CHAPTER XII

Making Sense of the Public Discourse on Airbnb and Labour: What about Labour Rights?

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I. Introduction

Popular sharing economy platforms, such as Airbnb, have been a frequent focus of public attention in recent years. Much of this attention has been driven by the numerous regulation challenges facing these platforms, either present ones through ongoing litigation, or prospective ones, through legislation drafting by governments. The media addresses evident legal issues, such as the fact that short-term rental laws are circumvented, as in the case of Quebec,[2] or the new regulations to curb illegal actions.[3] These issues speak the loudest, as they are immediate or imminent. What is lost, or what might be lost, in terms of the labour rights of workers, doesn't appear as urgent an issue. Opinion pieces, among others, have touched on this issue, alerting the reader to unsuspected problems appearing through the cracks of the bright portrait painted by the platforms. It doesn't appear, however, that labour rights are a central part of the public discourse on the sharing economy. What can be gained (for hosts, drivers, consumers, and others), rather than what can be lost, seems to receive much more attention. "Public discourse" is understood for the purposes of this chapter as being mainly constituted of media accounts on Airbnb, including news reports, opinion columns, and analytic journalism. It is understood as the information and analyses presented to the general population about Airbnb, rather than aimed at a specific audience such as academia.

The Airbnb platform will be used as a case study, along with its corollary, the traditional hotel industry, to explore the attention given to labour rights concerns in the context of a neoliberal era. This chapter is concerned with the question: Why aren't labour rights of hotel workers and of Airbnb host an important part of the Airbnb conversation? Furthermore, why aren't the labour rights of these two groups of workers addressed concomitantly, as a dependency relation can be traced between them? To contextualize the topic, the labour rights of workers in the tourist accommodation sector in Canada are presented. The acquired labour rights of hotel workers of Quebec are used as an example. The labour rights issues facing the hotel industry in Canada are also addressed, in order to consider a more holistic framing of their labour situation. The restricted labour rights and the extended duties of self-employed workers are then described, using once more the example of Quebec, considering that Airbnb hosts are usually acting under self-employment laws, in the context of this province's current worker statuses, and when declaring their hosting activities as an income source for income tax purposes. This characterization of self-employment is used as an example of the ways in which a worker loses labour rights protections afforded to workers under an employee status, acknowledging that not all Airbnb hosts can be, or are, characterized as such.

Next, this chapter is concerned with discerning how the discourse about Airbnb is framed regarding labour. This contribution draws on the public discourse, using only publicly available sources in Canada and the United States. I identify two groups of themes emerging from this discourse—freedom and monetization, and empowerment and accountability for oneself. I also argue that there is a missing connection: that of Airbnb and the labour rights (and eventually, right to labour) of workers in the hotel industry.

How do we make sense of this public discourse, from a perspective critical of the minimal presence of labour rights? I propose that this can be accomplished through a theoretical framing from Michel Foucault's *The Birth of Biopolitics: Lectures at the Collège de France, 1978–79*[4] and Wendy Brown's *Undoing the Demos—Neoliberalism's Stealth Revolution*[5] on neoliberal rationality. Their main arguments are presented, followed by a conceptualization of labour within a neoliberal governing rationality. The themes that emerged from the public discourse on Airbnb and labour are then revisited, using the theoretical framework offered by Foucault's and Brown's

contributions. Deconstructing dominant themes to discern implicit assumptions allows for an uncovering of the preponderant logic at work. Organizing thoughts within the framework of a theoretical approach allows for a more concerted voicing of concerns and avenues for further reflection. Such concerns and avenues are offered as concluding thoughts.

II. The Context of Labour Rights in the Tourist Accommodation Sector in Canada

i. Hotel Industry in Canada: Acquired Rights and Current Labour Rights Issues

This section addresses the labour rights of workers in the hotel industry who are considered employees, using the context of Quebec law as an example. An employee, according to the *Act Respecting Labour Standards*,

> means a person who works for an employer and who is entitled to a wage; this word also includes a worker who is a party to a contract, under which he or she
> i. undertakes to perform specified work for a person within the scope and in accordance with the methods and means determined by that person;
> ii. undertakes to furnish, for the carrying out of the contract, the material, equipment, raw materials or merchandise chosen by that person and to use them in the manner indicated by him or her; and
> iii. keeps, as remuneration, the amount remaining to him or her from the sum he has received in conformity with the contract, after deducting the expenses entailed in the performance of that contract.[6]

