eu/commission/presscorner/detail/en/qanda_20_2349 (accessed 2 September 2023).

identified as an (emerging) gatekeeper, however, is still unclear at the time of writing.²¹⁵

Preliminary 7b.i (*feasibility_reputation portability*): The implementation of reputation portability is likely to be at least moderately feasible.

In contrast, the feasibility of targeting Uber’s modus operandi of unilaterally setting fares for drivers through the EU competition law is highly questionable, for various reasons. First, it is doubtful whether ‘traditional’ prohibitions of price-fixing are applicable to Uber at all (Bamberger & Lobel, 2017, p. 1075), on the grounds that the terminology in the legal renderings of those prohibitions might not fit Uber’s platform business model (Bekisz, 2021, p. 232).²¹⁶

Second, Uber might venture to justify its vertical price-fixing agreements with drivers by pointing to countervailing efficiencies. Indeed, under Article 101 (3) TFEU, any agreement might be justified based on efficiency grounds, requiring the fulfillment of: (i) efficiency gains; (ii) a fair share for consumers; (iii) indispensability of restrictions; and (iv) no elimination of competition.²¹⁷ Regarding conditions (i) and (ii), Uber may plausibly argue that it leverages efficiency-enhancing innovations for consumers and that consumers fairly benefit from the added surplus (Bekisz, 2021, p. 232). As set out in Chapter 1 (§1.2.1), Uber theoretically creates consumer surplus by: (a) reducing consumers’ search costs; (b) increasing consumers’ match value, and (c) lowering consumer prices. This has been empirically validated by, among others, Cramer & Krueger (2016, p. 181), who demonstrate how Uber (and competitor Lyft) are more efficient compared to the traditional taxi companies, with higher occupancy rates and lower costs for passengers. Uber’s fulfillment of (iii) *indispensability of restrictions*, is less certain. Even so, it is not unthinkable that Uber might convincingly demonstrate that only with its current pricing algorithm it can achieve its efficient real-time matchmaking. Finally, criterion (iv) requires that Uber’s price-fixing doesn’t eliminate competition in the ‘downstream’ market—i.e., between Uber drivers (Hatzopoulos & Roma, 2017, p. 140). Presumably, Uber could argue that drivers still compete against each other on grounds other than prices, such as ratings and consumer-facing specificities like waiting time and car type (Bekisz, 2021, p. 234).

²¹⁵ ‘Back-of-the-envelope’ calculations by Scott Morton and Caffarra (2021) suggest that Uber meets some of the threshold criteria for the designation of a gatekeeper, but not all.

²¹⁶ For example, the relevant prohibitions presuppose the incidence of a supplier and a (re)seller of goods or services. It is contestable whether Uber can be considered a supplier of a service that Uber drivers buy and subsequently sell (Bekisz, 2021, p. 232).

²¹⁷ See: <https://eur-lex.europa.eu/EN/legal-content/summary/guidelines-on-the-application-of-article-101-3-tfeu-formerly-article-81-3-tec.html> (accessed 2 September 2023).

Importantly, these exemptive criteria illustrate that competition law isn't geared toward securing just working conditions for service providers. Indeed, its *raison d'être* is consumer welfare, whence consumer price effects constitute the central criterion for assessing harm to competition (Steinbaum, 2019, p. 56). This essentially means that as long as Uber's control over its drivers (through price-fixing or otherwise) can be shown to benefit consumers, Uber is more or less immune from the rule of competition law (id. at p. 54).

A final point bearing on the feasibility of applying competition law to Uber's pricing practices is raised by Ezrahi & Kimmelman (2020). They point out that the typical lengthiness of competition litigation procedures comes at a cost. This is especially so in platform markets, which can quickly tip to monopoly or oligopoly due to the market dynamics characterized by the network and data snowball effects outlined earlier. Hence, while litigation procedures drag, platforms may nonetheless cement their hold over the market. The upshot is that, even when competition litigation succeeds, the remedy is "a diluted version that rarely suffices to restore competition" (ibid.) Given their size and resources, dominant platforms like Uber are often able to circumvent penalties.

Preliminary 7b.ii (*feasibility_competition law*): The feasibility of targeting Uber's modus operandi of unilaterally setting fares for drivers through EU competition law is presumably slight.

Effectiveness. Preliminaries 7a.i-ii and 7b.i-ii give rise to the following effectiveness propositions.

Proposition 7.i (*effectiveness_reputation portability*): The *ex ante* market intervention in the form of reputation portability is expectedly slightly to moderately effective at improving drivers' working conditions in a sense conducive to labor justice (depending on the significance of the factor 'bargaining power' for Uber's market power).

Proposition 7.ii (*effectiveness_competition law*): The *ex post* market intervention in the form of competition litigation is presumably not to hardly effective at restoring the balance of freedoms and guarantees required by labor justice.

Additional policy considerations. Firstly, note that a policy of reputation portability may increase inequality between incumbent drivers and entrants. Indeed, it is conceivable that reputation portability may exacerbate the so-called "cold-start problem" (Kokkodis & Ipeirotis, 2016, p. 1690)—i.e., the entry-barrier faced by those who have not yet established a reputation on a particular platform. Indeed, if well-established drivers will be able to transfer their good reputation scores it may become harder for entrant drivers to compete against them, even on newer platforms (Hesse et al., 2022, p. 349).

Secondly, to the extent that Uber has to be forced to implement reputation portability and/or conform to the principles of competition regulations, these policy instruments infringe on the platform's entrepreneurial freedom.

Third, note that one of the key tenets of competition economics is that competition drives innovation (Etro, 2007). Pursuant to this insight, and to the extent that interoperability of reputation scores leads to more intense between-platform competition, a policy of transferrable reputation scores is likely to stimulate innovation.

Finally, increased between-platform competition may be conducive to the emergence of a diversified labor market for platform workers that accommodates multiple platforms. These platforms might differentiate themselves according to the specific combinations of freedoms and guarantees they offer workers (Halliday, 2021, p. 245). Such diversification would cater to the diverging preferences that workers might have for how they sell their labor (id. at p. 240).

5.3.4 Governance Structure Reform: Platform Cooperatives

A further policy option for improving drivers' bargaining position is to stimulate bottom-up worker organization through the promotion and funding of desired initiatives (Vith et al., 2019, p. 1028) so as to effectuate that platforms serve the interests of workers on a structural basis (Ferretti, 2020, p. 69). Platform cooperatives have received much attention in this connection.²¹⁸ These are organizations that combine the online infrastructure of a platform with the collective ownership and democratic governance of a cooperative enterprise (Schneider, 2017, p. 23).

Expedience. Advocates of the cooperative model argue that 'platform coops' take better account of the interests of their users, both relating to their working conditions and compensations as well as to their capacity for autonomous decision-making and voice. However, these perks probably don't apply to all workers. In fact, platform cooperatives have been found to feature patterns of exclusion and privilege based on gender, race, and class (Schor, 2016, pp. 39-40), as they struggle with the same dynamic of social exclusion and snobbishness characteristic of non-profit platforms in general (Fitzmaurice & Schor, 2019; Schor et al., 2016). Also, platform cooperatives have been found to be rarely viable and difficult to scale (I expand on this point under the heading of 'feasibility'), in view of which it is unlikely

²¹⁸ See for example the seminal edited collection *Ours to Hack and to Own* (Scholz & Schneider, 2017). Other scholars writing on the subject of platform cooperatives as an alternative model to investor-owned platforms include: Belloc (2019), Bunders (2022), Ferretti (2020, pp. 67–71), Frenken et al. (2017, pp. 119–120), Muldoon & Raekstad (2022, pp. 14–15), and Schor (2020, pp. 168–171).

that they can robustly provide for the livelihoods of all or even most Uber drivers currently active.

