

From Terranova to Terra Firma: A Critique of the Role of Free Labour and the Digital Economy

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Abstract

On-going class action against America Online's use of 'free labour' has divided opinion about the management of 'digital' labour in the 'new' economy. Web-based systems of collaboration between and within firms and their customers, as well as customer engagement in product innovation, have underscored claims about the evaporation of traditional labour markets and labour processes as well as about (weakening) divisions between production and consumption. This has led to (exaggerated) debates about the contribution of 'free' or 'immaterial' labour to contemporary economies. This paper argues that while significant restructuring has changed traditional organisational forms, capital markets remain centralised and digital labour remains as regulated as other labour. As such, while labour cannot be fully commodified, digital labour is neither free or immaterial, because it is not the content of labour itself, but rather its relationship with capital that gives it 'weight' and value.

Introduction

In the 1770s, Adam Smith stated that:

manufacturing 'produces a value, (that) may be called productive (while services were) ... unproductive labour. Thus the labourer of a manufacturer adds ... to the value of the materials which he works upon ... The labour of a menial servant, on the contrary, adds the value of nothing ... The services generally perish in the very instant of their performance, and seldom leave any trace of value behind them. (Smith 2005: 87)

Continuities with this view are highlighted by Hardt and Negri's more recent contention that (service) labour has become immaterial because it moves beyond the accumulation of wealth to accumulation of information. They state that 'in the passage to post modernity, one of the primary conditions of labor is that it functions outside measure (Hardt and Negri 2000: 357). Such 'productive forces have no place, however, because they occupy all places' (ibid: 210).

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Through an analysis of 'digital' work, this paper questions the concept of 'free' or 'immaterial' labour as inferred in the above quotes. It does this by providing a critique of Terranova's (2004) analysis of a class action mounted against the American internet services and media company America on Line (AOL).¹ The paper argues that while (USA) labour courts may be seeking to clarify the nature of particular employment contracts (of free labour such as AOL volunteers and others), labour remains heavily bound by an employment relationship and a labour process, whether work is performed in cyberspace or other more 'grounded' locations. Indeed, given the mutual dependency between wage labour and capital, both concepts become meaningless without the other.

The Case of AOL 'Workers': Without a Labour Process, Regulation and the Wage Effort Bargain?

In order to critique Terranova's interpretation of the AOL case, it is necessary to outline the debates that she bases her analysis on. Broadly speaking, these interpretations all aim to theorise changing relationships between the 'new' economy, digital work and independent or 'free' labour. Over the last forty years, various structural and economic changes in the economy have inspired a variety of researchers to rethink the nature of labour capital relations and inter-relationships between work and society. Interpretations have ranged from post-industrialism (Bell 1973), post-fordism (Mathews 1989), and post-modernism (Clegg 1990) to a more recent focus on information and digital technologies (Castells 1996; Malecki and Moriset 2007) amounting to what some have come to describe as a 'weightless' world (Coyle 1997; Quah 1997).

Either explicitly or implicitly, much of the discussion around the relationship between the digital economy and free labour outlined below, has centred on the changing technological and spatial nature of contemporary employment. For instance, work is more likely to be undertaken on internet and computer technologies; on Blackberries; or in other ways reliant on enabling technologies than have been the case in the past (Felstead, Jewson and Walters 2005). Much of these enabling technologies have allowed workers to labour remotely, that is away from traditional workplaces and away from direct organisational supervision.

As indicated above, contemporary workplaces have at times been cast as post-bureaucratic (meaning that traditional hierarchical command and control bureaucratic systems no longer resonate with workers) with workers no longer chained to the wage slavery of the past. Recent manifestations analyse workers as mobile professionals building portfolio careers and collaborative relationships. For example, Handy's 'portfolio' workers seemingly operate without hierarchies and boundaries but within 'webs and networks' around 'dispersed' organisations (Goffman 1971; Handy 1984: 22, 74; Heckscher 1997). Here, it seems the inhumane legacies of industrialisation have been replaced with the desires of workers as active consumers looking for the intrinsic rewards built around information, knowledge or 'acting out desires'. In many respects, this is how Terranova has viewed AOL volunteers. For example, describing volunteers, Terranova argues that AOL 'netslaves, are not working only because capital wants them to, they are acting out a desire for affective and cultural production' (Terranova 2004:

37). Such affective and cultural production, she argues, has altered relationships between consumption and production and the nature of contemporary employment relationships, to the point where 'free labour is ... (now) ... structural to the late capitalist cultural economy' (Terranova 2004: 53). However, like the additional work cited above, Terranova's analysis presents a misleading absence of investigation into the relations of power governing network culture and the digital economy more generally. Indeed, the very fact that this case (and numerous others such as workers at video game company Electronic Arts) have landed in a protracted legal dispute, highlights the continued relevance and continuity of employment contracts and labour capital relations.