The *Act Respecting Labour Standards* applies to employees.[7] The Act's Chapter IV, "Labour Standards," provides numerous labour rights. They concern wages,[8] hours of work,[9] statutory general holidays and non-working days with pay,[10] annual leave with pay,[11] rest periods,[12] absences owing to sickness, an organ or tissue donation for transplant, an accident or a criminal offence,[13] family or parental leave and absences,[14] psychological harassment,[15] termination of employment or layoff,[16] and collective dismissal,[17] retirement,[18] and other

miscellaneous provisions. Numerous hotel employees are unionized, providing additional labour protections to the ones provided by the *Act Respecting Labour Standards*, such standards being of public order.[19] The Quebec hotel industry has even been termed a "model of solidarity" by a left-wing publication.[20]

Obviously, even within the context of being under the protection of the *Act Respecting Labour Standards* or another provincial labour act, there are many labour rights issues facing hotel industry workers. For example, the president of the board of directors of the Quebec Hotel Association (*Association hôtellerie Québec*) recently co-signed an opinion piece in *La Presse* opposing a minimum wage of $15 per hour.[21] Recently as well, unionized workers from the *Pur Hotel*, in Quebec City, were locked out by their employer, which according to a union leader "came out of nowhere," as negotiations were going well.[22] The employees responded with a vote overwhelmingly in favour of an unlimited general strike.[23] A few months before, eleven hotels in Montreal and Quebec City declared a one-day strike, mainly on grounds related to wages as well as vacation and severance pay.[24] Furthermore, as Chris Schenk demonstrates in the context of the hotel industry, "even unionized, full-time employees, successful in securing contractual gains in wages, benefits, and working conditions, are vulnerable to precarious employment, partly because of their occupational context and income level, and especially in the face of unpredictable events."[25]

The hotel industry in Canada also employs a significant number of temporary foreign workers. In March 2016, the Hotel Association of Canada (HAC) applauded "The Honourable MaryAnne Mihychuk, Minister of Employment, Workforce Development and Labour for recognizing the seasonal nature of the lodging industry and authorizing tourism businesses temporary foreign workers for up to a six month period."[26] The HAC has spoken about the industry's need for temporary foreign workers in the recent past, as it "is facing a nationwide labour shortage crisis."[27] In the hotel industry, "back jobs," accomplished by workers who do not normally interact directly with guests, are largely held by immigrant women.[28] Temporary foreign workers, nonetheless, are protected under the relevant provincial labour and employment laws.[29]

The Canadian Temporary Foreign Worker Program (TFWP) has, of course, received its fair share of criticisms, a prominent critique being the fact that "precarious employment, unfree labour relations

and precarious legal status are actively produced by employers and the state and negotiated by workers not as distinct 'categories,' but as interrelated conditions of labour market participation."[30] The spectrum of exploitation sometimes even leads to cases of human trafficking.[31] Under the program, workers are tied to a unique employer, and it does not automatically lead to permanent resident status or to citizenship.[32] In June 2016, Minister Mihychuk announced that she is "temporarily freezing at current levels the cap on the proportion of an employer's workforce that can consist of low-wage temporary foreign workers," citing the fact that the "program needs to change."[33]

ii. Airbnb in Canada: Self-Employed Status and the Example of Quebec

Airbnb hosts are not employees of Airbnb; hosts earn money directly from their clients (guests) and decide when they are to work and when their space is available. (These decisions, of course, are to be considered in the context of the pressures within the Airbnb market.) They determine the terms of this host-guest relation, as concerns house rules, for example. Under the Quebec *Act Respecting Labour Standards*, Airbnb hosts cannot be considered employees, as they do not work for a person. They are, in the context of this profit-making activity, self-employed workers, or "independent" workers. Therefore, the *Act Respecting Labour Standards* does not apply to them, and they thus do not benefit from its standards. Additionally, self-employed workers in Quebec must bear numerous costs for which employees are exempted, such as for statutory holidays they wish to take as a vacation,[34] for many public social welfare programs, including the Quebec Pension Plan[35] and the provincial occupational safety and health coverage,[36] as well as for other health-related insurances, such as dental care.[37] Already in 2006, before the rise of the "sharing economy," it was noted that "[t]he contemporary Canadian labour force is characterized by an expansion of self-employment."[38]

Perhaps this is not an evident problem at the moment when one thinks of Airbnb. If hosts do not operate an Airbnb business full-time, or if they own numerous properties and are thus financially secure, the issue doesn't appear relevant. However, Airbnb is profiting enormously from these hosts, as the mediating platform between them and their guests. Furthermore, Airbnb's continuous expansion could suggest that more hosts will be assuming this function full time. Also, interestingly, the *San Francisco Chronicle* published

a study it undertook that shows that "Airbnb had 4,798 properties listed in the city. Almost two-thirds––2,984––were entire houses or apartments."[39] An article published in *Money* magazine pointed out that this finding "pok[es] holes in airbnb's [*sic*] 'folksy' argument that the vast majority of its hosts are simply small-time 'home sharers' who earn a few dollars here and there by occasionally renting out a spare room."[40] This is an even more serious cause for concern, in terms of the preservation of acquired labour rights, considering that Airbnb is expanding its services to "Trips," a service allowing tourists to book tours or similar activities with locals that would not be available otherwise.[41] Eventually, Airbnb will collect 20 per cent of the costs of such services,[42] while not offering hosts the labour protections offered by an employee status.