Preliminary 8a (*expedience_platform_coops*): It appears that platform cooperatives are capable of promoting the interests of only a subset of their participants.

Feasibility. Platform cooperatives are likely to face a number of serious feasibility constraints. First, they presumably operate less efficiently than for-profit platforms. This is because many platform cooperatives are inclined to prioritize the realization of shared social values rather than the creation of economic value—to the detriment of their competitive potential and overall viability (Van Doorn, 2017).²¹⁹ Also, platform coops are already at a competitive disadvantage vis-à-vis incumbent platforms given the importance of network effects, economies of scale, and data snowball effects described earlier, which account for a strong first-mover advantage (Ritter & Schanz, 2019, p. 324).

Second, socially-oriented platforms like cooperatives typically have to deal with the ‘capital conundrum’ of raising enough resources to expand and flourish in the absence of venture capital provided by investors (Bunders et al., 2022, p. 3). Empirical studies have shown that capital requirements indeed inhibit the creation and expansion of worker-managed firms (Monteiro & Stewart, 2015; Podivinsky & Stewart, 2012).

Third, there is the constraining issue of low motivation to engage in cooperative forms of governance on the part of workers, which is due to the casual nature of platform work in addition to high heterogeneity among workers in their needs and experiences (Belloc, 2017; Bunders et al., 2022, p. 4).

Finally, a feasibility problem particular to cooperatives arises from the high transaction costs typically associated with decision-making within, and governance of, a collective enterprise (Bunders et al., 2022, p. 3; Van Doorn, 2017). These transaction costs arise from the fact that cooperative decision-making procedures have to accommodate a wide range of member identities, needs, and interests (in contrast to investor-owned platforms, which are governed by a small group of

²¹⁹ This point is not specific to platform cooperatives, but applies to cooperatives in general. In the early 1900s, Luxemburg (1989, p. 146) already argued that, in order to stand any chance of success, cooperatives “are obliged to take toward themselves the role of capitalist entrepreneur”, which amounts to “a contradiction” in light of the democratic aspiration at the heart of the cooperative endeavor. Thus, Luxemburg continues, cooperatives “either become pure capitalist enterprises or, if the workers’ interests continue to predominate, end by dissolving.” While this conclusion is perhaps all too radical, in light of the endurance of some cooperative enterprises (Muldoon & Raekstad, 2022, p. 15), Luxemburg’s observations point to the difficulties that cooperatives typically face in competing with corporate rivals.

people who simply prioritize profit). This can render decision-making complex and time-consuming to the point that it becomes unfeasible.

Preliminary 8b (*feasibility_platform_coops*): It is unlikely that platform cooperatives are able to achieve economic viability, financial solvency, and effective governance on a structural basis, whence their sustained and successful operation is likely unfeasible in most cases.

Effectiveness. Preliminaries 8a and 8b together make for the following effectiveness proposition.

Proposition 8 (*effectiveness_platform_coops*): A policy of relying on platform cooperatives is unlikely to structurally advance the interests of Uber drivers.

5.3.5 Social System Reforms: Generalized Social Security

There is one further and encompassing policy option for alleviating gig worker precarity that should not remain undiscussed given recent societal and political attention. This is the setup of a system of generalized social security coverage. Such a system aims to “expand the scope of labor protection beyond employment” (Fudge, 2006, p. 633) to cover *all* workers, including platform workers.

More generally, it has been argued that given recent and ongoing labor market developments, it is becoming increasingly sensible to generalize (to all *workers*) or even universalize (to all *people*) social protections.²²⁰ Indeed, an increasing proportion of the workforce in developed economies is working in non-standard ‘contingent’ labor arrangements lacking the social and health protections associated with traditional employment (Bureau of Labour Statistics, 2018; Soru & Zanni, 2020).²²¹ Ensuing coverage gaps in social security and health insurance have the twofold consequence of increasing workers’ individual vulnerabilities to adversity (Simpson et al., 2021) and raising systemic risks for society as a whole (Behrendt & Nguyen, 2019, p. 207). These issues could be resolved by introducing a system that ensures adequate and comprehensive social protection for workers in all types of labor arrangements, or so proponents argue.

²²⁰ Scholarly advocates of generalized and/or universalized social security include: Behrendt & Nguyen (2019), Coyle (2017, pp. 12–13), Goldman & Weil (2021, pp. 113–115), Munger (2018, pp. 131–153), Oranburg & Palagashvili (2021, pp. 232–233), and Rogers (2016, pp. 516–518).

²²¹ Non-standard work arrangements cover “a range of contractual arrangements that deviate from a ‘standard’ open-ended, fulltime, dependent employment relationship, which constitutes the key reference point for most labour and social security legal and policy frameworks” (Behrendt et al., 2019, p. 18). These non-standard labor arrangements include parttime and on-call work, temporary employment, multiparty employment relationships, disguised employment and dependent self-employment (International Labour Organization referenced in: Behrendt et al., 2019, p. 18). Platform workers form a subset of workers in non-standard work arrangements (Coyle, 2017, p. 12).

A system of generalized social protection has been recommended by reputable institutions, including the International Labour Organization (ILO) and the Organisation for Economic Co-operation and Development (OECD).²²² Also, the *Centenary Declaration for the Future of Work*, adopted by governments from around the world at the International Labour Conference in 2019, recognizes the “urgent need to enhance social protection systems to ensure universal access to adequate, comprehensive and sustainable social protection” that “respond to challenges and opportunities in the world of work [...] including platform work” (cited in Behrendt et al., 2019, p. 18). Meanwhile, the European Parliament and the European Commission have issued resolutions and consultations that classify generalized social protection schemes as a realistic policy option (Forde et al., 2017, pp. 104-105). Further, it has been conjectured that generalizations of social security could potentially mobilize substantial support from the general public across all income levels (Gaspar et al., 2017, p 245; Razavi et al., 2022), positively influencing political backing.

Concrete proposals to introduce a system of generalized social security are relatively nascent. There are many possible configurations of nuts and bolts in such a system. One crucial variable concerns the financing of generalized social security coverage. Contributions could be levied on firms or on workers, and/or they could be financed through general taxation. Other variables relate to eligibility conditions and the scope of protections offered. Each of the possible configurations of variables has a different impact on (perceived) fairness, employment, and welfare outcomes.

Because of this multitude of variables, possible configurations thereof, and ensuing uncertainties about outcomes, I refrain from formulating propositions about this policy’s effectiveness. For my purposes here it suffices to note that, if adequately designed, generalized social protection could in principle be efficacious at relieving Uber drivers’ (and other contingent workers’) precariousness with minimal impact on formal freedoms. Indeed, generalized social security would not alter the contract form under which drivers perform their work even as their vulnerability to risks is significantly reduced. In this way, Uber’s organizational model, workers’ scheduling flexibility, and other freedoms remain unaffected. Note, however, that a tax-financed generalized social system *would* restrict the formal freedom of contributors by regulating how they can use their income or revenues.