Initially filed by two former volunteer 'Community Leaders', the class action against AOL has been a long and drawn-out process. Filed at the US District Court in Manhattan, the suit was based on allegations that thousands of community leaders were entitled to back pay for their time spent building communities in AOL's chat rooms and bulletin board forums.

The background to the case is that before 2005, AOL enlisted thousands of volunteers (otherwise called Community Leaders) to monitor chat rooms, host amateur chat rooms, compile newsletters and manage online libraries. Much of the dispute rests on the fact that many of the tasks the volunteers performed were similar to those undertaken by internal employees; however, volunteers were not rewarded with wages, but rather with concessions on AOL accounts (albeit at a time when such accounts were relatively expensive). Rewards were also allegedly promised in the form of a paid position sometime in the future at AOL. For their part, Community Leaders' counsel have maintained that 'if someone works where there is compensation or *expectation* of compensation, minimum wages must be paid' (<http://www.aolclassaction.com/>).

Those individuals joining the class action gave various reasons why they volunteered their time to the company. A sense of belonging was cited, as were access to various perks and tools; and access to AOL's proprietary language and to restricted chat room lounges. One volunteer stated 'We were empowered. You could gag people and give the boot command'. Another found the work to be its own reward. Kit, a volunteer 'turned a tiny forum of merely 50 folders into a bustling metropolis with 1,000 folders and 50 volunteers reporting to him' (Margonelli 1999). However, any assumed reciprocity deteriorated around 1999 when AOL removed Community Leaders' rights to free access and began charging \$5 per month for Leaders to use the service. One former volunteer who allegedly gave 3,000 hours of his time to the company, stated that his irritation with AOL escalated when it became apparent that the company was making considerable revenue from his 'slave labour'.

In the intervening period, volunteers have mounted an increasingly large class action citing violations of United States' labour laws, arguing AOL behaved like a 'cyber sweatshop'. According to the AOL minimum wage website, as of 19 December 2008, thousands of former volunteers became a party to the lawsuit with the filing deadline moved forward from July 2008 to February 2009 (<http://www.aolclassaction.com/>). The date for any hearing has been put forward regularly so that at the time of writing the date for filing is still to be determined.

The AOL case provides ‘a window into the weird and wacky world of cyber-co-dependence — right at the intersection between corporate and personal identity’ (Margonelli 1999). In many respects, weirdness is almost the new normality, particularly in the creative digital games industry. For example, game fan programmers — known as ‘modders’ — could be seen in a similar light to the AOL case. Among game fans, volunteers have been contributing huge amounts of free labour in the form of add-ons (see Postino 2007 for assessments of value they add in some digital game companies). As was the case with AOL volunteers, one of the biggest motivations for giving their time was the potential of a paid job in a highly competitive industry, where formal technical training might still be a bar. Also similar to the AOL case is the view that such participatory culture blurs the boundaries between consumption and production and runs in direct ‘opposition to the commodity-driven proprietary nature of the cultural industries’ (Jenkins 2006; Yee 2006; Postigo 2007: 301). Another similarity is the claim that ‘business relations between “modders” and game companies will remain mutually beneficial so long as the practices that govern fan-game company relations remain equitable. Potential conflicts may arise as questions of ownership in derivative works of copyrighted content push some of these relations into courts’ (Postigo 2006: 311). In the AOL case, the catalyst for court action was the evaporation of ‘equity’ when AOL removed the perks offered to volunteers.

However, contrary to Terranova’s argument, this case and others, however interesting, do not recalibrate labour capital relations. Terranova has argued that AOL ‘netslaves’, are not working only because capital wants them to, but out of a desire for ‘affective and cultural production’ (Terranova 2004: 37). This may be so in some areas of the digital economy such as video games. But to argue that such activities have altered relationships between consumption and production and the nature of contemporary employment relationships to the point where ‘free labour is ... (now) ... structural to the late capitalist cultural economy (Terranova 2004: 53) is to dematerialise some important industrial and legal anchors. Like other sources cited above, Terranova’s analysis presents a misleading absence of investigation into the relations of power, and the materiality, governing network culture and the digital economy more generally.