III. How Is the Public Discourse on Airbnb and Labour Framed in Canada and the United States?

This chapter is concerned with the potential loss of previously acquired labour rights for Airbnb hosts. As this labour force increases, are labour rights a serious part of the conversation on Airbnb? How is this labour characterized? Even if one of the premises of this chapter is that labour, indeed, isn't usually a central part of the public discourse on Airbnb, it sometimes is. And this type of labour deserves a more significant place within this conversation, considering the significance of such work occurring outside of the traditional employee/employer relation for which labour law affords important labour rights to workers. This is the case when labour issues themselves constitute a news event. For example, advanced negotiations between Airbnb and the United States–based Service Employees International Union have recently taken place, but have failed.[43] If this agreement had been adopted, Airbnb would have encouraged hosts to hire unionized workers and pay them $15 per hour or more.[44] Airbnb also reportedly approached another important union in the industry, Unite Here, which rejected the possibility of such an agreement.[45] This garnered media attention in popular outlets, such as *The Guardian*,[46] as well as in other, alternative ones.[47]

In any case, the arguments in this chapter imply that Airbnb hosts are indeed engaged in labour.[48] This is mentioned because it can elude us, when hosting is presented as a side occupation, or

when it is presented using testimonials from hosts, stating: "Airbnb has brought the world to me. We sit around on my patio, and [guests] describe their lives,"[49] and when ads for the company state that it "strengthens our communities."[50] Arguably, for platforms such as Uber (for which work is accomplished in a public space), the recognition of labour as an eessential part of participating in the sharing economy hasn't been an issue. This use of public space is consistent with one ofthe most important contributions of feminist theory concerning the pubic/private divide and the devaluation of interest in the private sphere, ehere labour, paid and unpaid, is accomplished. [51] As Naomi Schoenbaum remarks,

> [t]he rise of the sharing economy then challenges the traditional sociological division between the "first place"' which is the home, the °second place," which is the workplace, and the "third place," which are communal spaces generally open to the public that may or may not be part of the market.[52]

Even though she acknowledges that this is not "entirely new or unique to the sharing economy,"[53] the magnitude of this emerging sector "presents challenges for legal regulation and the goals of sex equality."[54]

Hosting through Airbnb is not the same as hosting relatives or other people in your personal networks, nor is it like sharing your couch or a room in your home to strangers free of charge through platforms such as Couchsurfing.[55] Hosts are service providers and guests are clients. A portrayal of two Airbnb hosts in a *New York Times* article illustrates this point, when one is quoted as saying that "[h]osting on Airbnb wasn't a choice. It was decided for me," while the other woman portrayed is also "a host out of necessity," due to financial constraints related to the job market.[56]

How is the public discourse on Airbnb and labour framed, using the examples of Canada and the United States? I identify two pairs of themes that stand out in the public discourse on Airbnb and references made to labour within it. The positive themes of freedom and empowerment are often coupled with, for the former, monetization, and for the latter, accountability for oneself. Their associated themes can be portrayed as positive as well; but also negatively in the framework of a critique of neoliberalism. Each pair of themes will be revisited in the following section, through a deconstruction

using the neoliberal governing rationality critique from Foucault and Brown. I end this section with thoughts on how there seems to be a missing connection between the labour of the hotel industry workers and Airbnb hosts, even though they constitute two major groups of workers in the accommodation industry.

i. Freedom and Monetization

Freedom is a value that is used by many to characterize Airbnb, presenting engagement with Airbnb as freedom from a desk job, financial freedom, freedom to dispose of one's property, freedom from state regulation, or even freedom of speech. "I like my freedom," says a woman whose income is provided solely by the labour she accomplishes in the framework of numerous sharing economy platforms, portrayed by a *New York Times* article.[57] A *Forbes* article quoted a study revealing that persons "who take advantage of 'free agent' contractual gigs, 'choose this workstyle for the freedom, flexibility, and entrepreneurial empowerment they experience with this independent approach to work and life.'"[58] Airbnb is presented as a way to live a dream life characterized by freedom, described in websites, guides, and books with titles such as *Portable Bed & Breakfast: Empower Your Freedom Lifestyle With Airbnb*.[59]

The promise of financial freedom is also the topic of numerous publications, such as *Overnight Success: Achieve Financial Freedom Through Airbnb*.[60] Freedom is furthermore associated with disposing freely of property. This was the case, for example, when the governor of Arizona signed a bill to prevent localities from banning platforms such as Airbnb, which was presented as being "about property owners regaining some small measure of freedom."[61] Freedom is understood as freedom from illegitimate state regulation, as this headline from *ABC News* in New Orleans makes clear: "City Begins to Consider More Freedom for Short-Term Rentals."[62] In Montreal, new regulations have been portrayed as "discouraging entrepreneurship" and "imposing obstacles on people's initiatives and who benefit from the new technologies"[63] [author's translation].