Furthermore, the implementation of generalized social security is likely associated with a number of additional perks. For one, the corollary of implementing a generalized system of social protections is that it applies very broadly to all workers in ‘non-standard’ work arrangements—and not only to Uber drivers and/or other

²²² A joint report by the ILO and the OECD advocating social security coverage for all workers in non-standard work arrangements, including platform workers, is available at: https://www.ilo.org/global/about-the-ilo/how-the-ilo-works/multilateral-system/g20/reports/WCMS_646044/lang--en/index.htm (accessed 28 February 2023).

platform workers. I already pointed out that the ‘contingent workforce’ encompasses a sizeable and increasing group of workers that extends well beyond the platform economy. For each of these workers, comprehensive social security plays a key role in preventing poverty and precarity (Behrendt & Nguyen, 2018, p. 8). Secondly, to the extent generalized social security is accompanied by an equalization of labor taxes across different forms of employment, a generalized system is conducive to fostering a fair competitive environment and a level playing field among economic actors across the economy (Behrendt et al., 2019, p. 33). Third, another corollary of this wide-scale social system reform is that it is likely to be conducive to efficient risk pooling, increased labor mobility, and enhanced labor productivity (Behrendt et al., 2019, pp. 26-29). These factors typically contribute to high aggregate economic performance, as evidenced by studies on the economic performance of countries with policies characteristic of ‘social democratic’ welfare states, including state-provided social insurance (P. A. Hall & Soskice, 2001, pp. 21, 33-36; Thelen, 2014, pp. 8-11, 30-31).

5.4 Conclusion

This chapter was devoted to establishing which policies might be sufficiently effective at addressing the issues of Airbnb-induced touristification and the labor injustice that Uber drivers are subject to. To that end, I formulated propositions that contained justified expectations regarding the effectiveness of various policy options. I have also identified otherwise relevant policy considerations. Together with fairness-based considerations, the effectiveness considerations that took center stage in this chapter serve to inform us on which responsibilities should be allocated and how they should be allocated.

As it turned out, a number of policy options are expected to be at least minimally effective in addressing the particular platform problem they are aimed at. For one, Airbnb-induced touristification is likely to be effectively addressed by external regulations in the form of well-informed quantitative and spatial restrictions of rental activities. This policy option, however, comes at the cost of the freedom and autonomy of transacting partners and has an ambiguous effect on overall welfare. Secondly, also choice-architectural adaptations in the form of a ‘neighborhood receptivity score’ are presumably sufficiently effective at mitigating Airbnb-induced externalities, albeit to a (much) lesser extent. On the plus side, this policy option does preserve the freedom and autonomy of transacting partners. Finally, regulatory bans, as well as compensatory schemes, are expectedly not or hardly effective at addressing the externalities at issue.

As for Uber, the unjust working conditions that a sizeable share of drivers face, are likely to be improved by the introduction of a new worker category sitting between

‘employee’ and ‘independent contractor’. This policy option, however, risks creating the potential for employers to misclassify their de facto employees in order to avoid employment responsibilities. Furthermore, to the extent that Uber has to be forced into classifying drivers according to this new worker category, this policy impinges on Uber’s entrepreneurial freedom. The alternative policy option that involves choice-architectural adaptations aimed at inducing higher tips from Uber passengers is presumably less (but still somewhat) effective at advancing drivers’ situation, though it fares better when it comes to preserving the freedom and autonomy of all transacting parties. Even so, this policy is bound to widen earning inequalities among drivers. A third policy option that is likely to be somewhat effective at improving drivers’ working conditions, is a market intervention in the form of enforcing (competition-enhancing) reputation portability. This policy option presumably comes at the cost of increasing inequality between incumbent drivers and entrants. Also, to the extent that Uber has to be forced to implement reputation portability, it infringes on Uber’s entrepreneurial freedom. At the same time, reputation portability promotes driver autonomy. Fourth, the policy option of generalizing social security is promising, though too much known unknowns stand in the way of formulating a justified expectation regarding its effectiveness. Finally, the three policy options of *ex post* competition litigation, of the presumption of full employment, and of cooperative governance are unlikely to have the desired effect of promoting labor justice for Uber drivers, for the various reasons discussed.

I have employed a non-ideal conception of effectiveness that is appropriately sensitive to the possibility of non-compliance, to feasibility constraints, and to other relevant feedback or spillover effects. I already mentioned that the ‘appropriateness’ qualification in this stipulation is a delicate issue. Important questions in this respect concern which facts are to be factored in, and how static or dynamic these facts are. Until now, I have proceeded on the implicit assumption that the facts of the world on which my (non-ideal) effectiveness assessment rests are more or less stable—but this isn’t always (or even most of the time) true.

Non-compliance, for example, may be attenuated through compliance inducements that influence the opportunities, constraints, and incentives facing putative duty-bearers via adaptations in the social, economic, and political context in which they make their decisions (Caney, 2014, pp. 134–136; Cripps, 2013, pp. 141–150; O’Neill, 2006, pp. 428, 433–436). Also, political and social support, which are important ingredients to a policy’s *feasibility*, are not necessarily “solid, immovable constraints”, as Stears (2005, p. 347) remarks. For one, theorists’ recommendations (including, perhaps, mine) may have a feedback effect on the feasibility constraints relating to political and social support. Indeed, in the words of Stears (2005, p. 344), “[p]olitical theorists develop good arguments [...] and they present these good arguments to citizens, either directly or indirectly, in the hope (and occasional

expectation) that those citizens will be led by those arguments to pursue political activities which will bring desired goals to pass”.

Choices regarding factual inputs to effectiveness assessments are not inconsequential. Indeed, taking in as many facts of the world as it currently is, is conducive to arriving at policy recommendations that are practically effective in the concrete circumstances here and now. On the downside, however, doing so risks dismissing long-term ideals for reasons that, though perhaps valid at present, might lose their punch due to changing circumstances over time. A further discussion of the conundrum presented by the level of idealization would take me beyond the scope of this thesis. It suffices to note here that the correct level of idealization should depend on the particular aims of one’s analysis (Valentini, 2012, p. 660). Do we wish for a particular policy to be instantly effective, here and now—or perhaps for it to be capable of bringing us closer to an ideal state of affairs in the future?

CONCLUSION

Online peer-to-peer platforms have opened up a whole new realm of transactions that were not feasible before their emergence: i.e., digitally mediated exchanges between individuals ('peers') in the fruits of their belongings, skills, and/or time. By virtue of novel business models and a host of technological innovations, these platforms encompass a new type of organizing economic activities that feature a (business-economically) favorable mix of market-making and hierarchical orchestration. For a number of peer-to-peer platforms, this arrangement has resulted in spectacular growth rates in both market valuations and user numbers—the most prominent exemplars of which are Uber and Airbnb. These platforms already do, and (in all likelihood) increasingly will, press their marks on economic and social structures as well as on individuals' quality of life and sustenance—both to the good and to the bad.

Indeed, Uber and Airbnb offer significant benefits. They do so mostly in the form of economic welfare and autonomy. However, these platforms also raise concerns. Airbnb has been shown to propel 'touristification' of city districts, which may lead to negative quality-of-life impacts for residents. Uber, in turn, has evoked accusations of labor injustice given the combination of limited autonomy and precariousness that Uber drivers experience.