Finding Terra Firma (in) Regulation, Managerial Control and the Labour Process

A common feature binding interpretations of contemporary work has been the centrality of internet and information technologies (Quah 1997). While there have been significant changes in the nature and the location of work, the number of workers who might enjoy more autonomous working conditions is less certain.² What we can say with more certainty is that the labour market has become considerably more flexible:

A new era has arrived. Flexible labour markets are the realities ... economic flexibility embraces organisational forms (enterprise, production and distribution chains etc.) labour relations (decentralization, contractualisation etc.) and socio economic relations (family forms, social

networks etc.). New technological and managerial controls have been transforming relationships between market mechanisms and society. (Standing 1999: 126–127)

As Standing argues, relations both inside and outside the workplace have changed as a result of new technologies and more globalised and complex market arrangements. However, Terranova's view that communication technologies and the internet have led to a 'social factory' does not explain the AOL case. She states that

in over-developed economies we have the end of the factory ... (which has) ... spelled the obsolescence of the old working class ... produced generations of workers who have been repeatedly addressed as active consumers of commodities. (Terranova 2004: 37)

In linking the internet to the 'social factory',³ Terranova refers to the increasing dominance of jobs that involve technical and cultural tasks. For example, while there are problems arriving at accurate measurements, one study suggests that jobs requiring high knowledge content in the UK economy constitute around 30 per cent, compared with 30 per cent calling for moderate knowledge content and 40 per cent involving less knowledge content. While those in the higher knowledge bracket had more flexibilities around their work compared with those in less knowledge intensive jobs, under 50 per cent of all workers and less than 60 per cent of knowledge workers reported 'some' flexibility in their work schedule, and only a small minority said they could freely determine their own hours (Brinkley et al 2009: 4–6). To this extent, one may agree with Terranova that despite a shift from factory to office work, from production to services, 'it just isn't clear why some people qualify and some do not' (Terranova 2004: 40).

Indeed, the concept of service work as knowledge work is highly contested, reflecting a vast difference between service workers such as cleaners, call centre workers and computer software analysts. Similarly, teleworkers and other remote workers do not *necessarily* have any more bargaining power, skills or autonomy that more office-based workers. It is now well accepted that many firms shape and monitor employees' activities through combinations of cultural empowerment, engagement and enslavement (Grugulis et al 2000; Smith and Tabak 2009). 'Empowerment', 'service quality', 'excellence' and 'workforce engagement' have crept into the managerial lexicon, claiming to liberate employees from the collective shackles dominating previous epochs (Peters and Waterman 1984; Pfeffer 1998). In many respects, Terranova implicitly draws on such generalisations about epochal shifts from traditional command and control Fordist models of productions to more immaterial digital economy. She rightly identifies important trends in the way capital might exploit free labour, but the argument becomes too deterministic.

Terranova argues that free labour is structural to capitalist cultural economy, therefore there is a need to 'think beyond the categories' to map a 'power-sensitive model of the relationship between labour, politics and culture' (Terranova 2004: 53, 54). While Terranova argues that her discussion of AOL volunteers and free labour is 'power sensitive', it is precisely this issue of power that appears to

become muddled in discussions about cyber workers. Yes, there is a significant increase in those who are volunteering their expertise, information and time. For example, the proliferation of wiki sites and more generally the open source movement (where source codes are accessible) and other 'creative commons'⁴ have certainly contributed to the development of the digital economy. Consumers are contributing free time to the point where *Time Magazine* collectively named consumers as 'person of the year' through their participation in blogs, YouTube, MySpace, and other social networking and production venues (Grossman 2006). As such, there is no doubt about the value of consumer-created content and there is no doubt that businesses are exploiting this fact (Postigo 2006: 301).

However, these activities do not undermine traditional models of wage labour. Contrary to some, resistance has not 'become a game' (Soderberg 2008: 183) and employees have not 'willingly turned themselves into self-disciplined subjects who put in performances without management having to use up resources in distributing rewards and sanctions' (Knights et al 1999: 19, 20). Indeed, there may be increased 'loyalty to the brand and to the customer' and there is definitely a sense that the new (and digital) economy is different to previous economies in a number of ways. Work often involves considerable innovation both in terms of the ways work is undertaken and the levels of interactivity and creativity (both digital and non digital). However, as this class action recognises, there are still significant obligations and expectations which emerge directly from the wage effort bargain.

Similarly the ever-increasing application of intellectual property laws, copyright, royalties and other security processes such as encryption are becoming more commonplace and more expensive. Organisations are pre-empting any potential actions through safeguards built into employment contracts. For example, the UK's *Guardian* newspaper made it a condition of employment that all rights, electronic or otherwise, are the property of the newspaper rather than the journalist (Huws 1999: 141). While much has changed about where and what we do at work, the fundamental nature of economies and employment relationships have endured. Many workers may like to 'escape from the petty controls of the shop floor and the office' (Barbrook 1997), but the prevalence of organisational surveillance, and monitoring of supply chains and employees suggest that many have failed to escape detailed managerial control.

Moreover, the case also confirms that organisations (particularly those operating in the digital economy) will continue to find new ways to extract and structure labour more effectively. As such, the networked society, like other industrial societies before it, is shaped by similar labour capital relations, as in the past, albeit in more complex manifestations and convoluted employment arrangements. Ultimately, to argue that 'free labour is structural to the late capitalist cultural economy' (Terranova 2004: 53) is a misunderstanding of the continuities of labour capital relations, which overstates and blurs the boundaries between waged labour and voluntary consumption.