Even freedom of speech is becoming a significant element of the public discourse on Airbnb, as legal challenges on such grounds are emerging in places such as Anaheim (California),[64] New York City,[65] and San Francisco.[66] An article in the *Los Angeles Times* explains the logic behind such allegations, stating that

> [t]he lawsuit says the regulation violates constitutional rights to free speech and equal protection under the law as well as the 1996 Communications Decency Act, which prohibits states and local jurisdictions from holding Internet platforms liable for content created by users of the websites.
> The lawsuit also says that the ordinance "will have an impermissible chilling effect on speech" because Airbnb won't know which listings are lawful and which are not and therefore will have to stop publishing all listings from Anaheim.[67]

Freedom from having a boss, from imposed schedules, and the like also means, however, that a subsistence revenue must come from other sources than employment. This usually means being responsible for optimally monetizing one's own labour, in the form of production or services. "Monetization" is another term frequently used to describe the opportunity offered by Airbnb. Indeed, it is used on the Airbnb website itself as a sort of slogan: "[a]nd with world-class customer service and a growing community of users, Airbnb is the easiest way for people to monetize their extra space and showcase it to an audience of millions."[68]

Here as well, websites, guides, and books abound, with titles such as *Practical Guide on How to Turn Your House Into a Money Making Machine: Achieve Financial Security Today*.[69] Monetizing hobbies and homes is celebrated. "[T]he most successful businesspeople simply devise a means to monetize what they enjoy doing most," says an article about Airbnb co-founder Nate Blecharczyk.[70] "[Airbnb is] a great way for people to monetize their most valuable asset, which tends to be their home," the company's country manager for Canada is quoted as saying in a *Globe and Mail* article.[71] A *Bloomberg* article is ironically titled "The Sharing Economy: Monetize Your Life."[72] A *New York Times* opinion piece about Airbnb claims "dead capital" is a "problem," the term meaning "potentially productive assets owned by ordinary people who could use them if they could only find a way."[73]

What is freedom without monetization, after all, in a capitalist society?

ii. Empowerment and Accountability for Oneself

Another strong association made with Airbnb is entrepreneurship, and with that, empowerment. Here too, books abound, with titles

like *The Airbnb Entrepreneur: How to Earn Big Profits, Even if You Don't Own a Property*[74] and *The Airbnb Expert's Playbook: Secrets to Making Six-Figures as a Rentalpreneur.*[75]

Airbnb itself uses the term "empower" frequently. Headlines such as "Airbnb Unveils Expansive Suite of Personalized Tools to Empower Hosts"[76] or "New Airbnb Partnership Empowers Rural Indian Women"[77] grace the company's website. On last year's International Women's Day, Airbnb published a blog post titled "Celebrating and Empowering Women Around the World."[78] It stated that

> [w]omen are some of the most avid and adventurous travelers, and the warmest and most hospitable hosts and guides. Today, 55 percent of our hosts are women, and the income they earn helps with everything from sending their kids to school, to living independent lifestyles, to letting them pursue their passions.[79]

I will leave the gender analysis of essentialism to another time and place.[80]

"People generally know what's best for them, or at least they know better than government regulators. The peer-to-peer economy helps them get what they want, faster, cheaper and more efficiently," claims an opinion piece in the *Chicago Tribune*.[81] Independence is a key component of the promotion of the "sharing" economy consumers. We would (should) thus be seeking to empower ourselves independently in the face of undue state regulation.

Empowerment, especially when accomplished through entrepreneurial endeavours, can also have as a corollary accountability for oneself, which is not present to the same degree in the context of being employed. In the case of Airbnb, *Fortune Magazine* coined the following headline to express the company's business strategy: "Making a business out of not being responsible."[82]

The host is the one assuming the risks, not Airbnb. A contributing editor to *The Nation* magazine comments with irony about the public message on the sharing economy:

> [The sharing economy] sees us all as micro-entrepreneurs fending for ourselves in a hostile world. […] Can't afford a place to live while attending grad school? Take a two-bedroom

> apartment and rent one room out. You may lack health insurance, sick days and a pension plan, but you're in control.[83]

The Airbnb host is accountable for his or herself in the case of any changing life circumstances or fork in the road that he or she may encounter, such as pregnancy or disability.