A SCOOP-Flavored Retrospection

This study set out to examine how we should respond to these particular platform problems if we wish to attenuate the harms and injustices that they respectively involve.²²³ To appreciate how the insights from the foregoing chapters combine to make progress with this question it is helpful to view these through the lens of the SCOOP framework.

Recall from the introductory chapter that a key aim of the SCOOP program is to specify how sustainable cooperation can be achieved. 'Cooperation' here is defined as the joint production of benefits that agents cannot realize on their own. The predicate 'sustainable' refers to the capacity to (a) *stably* produce outcomes that are

²²³ I bring to memory my earlier remark (note 76) that even in the case that the status quo is Pareto optimal in terms of the *non-justice* values that are impacted by peer-to-peer platforms (e.g., economic welfare, autonomy, security, quality-of-life), there could still be room for improvement in terms of *justice*—be it in the substantive, the procedural or the corrective sense of that notion. This implies that a normative analysis of platform problems can be worthwhile both in non-Pareto optimal *and* in Pareto optimal situations.

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(b) *valuable*—ideally not only for the agents directly involved in the cooperative arrangement, but also for the wider social context. Furthermore, two additional qualifications stipulate that: (c) the *costs* of cooperation should be acceptable, according to some standard; and (d) the cooperative arrangements shouldn't be (perceived as) *unjust*. In relation to (d), I add that arguably the best way to avoid perceptions of injustice is to ensure that the cooperative arrangement at issue is, in fact, just. To put all of this in another way, if a cooperative arrangement fails to generate value, or does so at the cost of another type of value creation in a way that is deemed unacceptable and/or unjust, it fails to be sustainable.

Applying the SCOOP framework to Uber and Airbnb, we see that these platforms are essentially cooperative arrangements that produce valuable outcomes for many agents, but that they do so in a way that imposes costs on other agents.²²⁴ Indeed, Airbnb realizes internal benefits for its users (i.e., hosts and guests) and for its shareholders, yet in some cases at the expense of social value creation by virtue of its negative impact on the quality of life of residents in particular neighborhoods. Further, to the extent that these negative spillovers mobilize city residents to push for tough regulations—and there is some indication that this is already happening (see: Garay et al., 2020; Novy & Colomb, 2019; Wilson et al., 2022)—they indirectly threaten the stability of the cooperative arrangement that Airbnb comprises. Uber, in turn, produces internal value for its shareholders and mostly for one user group (i.e., passengers), while it realizes injustices for another type of users (i.e., drivers). Furthermore, a cooperative breakdown could ensue for Uber from driver dissatisfaction—upsurges of which, in the form of protests and strikes, have taken place in many countries worldwide (see: Aslam & Woodcock, 2020; Joyce et al., 2020; Wolf, 2022).

The value and stability impairments that Uber and Airbnb respectively effectuate entail that the cooperative arrangements inherent to both platforms risk stagnation or even collapse. Pursuant to the SCOOP approach, what I have ventured to find out in this study is how to address these threats to the sustainability of platform cooperative arrangements in a way that does not entail unacceptably or unnecessarily high costs. In other words, the driving force of this thesis has been the question of how to address platform problems through measures that are

²²⁴ Note that the SCOOP sense of 'cooperative arrangement' that I draw on here is different from the notion of 'platform cooperative' that featured in paragraph 5.3.4. Indeed, the SCOOP sense of 'cooperative arrangement' applies broadly to any constellation that involves joint production of benefits that agents cannot realize on their own. While 'platform cooperatives' are also cooperative arrangements in the SCOOP sense, the term more narrowly refers to organizations that combine the online infrastructure of a platform with the collective ownership and democratic governance of a cooperative enterprise.

themselves sustainable in the sense of *justly* and *stably* producing valuable outcomes that do not entail (too much) adverse external effects.

The progress I have made with this issue is threefold. First, per platform, I have identified a number of policy measures that cover the main mechanisms for intervening in platforms' cooperative arrangements with the aim of settling the problems that these respectively raise. As spelled out in Chapter 5, these policy measures include (i) choice-architectural changes; (ii) coercive regulatory measures; (iii) market interventions; (iv) reforms of the organizational governance structure; and (v) social system reforms.

Second, I have fleshed out the touchstones for individually assessing *and* comparatively evaluating these policy options in light of their sustainability in the SCOOP sense of the word. In short, these touchstones express the proviso that responsibility arrangements should effectively target the problem at issue without unduly compromising another type of value creation *and* in a way that imposes fair demands on designated duty-bearers. As it turns out, these touchstones nicely correspond to the SCOOP provisions under which a responsibility arrangement can be said to be sustainable (captured by conditions (a)-(d) listed on the previous pages).²²⁵ It is worth recapitulating the touchstones of my analysis. They consist of considerations relating to:

1. **Policy effectiveness.** As I argued in Chapter 5, sufficient effectiveness is a necessary condition that must be fulfilled by any policy option. That is, a policy measure must be sufficiently potent at achieving the aim(s) it was set up to achieve. After all, what we're after is to seek out policy options that function effectively to address the particular platform problems of concern. As such, the 'effectiveness touchstone' for deliberating between policy options corresponds to the *value dimension* of the SCOOP definition of sustainability spelled out previously. Recall that I proposed to employ a non-ideal conception of effectiveness that is appropriately sensitive to the possibility of non-compliance as well as to feasibility constraints.
2. **Additional policy effects.** As pointed out in Chapter 5, what I call 'additional policy effects' reflect possible unintended and/or unanticipated consequences of the aggregate of individual-level behavioral changes following a particular policy's implementation. More often negative than positive, these consequences include (risks of) spillover and feedback effects that amount to value impairments for transacting partners and/or external agents. Including them as a criterion for evaluating policy options reflects the

²²⁵ Note however that I did not devote as much attention to the stability dimension of sustainable cooperation as to the dimensions of value realization, justice, and additional costs (from spillover or feedback effects).

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standpoint that we should strive for “mutual betterment for the directly involved [transacting] partners without compromising the valid claims of indirectly affected parties” (Hielscher et al., 2022, p. 407). From this, it is apparent that this touchstone suits the *cost constraint* of the SCOOP sustainability framework.

- 3. Fairness of burden allocation.** I have argued that, in evaluating policy options, we shouldn't only focus on the *consequences* they may have, but also on the distribution of prospective responsibilities (and accompanying burdens) they imply.²²⁶ Ideally, the distribution of duties is such that it makes *fair* demands on those who bear them. As such, the fairness touchstone coincides with the '*justice qualification*' with which I supplemented the SCOOP definition of sustainability. In Chapter 2, I offered a number of responsibility principles that give substance to this fairness criterion. Remember that each of these principles centralizes a distinct type of justice to serve as a normative basis for attributing forward-looking responsibilities. The types of justice discussed were: corrective justice (*viz.* the corrective principle); desert-based justice (*viz.* the benefit principle); justice as fairness (*viz.* the endowment principle); and contractarian justice (*viz.* the role principle). Crucially, there is no fixed algorithm for applying these principles, but their pertinence is case- and context-dependent.