Discussions of digital labour have often run parallel to links between work and identity where capital miraculously disappears; wage labour is replaced by autonomous free labour, and employment contacts irrelevant. Such features are

often ingredients which bind notions of waged and unwaged work into a 'social factory' where all activity is potentially productive (Lazzarato 1996). To some, 'life and work have become the same thing', and work functions 'outside measure' (Hardt and Negri 2000). However, for most workers, performance measurement is still a major function within many workplaces, digital or otherwise, and assumptions that the state cannot regulate cyberspace (Frezza 1996) are 'blind to some of the most important ways that the state could exert power' (Boyle 1997: 65). For example, from a purely technological viewpoint, filtering systems are built into World Wide Web language systems, and filtering software programs like Net Nanny also restrict access. In 2007, the Federal government in Australia spent \$189 million 'cleaning up the internet' by providing such free internet filters (Shanahan and Rowbotham 2007).

Rather than glamourising digital labour as a new chapter in a Toffler ideal, Terranova uses the AOL case to argue the centrality of free labour where net-slaves act out 'desires' for affective and cultural production (Terranova 2004: 37). Despite the complexity of quantifying and identifying digital and knowledge work, labour market flexibility and innovative technologies have shaped the labour process and labour management in many contemporary workplaces. For example, some of the more noteworthy reports have related to how firms manage interfirm relations, ranging from the blocking of social networking sites, such as Facebook in order to reduce employee time wasting, to other more alarming incidents such as the use of Facebook to dismiss staff. US electronics firm Radio Shack attracted attention in newspaper editorials when it notified 400 employees by e-mail that they were no longer employed with the firm (Tibbetts 2009). Moreover employers also define and measure the intangible character of a service interaction through various mechanisms, including employee scripting: 'great service should be embedded into a behavioural routine, so it can be properly monitored, measured and managed' (Goodman 2000: 9, cited in Thompson 2005: 84). Assumptions that service work (including digital work) exist free of calculation and regulation belie the raft of technological and managerial controls which continue to calculate and measure so called intangibles for 'new economy' companies.

Similarly, source codes may be free, but the list of add-ons (for example more bandwidth, technical support and hardware) which accompany the codes are not. Most importantly, labour is neither free nor immaterial, because it is not the content of labour itself, but its *commodity form* and its relationship with capital that gives it 'weight' in a market economy (Thompson 2005). Indeed some might argue that the commoditisation of labour has intensified through ever increasing casualisation, deregulation and labour market flexibility. Pocock found that 'many casuals experience their terms as the *pure* commodification of their hourly labour, with a loss of control over their time, along with a loss of voice and respect at work' (Pocock et al 2005: 459, italics added). Similarly, Vosko argues that labour power is inevitably a commodity under capitalism, and the decline of security and freedom in the wage relation accentuates its commodity status (2000: 15). As such, flexibilities around digital and other service work may represent an *intensification* of workers commodity status.

Summary and Discussion of Continuities of the Labour Process

This article has reviewed some of the changes taking place in contemporary work including how identity might be transformed through work. Although work has taken on many different forms and while the technologies and rules that govern its use are still evolving, digital labour remains highly regulated and managed. Terranova rightly highlights the increasing role of voluntary work (witness the growth of building Wikipedia, Wikibooks and the open source software movement). However, such volunteer work is not unique or new, and volunteer or unpaid work (i.e. domestic labour as an obvious example) has sustained economies since the dawn of industrialisation.

The AOL class action will, however, test how successful companies can be at operating on the fringes of employment law in the United States. It also highlights capital's enduring search for new avenues of exploitation. Nevertheless, what this case does not do is indicate a *new economy* based on 'netslaves' 'acting out desires' for affective and cultural production (Terranova 2004: 37, 53). Digital labour, like all other labour, is shaped by an employment contract, a labour process and a wage effort bargain. Therefore irrespective of whether work is digital or otherwise, the type of the work performed does not *of itself* change the nature of capital accumulation or labour's status as a (albeit contested) commodity.

Notes

1. See AOL Minimum Wage Lawsuit website for details of Hallissey v. America Online.
2. For example, UK data indicates that around 8 per cent of the workforce was tele-working in spring 2005, with around 62 per cent of these being self-employed (Office for National Statistics 2005: 417). As such, Toffler's view that millions of jobs will shift out of the factories and offices into the home (Toffler 1980: 210) have not been realised (Office for National Statistics 2005).
3. Social factory refers to *work processes* which have shifted from the factory to society (examples include building web sites, software packages).
4. Creative Commons overturns traditional notions of 'all rights reserved' copyright to create more open and flexible copyright models. For example, Wikipedia is one example of a collective copyright system.

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