Moreover, Airbnb is not necessarily about making money to afford additional luxuries. For example, in the case of Vancouver, Airbnb released a report stating that "more than half of the people who rent out their homes do so to afford their cost of living."[84] Airbnb's "Fast Facts" webpage informs us that "52% [of hosts] are moderate to low income" and that "48% of host income is used to pay for regular household expenses like rent and groceries."[85] While these statistics are presented as a promotion of the help Airbnb is offering society, this perspective implicitly accepts the fact that a vast number of people cannot afford to subsist while taking part in the traditional employed labour force. Indeed, many people are enticed into Airbnb hosting because of mortgage debt they cannot afford to pay.[86] A recent start-up, Loftium, even offers to pay for the down payment to buy a house, in exchange for one to three years of renting a room on Airbnb, save for eight days at the discretion of the new homeowners, and sharing the profits with the company.[87] Perhaps we are to question the structure creating such precariousness, rather than patching the holes with another form of precarious work. I argue that this structure is underpinned by the logic of neoliberalism, which will be deconstructed in section IV.

iii. The Missing Connection: Airbnb and Labour Rights (and Right to Labour) in the Hotel Industry

The precarious labour situation of many workers in both categories is prevalent. Indeed, this might not be so evident in the context of Airbnb hosts, whom we might think of as people who own property and are thus in a comfortable financial situation; however, the high percentage of persons who use this income for basic needs, as presented above, tells us otherwise. The labour rights issues of hotel industry workers presented above also paint a picture of, although not generalized, potentially prevalent labour precariousness. The situation can be even more complex when it is considered that Airbnb hosts might also be workers in the hotel industry at the same time, or that Airbnb hosts might contract with management companies to

complete hosting-related tasks such as communication with guests or cleaning.[88] In the latter case, hotel-room attendants might then also provide cleaning services for an Airbnb host, for example.

It appears, though, that the connection is rarely made between the labour situations of hotel industry workers and Airbnb hosts. Of course, their situations are not comparable. But the rise of Airbnb could come to mean that the "low-skilled" hotel industry workers experience a right-to-labour situation, especially in the cases where they do not themselves have extra space to rent on Airbnb.

IV. Making Sense of the Discourse: Foucault's Neoliberalism and Brown's Economization of the Individual

Wendy Brown, a professor of political science at UC Berkeley,[89] delivered a sharp critique of neoliberalism and its threat to democracy in *Undoing the Demos—Neoliberalism's Stealth Revolution*. Its relevancy for making sense of the discourse on Airbnb and labour emanates both from the fact that Airbnb is coined as participating in the "democratization of services,"[90] and from the fact that the themes highlighted above, frequently used in the public discourse on the platform, can also be considered as pillars of neoliberalism. Her critique is based on Foucault's conceptualization of neoliberalism in *The Birth of Biopolitics: Lectures at the Collège de France, 1978–79*. Accordingly, Foucault's contribution will be briefly reviewed before Brown's work is presented in more detail, and applied to the themes of Airbnb and labour, identified above as a frame of reference for making sense of the public discourse on the topic.

i. The Main Arguments on Neoliberal Rationality from Michel Foucault's *The Birth of Biopolitics* and Wendy Brown's *Undoing the Demos*

Foucault delivered lectures at the Collège de France in Paris from 1971–84, and transcripts of his talks are collected in *The Birth of Biopolitics*. He speaks at length of neoliberalism, distinguishing between the German form and the American form,[91] a distinction that will not be maintained for the purposes of this chapter. For Foucault, neoliberalism is not a revitalization of forms of liberalism from the eighteenth and nineteenth centuries; rather, it is concerned with "whether a market economy can in fact serve as the principle, form, and model for a state which, because of its defects, is mistrusted by everyone on both the right and the left, for one reason

or another."[92] In opposition with liberalism, "[t]he problem of neoliberalism is rather how the overall exercise of political power can be modeled on the principles of a market economy."[93] Furthermore, Foucault identifies "a shift from exchange to competition in the principle of the market," from liberalism to neoliberalism.[94] Rather than constituting an equal relationship, free exchange is typically associated with inequality.[95] Competition is neither evident nor natural; it operates under a formal structure,[96] and as such, "[n]eoliberalism should not therefore be identified with laissez-faire, but rather with permanent vigilance, activity, and intervention."[97]

Foucault also addresses what he considers to be the neoliberal conception of unemployment:

> [w]hat is to be saved, first of all and above all, is the stability of prices [rather than full employment]. Price stability will in fact allow, subsequently no doubt, both the maintenance of purchasing power and the existence of a higher level of employment than in an unemployment crisis […]. As, I think it was Röpke said, what is an unemployed person? […] He is a worker in transit between an unprofitable activity and a more profitable activity.[98]

Foucault observes an "essential epistemological transformation" within neoliberal analyses, which he explains in the context of labour:

> [t]he problem of bringing labor back into the field of economic analysis is not one of asking about the price of labor, or what it produces technically, or what is the value added by labor. The fundamental, essential problem […] is how the person who works uses the means available to him.[99]