As a third point of progress with my central question, I have applied these three touchstones to the concrete reality of peer-to-peer platforms. Chapters 3 and 4 epitomized the 'fairness touchstone' as they dealt with specific situational attributes of platform problems that bear on the applicability and weightiness of particular deontologically oriented responsibility principles. The analysis in Chapter 3 revealed the pertinence of the corrective principle for both Airbnb and Uber given their backward-looking responsibility for the negative externalities of their users' exchanges (Airbnb) and the unjust treatment of supply-side users (Uber). Also, the appositeness of the role principle for grounding the forward-looking responsibilities of Uber vis-à-vis drivers (for ensuring decent work and pay) was established, given the platform's extensive exercise of control.

Chapter 4, in turn, found *some* basis for the applicability of the corrective principle when it comes to platform users (i.e., Airbnb hosts, Airbnb guests, and Uber

²²⁶ Recall from Chapter 2 my contention that the burdens of responsibility needn't always consist of so-called 'in-kind contributions', i.e., efforts by primary duty-bearers that serve to discharge the relevant duty in a direct way. Many responsibility burdens can appropriately take the form of *indirect* contributions. Indirect contributions can be actions aimed at mobilizing other agents to make efforts to jointly or collectively achieve the desired outcome. Alternatively, indirect contributions can take the shape of financial burdens that serve to compensate others for making the relevant in-kind contributions on one's behalf.

passengers) given their causal involvement in the problems at hand. This is, however, a relatively unsteady basis since users' *pro tanto* retrospective responsibility for (their contributions to) platform problems is often defeated in practice.²²⁷

Chapter 5 dealt with the two remaining touchstones for evaluating policy options: i.e., those concerned with effectiveness and with additional (unintended and/or unanticipated) consequences. For each policy measure listed, I formulated a justified expectation about its effectiveness in addressing the problems it was set up for, taking into account the facts of the world that bear on compliance and feasibility. This allowed me to filter out those concrete policy options that satisfy the 'sufficiently effective' requirement inherent to the effectiveness touchstone. Additionally, for each policy option, I listed possible (unintended and/or unanticipated) consequences of its implementation.

Insights & Reflection

The question driving this thesis has been how to direct platform cooperative arrangements onto a path of sustainability through policy measures that are themselves sustainable. The SCOOP-flavored retrospection on the progress I have made with this issue prepares for a number of reflections. Two of these bear on the relation between the different touchstones for policy evaluation in the context of Airbnb and Uber, while a third touches upon the more general issue of trading off values under a pluralist outlook.

1. Freedom versus Effectiveness

Firstly, as it turns out, the choice between the policy options in this study invokes a dilemma between effectiveness on the one hand and freedom on the other. The thing to appreciate in this respect is how the various policy options discussed intervene in the cooperative arrangements that platforms comprise. They roughly divide into (a) interventions that rely on external coercive restrictions or corrections to compel change, and (b) interventions that (mainly) rely on platform users as agents of change.

The first category (i.e., involving top-down change) comprises the legal limitations of Airbnb activity and the external regulation of the relationship between Uber and its drivers. While generally effective, these policies typically limit the freedom

²²⁷ Note that my analysis does not cover the situational attributes that might light up from the perspective of the benefit principle or the endowment principle. As I pointed out before, an in-depth analyses of each of the responsibility principles and the situational attributes that relate to them is too much to cover in one thesis.

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and/or autonomy of the subjects they are targeted at.²²⁸ Indeed, as we have seen, regulations compromise the personal agency and flexibility of users associated with the sort of micro-entrepreneurship that the platform has enabled them to engage in. Additionally, regulations infringe on platforms' entrepreneurial freedom as they affect their capacity to continue operations as they themselves see fit. Also, by introducing prescriptive regulations, each of the transacting parties' sway in interpreting and fulfilling their responsibilities is compromised, impacting their autonomy in yet another way.

In the second category of interventions (i.e., involving 'bottom-up change') we find grassroots worker organization and reputation score transferability as well as adjustments to the choice architectures that envelop platform users (including the 'neighborhood receptivity score' targeted at Airbnb users and the decision-architectural tipping inducements for Uber passengers). Even if deemed sufficiently effective, these policy options are not as potent at addressing platform problems compared to the policies relying on external regulations and systemic reforms. To be sure, their non-committal character makes for volatile compliance that varies across individuals and time. However, the flip side of this voluntariness is that it preserves or even promotes freedom of choice of the agents involved. Indeed, policies that rely on bottom-up change typically leave transacting partners' choice sets untouched or even expand them by lowering the cost of pursuing certain courses of action. As an example of the latter, consider how adding a 'neighborhood receptivity score' to each Airbnb accommodation's advertisement would reduce the research costs for Airbnb users to engage in ethical consumerism, effectively enabling users to exercise their moral agency.²²⁹

It is worth noting that, when it comes to Uber-induced labor injustice, one policy option that holds the promise of relaxing the tension between freedom and effectiveness is the implementation of a system of generalized social security. As discussed in Chapter 5, if adequately designed, such a system could in principle be efficacious at relieving Uber drivers' (and other contingent workers') precariousness with minimal impact on formal freedoms. Indeed, generalized social security would not alter the contract form under which drivers perform their work even as their vulnerability to risks is greatly reduced. In this way, Uber's organizational model as well as drivers' scheduling flexibility remain unaffected. Even so, the financing of this system negatively impacts the freedoms of

²²⁸ Even so, very strict regulative measures (such as decreed employment of Uber drivers and complete Airbnb bans) were found to be ineffective due to the feedback effects they set in motion—resulting in, respectively, reduced demand for Uber services and black markets for short-term rentals.

²²⁹ In the case of Airbnb, ethical consumerism bears on the choices that Airbnb hosts make regarding the frequency at which they rent out their property as well as the choices of Airbnb guests when it comes to the location selection of their Airbnb accommodation.

contributors by regulating how they can spend their income or revenues. What is more, the feasibility of implementing and operating this incipient policy option is still surrounded by a great deal of uncertainty concerning its practical operability as well as its social and political support.

2. *'Digging a Tunnel from Two Sides': Effectiveness and Fairness*

A second point that proceeds from the analysis in this thesis is that considerations of policy *effectiveness* on the one hand and *fairness* of burden allocation on the other hand, happen to harmonize quite well for the selection of policy options discussed. Indeed, the most effective policy measure for addressing Airbnb-induced touristification (i.e., quantitative and spatial restrictions of rental activity) places the heaviest burdens on those agents who were found to be retrospectively responsible for this plight (i.e., the Airbnb platform and Airbnb hosts in the affected areas). Also, the most potent policy option for improving Uber drivers' working conditions (i.e., imposing a presumption of *hybrid* employment) is also the one that places the onus of responsibility on the Uber platform itself, by having the platform cater for basic social security provisions. Note that this claim rests on the assumption that the hybrid worker category is well-designed so as to avoid unwanted ripple effects (see §5.3.2).

Importantly, though, this convergence of effectiveness and fairness considerations is an incidental feature of the policies discussed, and not a structural one. Indeed, even as the requirements flowing from the effectiveness touchstone and the fairness touchstone are not contradictory in principle, there is no guarantee that they can be satisfied simultaneously in practice. It might be that for the problems we actually face the only potent solution could be operated by demanding far more of putative duty-bearers than it is fair to ask. Surely, as Shue (1997, p. 166) notes, attempting to accommodate both effectiveness and fairness considerations "is like digging a tunnel under a river by having two teams work simultaneously, one from each side, planning to meet in the middle—the nightmare is that they will not arrive at the same place."

3. *Tradeoffs: Balance and Sacrifice*

Ultimately, these reflections bring out the general point that making value tradeoffs is often inescapable. Indeed, sustainably addressing any problem (including those posed by Uber and Airbnb) pushes for balancing between effectiveness, freedom, and fairness. Furthermore, to the extent that these touchstones reflect and impinge on the interests of different agents, striking a balance between them is a matter of justice itself.

This balancing act is especially difficult under a value-pluralist outlook. After all, if values are plural and incommensurable, this means we cannot resort to an

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established foundation or general rule for ranking or prioritizing normative considerations in case they point in opposite directions (Crowder, 2020, p. 1).²³⁰ Even so, accepting value pluralism in no way commits us to conceding that values cannot be compared with or weighted against each other (Chang, 2015, p. 16144; Hsieh, 2021; Mason, 2018).²³¹ At times, then, we may find that there is a best course of action *all-things-considered* in a given situation, the pursuit of which will nonetheless involve sacrifices. In those cases, contextual attributes generate reasons for choosing one policy option rather than another, based on intuition (D. Miller, 2001, p. 471), practical wisdom or ‘phronesis’ (Nussbaum, 1986, pp. 290-317), and/or participatory discourse (Forsberg, 2007, p. 93). At other times, however, we may have to accept that trading off values is to be done more or less arbitrarily.

Directions for Future Research

This study has some important limitations that invite further scholarly work. For one, I primarily focused on two out of four types of justice that I identified as relevant to assessments of fairness of particular burden allocations. Indeed, I focused on corrective justice (captured by the corrective principle) and, to a lesser extent, contractarian justice (captured by the role principle). This means that there is scope for exploring the implications of operationalizing desert-based distributive justice (captured by the benefit principle) and justice as fairness (captured by the endowment principle) in the context of the platform problems I have been concerned with in this thesis.

A related point that I have left unattended in this study is the institutional responsibility of the state in resolving platform problems. Relevant in this connection is the debate between scholars who argue that the state has the obligation to step in when it comes to collective action problems (e.g., Erskine, 2003; Nihlén Fahlquist, 2009; Goodin, 1998; Green, 2005; Herzog, 2016; Lawford-Smith, 2016; Lichtenberg, 2010; Sinnott-Armstrong, 2005), and those who disapprove of

²³⁰ Note that a value monist’s plight is less complicated in this respect. For example, a liberalist’s normative outlook commits her to simply choose a policy option that maximizes freedom, possibly at the expense of policy effectiveness or fairness of the implied burden allocation.

²³¹ Indeed, as Chang (1997, pp. 1-2) points out, incommensurability is the absence of a common unit of value measurement by which precise comparisons between values could be made, while incomparability applies when there is no possible relation of comparison. The former is often conflated with the latter, but unjustly so: the lack of cardinal commensurability does not preclude rational choice on the basis of comparison (Chang, 2015, p. 16144).

state intervention as a matter of principle (e.g., liberals inspired by the work of Nozick [1974], who famously denounced such interference as immoral).²³²

Finally, also worth exploring is an even wider scope of contextual attributes that might bear on the particular value tradeoffs involved in choosing between the different policy options for addressing platform problems. For instance, we might (or might not!) find that policy effectiveness trumps other considerations just in case policy effectiveness extends beyond the particular problem at hand to a (much) wider context. A case in point is the policy of introducing generalized social security, the consequences of which extend far beyond its effect on Uber drivers' plight. Deliberating between policy options, we would ideally know much more about the full picture of implications of each option, including: (a) the *number* of agents affected, (b) *how* they are affected, (c) the *duration of time* that they are affected, and (d) the extent to which harmful impacts can reasonably and feasibly be compensated for (*cf.* Caney, 2016a, p. 36).²³³

²³² Recall my earlier argument in Chapter 4 (§4.1.2) that the platform problems of Airbnb-induced touristification and Uber-induced labor injustice can be qualified as collective action problems.

²³³ This is in line with what Caney (2016b) refers to as an 'integrationist approach'. He describes such an approach as "one that considers a given issue, X (say, climate change) in conjunction with other issues (like poverty, development, health, migration, other environmental issues such as ozone layer depletion and ocean acidification)" (*id.* at p. 14), rather than isolating the issue of concern and bracketing out other considerations.

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NEDERLANDSE SAMENVATTING

Verantwoordelijkheid voor platformproblemen

*Een normatieve analyse van schade en onrecht door
'peer-to-peer'-platformen Uber en Airbnb*

Delen en lenen zijn zo oud als de mensheid. Dat gebeurde altijd hoofdzakelijk tussen familie, vrienden en kennissen. Dat waren nou eenmaal de mensen met wie je in aanraking kwam en bovendien kon je er bij hen op vertrouwen dat de uitwisseling eerlijk zou verlopen. Een geleende auto kreeg je weer terug in dezelfde staat, een tijdelijk verblijf in een huis werd beantwoord met een wederdienst.

En toen waren daar Uber en Airbnb. Vanaf de late jaren 2000 verplaatsen zij de sociale praktijken van delen en lenen deels naar het online domein. Met vernieuwende businessmodellen en ingenieuze ICT-toepassingen maakten deze platformen het mogelijk om via internet op een betrouwbare manier uitwisselingen in het fysieke domein te arrangeren. Dat betekende een enorme uitbreiding van de kring van potentiële delers en leners – ‘peers’ met een Engels woord dat zich lastig laat vertalen. Elkaar op voorhand kennen was niet meer nodig (je kwam immers online in contact) en de tucht van recensies en ratings suste de angst voor misbruik. Airbnb maakte het plots mogelijk om met een gerust hart je stadsappartement een weekend aan buitenlandse toeristen over te laten. Uber stelde auto-eigenaren in staat zonder gedoe of achterdocht een volslagen vreemde mee te laten rijden. Een explosie van Uber- en Airbnb-achtige platforms voor het onderling uitwisselen van allerlei goederen en diensten volgde.

Er valt wel iets op aan de aard van de uitwisseling. Delen en (uit)lenen lijkt op de ‘peer-to-peer’-platformen meer op (ver)huren – in weerwil van de idealistisch klinkende marketingboodschappen over wat voorheen nog bekendstond als de ‘deeleconomie’. Consumenten zijn bereid goed te betalen voor de tijdelijke toegang tot andermans persoonlijke activa, zoals huizen, auto’s en vaardigheden. Aanbieders is het hoofdzakelijk te doen om de financiële baten – en niet per se om sociale verbinding of gemeenschapsgeest. De platformen zelf profiteren van de informele handel die ze faciliteren: zij romen een percentage af van elke transactie die wordt gesloten binnen hun digitale domein.

Inmiddels is een aantal 'peer-to-peer'-platformen miljarden waard, met miljoenen gebruikers over de hele wereld. Zo drukken platformen in toenemende mate hun stempel op onze economie en samenleving. Dat heeft goede én slechte kanten.