What a neoliberal society wants of humans "is not the man of exchange or man the consumer; he is the man of enterprise and production."[100] This being the case, "there is a privileged connection between a society oriented towards the form of the enterprise […] and a society in which the most important public service is the judicial institution," as more disputes necessitating legal arbitration are likely to emerge.[101]

Brown builds on Foucault's neoliberal governing rationality, in *Undoing the Demos*, to argue that neoliberalism not only dominates the economic sphere, but also all other social spheres. Therefore,

> neoliberalism is formulated somewhat differently and focuses on different deleterious effects. In contrast with an understanding of neoliberalism as a set of state policies, a phase of capitalism, or an ideology that set loose the market to restore profitability for a capitalist class, I join Michel Foucault and others in conceiving neoliberalism as an order of normative reason that, when it becomes ascendant, takes shape as a governing rationality extending a specific formulation of economic values, practices, and metrics to every dimension of human life.[102]

In this governing rationality, humans are "*homo oeconomicus*."[103] Brown brings this concept further than Foucault. Foucault conceived of it as meaning that humans are "driven by interest," while Brown argues that "this subject is so profoundly integrated into and hence subordinated to the supervening goal of macro-economic growth that its own well-being is easily sacrificed to these larger purposes."[104] As such, "market values are crowding out all others."[105]

An extended logic of neoliberal governing rationality comes to mean that "[r]eversing the liberal formulation in which a free market is defined and supervised by the state, […] the state should be defined and supervised by the market."[106] Or, in the words of Foucault: "[o]ne must govern for the market, rather than because of the market."[107] Airbnb imposed on the state the regulation of its activities, as they were novel and disruptive. Heated public debates arose concerning the shape that such regulations should take, but at the end of the day, a significant proportion of them do not prohibit Airbnb from existing; they frame how it can exist, as it is considered an inevitable market force.

"Contemporary neoliberalism is unthinkable without governance,"[108] Brown states. Airbnb's constant negotiations with governments to secure regulations that allow it to maintain its activities in different cities resonate with Brown's description of governance, and with how we can conceive of Airbnb's societal power:

> [g]overnance replaces hierarchical, top-down mandates and enforcement with horizontal networks of invested stakeholders pursuing a common end. And governance replaces "command and control" with negotiation and persuasion. Effective governors create incentives for desired outcomes and negotiate over goals, even those that public action is to serve.[109]

The role of law in a neoliberal governing rationality is again taken further than Foucault by Brown, as "law becomes a medium for disseminating neoliberal rationality beyond the economy, including to constitutive elements of democratic life."[110]

Coming back to the fact that Airbnb is often presented as a form of democratization, it is interesting to take note of Brown's words in *Undoing the Demos*' epilogue: "[a]bove all, no doubt, neoliberal rationality has been extremely effective in identifying capitalism with democracy."[111]

ii. Labour in a Neoliberal Governing Rationality

Brown paints a dark picture for the future of labour within a neoliberal governing rationality:

> When everything is capital, labour disappears as a category, as does its collective form, class, taking with it the analytical basis for alienation, exploitation, and association among laborers.[112]

> [Therefore,] [a]s capitals, every subject is rendered as entrepreneurial, no matter how small, impoverished, or without resources, and every aspect of human existence is produced as an entrepreneurial one.[113]

This can be understood as the basis of a logic of turning hobbies into jobs; this is not to propose that one cannot and should not enjoy his or her work, but rather to state that there might be an underlying pressure to monetize time spent on hobbies as to not waste this time, or a constant lure to monetize them rather than be satisfied with enjoying them. The same can be true about Airbnb; guest rooms should not be considered as exclusively for welcoming a relative or friend, but rather as possible avenues for monetization of our private space. It almost appears as if one should ask themselves: why not turn this private space into a monetization avenue? If one's home is conceptualized as capital waiting to be monetized, then indeed a shift is operated between seeing labour as being accomplished outside of one's private resting space, to extracting value from capital at every turn in a normalized manner.