Eerst het goede nieuws: Uber en Airbnb (waarop ik me concentreer in deze studie) genereren beide economische welvaart en vergroten de autonomie van een deel van hun gebruikers. De schaduwzijde is dat Airbnb-verhuur beroerd kan uitpakken voor buurtbewoners. Zeker in populaire Airbnb-bestemmingen ervaren zij vaak overlast en gevoelens van onveiligheid en vervreemding. Deze negatieve externaliteiten duidt ik aan met de paraplueterm 'toeristificatie'. Uber vormt op z'n beurt een bedreiging voor arbeidsrechtvaardigheid. Chauffeurs rijden rond als zelfstandig ondernemers, maar zijn onderhevig aan een flinke mate van controle door het platform. Ze zijn dus blootgesteld aan allerlei risico's zonder te profiteren van de vrijheden die normaal gesproken gepaard gaan met een zelfstandigenbestaan.

Oplossingsrichtingen voor platformproblemen

Deze studie is gewijd aan de vraag hoe deze 'platformproblemen' te adresseren *zonder* al te veel afbreuk te doen aan de waarden die Uber en Airbnb realiseren. Daartoe bespreek ik een aantal veelbelovende oplossingsrichtingen. Mogelijke oplossingen voor de 'Airbnb-externaliteiten' die ik bespreek zijn:

- veranderingen in de keuzearchitectuur van de app om verhuur beter te spreiden (door bijvoorbeeld ratings van buurtbewoners over de toeristendruk in de wijk bij advertenties te vermelden);
- externe regulering van Airbnb-verhuur (in de vorm van een verhuurverbod óf kwantitatieve, plaatsgebonden verhuurbeperving);
- compensatiemechanismes voor gedupeerden.

Mogelijke oplossingen voor het bewerkstelligen van arbeidsrechtvaardigheid voor Uber-chauffeurs die ik bespreek zijn:

- veranderingen in de keuzearchitectuur van de app om passagiers aan te zetten tot het geven van hogere fooien;
- externe regulering van de relatie tussen Uber en chauffeurs (door deze als arbeidsrelatie te kwalificeren óf als een nieuw te definiëren afgezwakte versie daarvan);
- marktinterventies om de marktmacht van Uber in te perken (op basis van de mededingingswet óf door portabiliteit van reputatiescores af te dwingen);
- het opzetten van Uber-alternatieven met een governancestructuur die chauffeursbelangen structureel beter dient (in de vorm van platformcoöperaties);

- hervormingen van het sociale stelsel (door sociale voorzieningen beschikbaar te stellen voor *alle* werkers, inclusief de als zelfstandig aangemerkte Uber-chauffeurs).

In deze studie geef ik geen definitief antwoord op de vraag welke oplossingsrichting(en) nagestreefd moet(en) worden. Wél maak ik inzichtelijk welke factoren en afwegingen een rol spelen bij het individueel beoordelen en onderling vergelijken van de genoemde interventies.

Om te kunnen beoordelen wat een *goede* oplossing is én om vast te stellen wat het predicaat ‘goed’ eigenlijk betekent maak ik gebruik van de ‘SCOOP’-benadering, zoals gedefinieerd in het SCOOP-onderzoeksprogramma waar deze studie deel van uitmaakt. Volgens deze benadering is een goede oplossing van ‘duurzame kwaliteit’. Dat komt erop neer dat de oplossing op een *stabiele én rechtvaardige* wijze tot *waardevolle* uitkomsten leidt, zonder (al te veel) negatieve neveneffecten.

Drie beoordelingscriteria

De SCOOP-benadering heb ik vertaald naar drie criteria voor het individueel beoordelen en comparatief evalueren van eerdergenoemde oplossingsrichtingen voor platformproblemen. Deze criteria hebben betrekking op:

1. **Effectiviteit.** Een oplossing is voldoende effectief in het adresseren van het probleem in kwestie. Ik hanteer een zogenoemde ‘niet-ideële’ (Engels: ‘non-ideal’) interpretatie van effectiviteit, die expliciet rekening houdt met de mogelijkheid dat gedragseffecten en haalbaarheidsbeperkingen (deels) roet in het eten gooien bij het bereiken van het gewenste resultaat.
2. **Proportionaliteit van de neveneffecten.** Een oplossing veroorzaakt geen onacceptabele neveneffecten. Dit zijn onbedoelde en/of onvoorziene gevolgen waar ‘derde partijen’ (die niet betrokken zijn bij de platformtransactie) baten of schade van kunnen ondervinden.
3. **Rechtvaardigheid van de lastenverdeling.** Een oplossing gaat gepaard met een eerlijke verdeling van de lasten die inherent zijn aan de oplossing. Dat betekent dat de verantwoordelijkheden waar de oplossing uit bestaat geen onrechtvaardig hoge tol eisen van dragers van die verantwoordelijkheden.

Criteria 1 en 2 hebben betrekking op de *consequenties* van de voorgestelde oplossingen voor platformproblemen. De toepassing van criterium 1 behelst een analyse van de doeltreffendheid en haalbaarheid van de oplossingsrichtingen, op basis van bestaande empirische literatuur gecombineerd met een ‘multilevel social mechanism’-raamwerk dat oorzaken en gevolgen (op verschillende niveaus) met elkaar verbindt.

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Het toepassen van criterium 2 omvat een gefundeerde inschatting van mogelijke en/of waarschijnlijke 'spillover'- en 'feedback'-effecten van elk van de oplossingsrichtingen.

Criterium 3 is van een andere orde dan de eerste twee criteria. Dit criterium kijkt voorbij de consequenties van de voorgestelde oplossingen naar de *rechtvaardigheid* van de oplossingen als het gaat om de verdeling van verantwoordelijkheden die ze behelzen. Om hier een oordeel over te vellen duik ik diep de normatieve theorie in.

Allereerst is het van belang om het onderscheid tussen *retrospectieve* ('achteruitziende') verantwoordelijkheid en *prospectieve* ('vooruitziende') verantwoordelijkheid helder voor de geest te halen. *Retrospectieve* verantwoordelijkheid betreft de aansprakelijkheid of schuld voor uitkomsten die al gerealiseerd zijn. Het toewijzen van dit type verantwoordelijkheid rust op een aantal individueel noodzakelijke en gezamenlijk voldoende voorwaarden. Iemand is retrospectief verantwoordelijk voor een uitkomst als ze (1) normatief competent is; (2) causaal relevant voor de uitkomst was; (3) anders had kunnen handelen; en (4) redelijkerwijs had kunnen of moeten weten dat (2) en (3) het geval zouden zijn. Met name van voorwaarden (2) en (3) zijn vele interpretaties in omloop in de filosofische literatuur.

Prospectieve verantwoordelijkheid heeft betrekking op toekomstige uitkomsten. Prospectieve verantwoordelijkheden staan beter bekend als plichten. Het gaat mij in deze studie primair om prospectieve verantwoordelijkheid – al speelt retrospectieve verantwoordelijkheid vaak een belangrijke rol in de toewijzing daarvan, zoals snel duidelijk wordt. Voor de toewijzing van prospectieve verantwoordelijkheid zijn (vooruitkijkende versies van) de zojuist genoemde verantwoordelijkheidsvoorwaarden weliswaar noodzakelijk – maar niet voldoende. Attributies van prospectieve verantwoordelijkheden vergen een aanvullende basis. Hiertoe onderscheid ik vijf verantwoordelijkheidsprincipes. Vier van deze principes zijn gebaseerd op telkens een ander type *rechtvaardigheid* voor het verdelen van verantwoordelijkheidslasten. Deze principes geven dus invulling aan het genoemde rechtvaardigheidscriterium voor het beoordelen van specifieke oplossingen (criterium 3 op de vorige pagina). Aan de hand van deze principes kan worden gestaafd of een bepaalde verdeling van de lasten die een oplossing impliceert, rechtvaardig is. Welk van deze prospectieve-verantwoordelijkheidsprincipes van toepassing is en/of voorrang geniet in een concrete situatie is sterk afhankelijk van de details van die situatie.