In this entrepreneurial, competition-driven environment, how do labour rights fit in? Harry Arthurs observes the following:

> [b]y widening the gulf and shifting the numerical balance between workers still protected by labour law and those who are not, it [the rise of non-standard employment] may also have contributed to a new political dynamic in which have-not workers acquiesce in or support efforts to strip the haves of their advantages.[114]

As concerns Airbnb hosts, are we questioning who has access to extra space to monetize in the first place, or are we only concerned with sustaining a "healthy" competition between the Airbnb market and the traditional hotel market? Are we questioning the labour rights of Airbnb hosts, or are we only concerned with eschewing regulations that restrict their possibilities of accomplishing their hosting?

iii. Questioning the Themes Emerging from the Public Discourse on Airbnb and Labour

The four themes that I have identified as emerging from the public discourse on Airbnb and labour can all be presented as positive. On the other hand, freedom and empowerment are also sometimes deconstructed as illusions, and monetization and accountability for oneself are sometimes criticized for their negative societal effects. Here, I revisit the four themes using as a theoretical framework Brown's critic of neoliberalism, and necessarily in this context, that of Foucault as the underlying basis. The objective is to make sense of a public discourse that does not seem to take labour rights issues into serious consideration. In associating the themes with neoliberalism, and in positing neoliberalism as our current governing rationality, I seek to frame the underlying logic of the discourse and its coherency, to offer a more solid interpretation of why the public concentrates on certain issues and not others. The analyses emanating from the deconstruction of the four discourse themes seek to explore how we have cast, in a normalized manner, Airbnb labour as outside of the sphere of "traditional labour," the sphere within which labour rights have been acquired, under this neoliberal governing rationality.

1. Freedom and Monetization Revisited

In a neoliberal governing rationality, Brown proposes that freedom becomes associated with freedom of markets; one is free within the constraints of market rationality. Therefore, inequality characterizes

this freedom, rather than equality being protected through the rule of law.[115] As stated above, neoliberalism is not about state non-intervention; it is about state intervention to optimize markets. As such, this "order [is] replete with contradiction and disavowal, structuring markets it claims to liberate from structure, intensely governing subjects it claims to free from government, strengthening and retasking states it claims to abjure."[116]

The language of freedom, borrowed from liberalism, is still in high use by neoliberal tenants ("free markets, free counties, free men"[117]), but this would be the "central ruse" of this governing rationality. Indeed,

> [s]ubjects, liberated for the pursuit of their own enhancement of human capital, emancipated from all concerns with and regulation by the social, the political, the common, or the collective, are inserted into the norms and imperatives of market conduct and integrated into the purposes of the firm, industry, region, nation, or postnational constellation to which their survival is tethered.[118]

Brown's words tie well with the aforementioned article on Nate Blecharczyk titled "Airbnb Co-Founder: Make Money Off Your Hobbies," when she states that "human capital is constrained to self-invest in ways that contribute to its appreciation or at least prevent its depreciation; […] [this includes organizing its] leisure practices in value-enhancing ways,"[119] blurring the lines between personal hobbies and jobs, between the private and the work space.

In the context of free speech, Brown also addresses this through the eyes of a neoliberal governing rationality, which "supplants democratic political deliberation and voices with a formulation of speech as capital and free speech as an unhindered capital right."[120] Airbnb is seeking relief from strict regulations of the activities of its hosts on such a basis through its legal challenges related to freedom of speech provisions. It is seeking to be freed from constraints on its profits; many hosts support these actions in order to be free to monetize their space under the auspices of Airbnb, which is market- rather than state-driven.

Are Airbnb hosts truly finding freedom, from a schedule, from financial constraints, from regulation? After all, hosts are dependent on a guest wishing to secure a booking at a precise moment. Hosts

are dependent on their pleasantness as hosts and the attractiveness of their space in competitive terms in order to monetize it to the point of freedom from financial worries, considering the additional financial burden of self-employment. Hosts are dependent on Airbnb as a platform, which makes some of the most impactful rules, such as the percentage it takes on each booking. Therefore, are hosts truly freed from potentially oppressive regulation, when Airbnb negotiates lenient regulations with governments?

Monetization is also key in the neoliberal project, but it is extended to the concept of economization. As such, monetization is to be understood in a greater context of economization of all the elements constituting social life, sometimes with the help of state regulation;[121] it can thus also be linked to the lure of monetizing everything, but also to applying the "model of the market" to all spheres, even those that are not "monetizable."[122] Brown gives the example of dating, quoting the manner in which online dating sites promote their services as helping one "maximiz[e] return on investment of affect, not only time and money."[123] Therefore, "both persons and states are expected to comport themselves in ways that maximize their capital value in the present and enhance their future value."[124] This gives true meaning to the term "governing rationality," as we are restricted, consciously or not, to thinking within this logic.