In deze studie licht ik twee verantwoordelijkheidsprincipes uit die relevant zijn voor platformproblemen: het *correctieve* principe en het *rol*principe. Volgens het correctieve principe valt prospectieve verantwoordelijkheid voor het verhelpen van een probleem toe aan actoren die schuld dragen voor dat probleem. *Retrospectieve* verantwoordelijkheid vormt hier dus het hoofdingrediënt voor het toebedelen van

plichten, ten behoeve van ‘correctieve rechtvaardigheid’. Voor het oplossen platformproblemen wijst het correctieve principe in de richting van Uber en Airbnb én naar specifieke subsets van hun gebruikers (onder wie financieel bemiddelde Airbnb-hospites en Uber-klanten). Vanwege hun causale rol in én controle ten aanzien van hun bijdragen aan de platformproblemen die hier centraal staan, dragen deze actoren een speciale verantwoordelijkheid voor het verhelpen van deze problemen.

Het rolprincipe baseert zich bij het verdelen van prospectieve verantwoordelijkheden op bestaande sociale, professionele en/of institutionele rollen, ten behoeve van de sociale rechtvaardigheid zoals vastgelegd in een hypothetisch ‘sociaal contract’. De verregaande vormen van controle die Uber over chauffeurs uitoefent – Uber bepaalt de match en de ritprijs, en stuurt zo’n beetje alle gedragingen van chauffeurs via ‘algoritmisches management’ – duidt op een werkgevers(achtige) rol. Deze rol gaat gepaard met verantwoordelijkheden voor het waarborgen van schappelijke beloning, werkomstandigheden en zekerheden voor werkers. Uber verzet zich overigens hevig tegen deze classificatie met het (op basis van mijn analyse) ongefundeerde argument dat het slechts een passieve bemiddelaar is tussen marktvrage en -aanbod.

Waardenpluralisme: een kwestie van balans

Terug naar de concrete oplossingsrichtingen voor de platformproblemen die gemoeid zijn met Uber en Airbnb. Idealiter doet een oplossing recht aan elk van de drie geformuleerde criteria – al is hun relatieve gewicht contextafhankelijk. Dat impliceert dat ik bij het beoordelen van oplossingen uitga van het *waardenpluralisme*. Geen van de waarden die in het geding zijn krijgt standaard of structureel voorrang boven de andere waarden. En bij spanningen tussen waarden zullen er afwegingen moeten worden gemaakt.

Dat levert nog weleens dilemma’s op. Zo doemt uit het totaalplaatje van de *consequenties* van de voorstelde oplossingen een dilemma op tussen effectiviteit en vrijheid. Dit bemoeilijkt het gelijktijdig voldoen aan criterium 1 (‘effectiviteit van de oplossing’) en criterium 2 (‘proportionaliteit van de neveneffecten’). De meest effectieve interventies (het limiteren van Airbnb-verhuur en het voor Uber verplichten van een hybride soort werkgeverschap) zijn ook de interventies die de vrijheid en autonomie van betrokkenen flink beknotten. Andersom zijn het de interventies die ruim baan geven aan de vrijheden van betrokkenen (zoals specifieke veranderingen in de keuze-architectuur van platformapps en de ‘bottom-up’-organisatie van platformwerkers) die weinig effectief blijken. Het vrijwillige karakter van deze interventies maakt dat ze geen robuuste oplossing vormen voor de geconstateerde platformproblemen. Alleen de ingrepen in het socialezekerheidsstelsel ten behoeve van Uber-chauffeurs kunnen, in elk geval op

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papier, deze spanning tussen vrijheid en effectiviteit temperen. Goed ontworpen generieke sociale voorzieningen zouden namelijk de bestaanszekerheid van chauffeurs verbeteren zónder aan de contractvorm waaronder zij hun werk doen te tornen.

Een ander dilemma kan zich voordoen tussen de effectiviteit van interventies en de rechtvaardigheid van de lastenverdeling die deze impliceren. Dit is toevalligerwijs *niet* het geval bij de specifieke oplossingsrichtingen die ik bespreek. De meest effectieve oplossing voor het adresseren van Airbnb-externaliteiten (een adequaat ontworpen verhuurbepanking) is toevallig ook de oplossing die de zwaarste lasten verdeelt onder actoren die (volgens het correctieve principe) schuld dragen voor het ontstaan van de problemen: bepaalde gebruikerstypen en het Airbnb-platform zelf. De meest puissante oplossing voor het bewerkstelligen van arbeidsrechtvaardigheid voor Uber-chauffeurs (de kwalificatie van de arbeidsrelatie tussen Uber en chauffeurs als een nieuw te definiëren tussenvorm) weegt het zwaarst op het Uber-platform – dat volgens het correctieve én het rolprincipe verantwoordelijkheid draagt.

Nou is deze convergentie van effectiviteits- en rechtvaardigheidsoverwegingen casus-specifiek – en niet structureel van aard. Er is geen garantie dat een willekeurige oplossingsrichting simpelweg aan zowel criterium 1 als criterium 3 voldoet. Vaak genoeg is een zeer effectieve oplossing gemoeid met een oneerlijke verdeling van de lasten – en andersom. Filosoof Henry Shue (1997, p. 166) verwoordde dat treffend. Het bij elkaar brengen van effectiviteit en rechtvaardigheid binnen een interventie is als het graven van een tunnel onder een rivier vanaf twee kanten, schreef hij. Je hoopt dat de twee graafteams elkaar in het midden treffen – maar ze kunnen ook zomaar langs elkaar heen spitten.

Deze reflecties maken duidelijk dat het vinden van een goede oplossing voor platformproblemen een lastige balanceeract is. Waar vrijheid, effectiviteit en (verschillende vormen van) rechtvaardigheid om voorrang strijden is het offeren van bepaalde waarden en belangen ten gunste van andere soms onontkoombaar.

CURRICULUM VITAE

PERSONAL DETAILS

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EDUCATION

PhD	Philosophy, University of Groningen	2024
MA	Philosophy, University of Amsterdam	2017
MSc	Economics, University of Amsterdam	2017
BA	Philosophy, University of Amsterdam	2013
Gymnasium	Bonifatiuscollege, Utrecht	2008

NON-ACADEMIC WORK EXPERIENCE

Ministry of the Interior Senior policy officer 'public values and new technology'	2023 – current
Netherlands Authority for Consumers and Markets Economist at the Chief Economist's team	2018
NRC Handelsblad Journalist and editor	2013 – 2017
Babel Magazine Editor in chief	2011 – 2013

RESEARCH INTERESTS

Ethics, Social & Political Philosophy
Philosophy of Technology
Philosophy of Markets
Moral Philosophy