Orly Lobel, writing on the gig economy, states that "[l]eisure becomes work, work becomes leisure, socialization turns costly, and people price every interaction according to market value."[125] When Airbnb is promoted as providing hosts with the pleasure of having conversations with people from around the world on one's own patio, thus promoting meaningful engagements with guests as part of an optimized hosting labour act, does this not also promote the economization of friendship? Being especially friendly, in this case, can lead to better ratings on the host's profile. Moreover, Airbnb can also lead to monetizing one's attractiveness, in the context of hosts posting their pictures, or of guests posting theirs, waiting to be approved for a cheaper room on Airbnb than can be found in a hotel in the surrounding area. This leads to obvious problems, such as discrimination based on racialized physical features, which, of course, is prohibited in the hotel industry; but in the context of Airbnb, it is a free market, after all, and one can pick and choose. This was documented in a 2015 study, which proposed that the identity of guests not be revealed; however, "Airbnb, a standard-bearer of

the so-called sharing economy, has argued forcefully that anonymity is incompatible with building trust between users."[126] This past September, Airbnb reacted with a new community commitment, as well as a nondiscrimination policy that users must accept.[127] Brown argues that neoliberal governance, namely, "devolv[es] authority, decision making, and the implementation of policies and norms of conduct."[128] Are Airbnb's regulations enough to curb discrimination, in a context of competition? Or, is there really just one guideline for all others—that of a "free" market?

2. *Empowerment and Accountability for Oneself, Revisited*

Empowerment, as discussed above, is often associated with entrepreneurship in the Airbnb context, or self-employment in general. Brown argues that beyond traditionally conceptualized entrepreneurship, under a neoliberal governing rationality, we seek "investors" in all spheres:

> [w]hether through social medial "followers," "likes," and "retweets," through rankings and ratings for every activity and domain, […] the pursuit of education, training, leisure, reproduction, consumption, and more are increasingly configured as strategic decisions and practices related to enhancing the self's future value.[129]

Through Airbnb, are we empowering ourselves through the gamble that using this platform will give us more value than could be achieved through employment, in a context where competition is the name of the game, rather than equal opportunity?

Or, put differently, are the contours and limits of empowerment constricted within the governing rationality? Perhaps this helps us interpret how so many workers are moving towards "empowering" their labour through sharing economy platforms, seemingly oblivious to the labour rights they might be leaving behind.

Accountability for oneself thus appears central within a neoliberal governing rationality. Seeing that society in a competition framework is not characterized by equality, but rather is constituted of "a market formulation of winners and losers,"[130] one must take it upon himself or herself to not be a "loser." As such, "even as we are tasked with being responsible for ourselves in a competitive world

of other human capitals, insofar as we are human capital *for* firms or states concerned with their own competitive positioning, we have no guarantee of security, protection, or even survival."[131] Hosts are human capital for Airbnb; the company does not offer any guarantees such as those stated above, even as it secures millions of dollars from manoeuvring its competitiveness in the accommodation industry, while hosts are accomplishing the substantial labour.

Brown argues that we are willing to sacrifice for the greater macroeconomic goal.[132] Following this argument, is it that we "understand" that the economy cannot offer costly labour rights to everyone, and thus self-employed workers must pay their due? Brown proposes that "bad citizenship" is namely characterized by workers that are "lazy consumers of benefits."[133] After all, we are "to become […] responsible self-investor[s] and self-provider[s]."[134]

If we economize everything, then when are we accomplishing labour? How can we displace labour rights to such a context? How do we reconcile these rights with the logic of competition, in which inequality is naturalized?

Surely, many consumers feel advantaged by using Airbnb and do not question labour rights issues. But the fact is that many of these same consumers are susceptible to being at the receiving end of labour rights losses. This can occur whether they are workers in the hotel industry and face a downward pressure on labour rights through competition with Airbnb; if they decide to become Airbnb hosts themselves, perhaps even quitting their employee job in order to do so; or these losses can simply occur through our shifting conception of labour rights in the furtherance of the neoliberal governing rationality.

V. Conclusion

Resistance initiatives to the adverse effects of the so-called sharing economy are certainly emerging. A proposal gaining ground is that of a guaranteed basic income for all workers. This would contribute to levelling power relations for workers in the sharing economy.[135] As for financing this idea, well, "[h]ad they [Silicon Valley technology companies] paid more taxes, there would probably be less economic inequality to grapple with now in the first place."[136]

What might the future of labour rights look like if neoliberal rationality is to be consolidated and expanded? In the case

of Airbnb, the discussion must be tied to one on subordination, prevalent in tourism studies. The carefree mindset often accompanying leisure tourism can potentially contribute to complicity in reproducing existing social subordinations, or in participating in subordination practices inherent to the guest-host relationship. Gender, racial, and class subordinations can thus be reinforced through the attitudes and behaviours of tourists. This is largely documented in the cases of practices of sexualisation of tourism promotion,[137] or of insisting on the exoticism of locals in the context of this promotion.[138] Similar reflections are possible concerning labour rights and Airbnb. Do tourists feel accountable for the labour rights situation of their Airbnb hosts, or of the hotel industry workers, for that matter, or do they feel that this is a national issue that they are not a part of? As in any tourism relation, playing the "game" of a market mindset, a strategy can be to concentrate on the power of the "guest," the consumer, and his or her awareness of national social issues.

Notes

1. Sabrina Tremblay-Huet is a doctoral candidate in law and lecturer at the University of Sherbrooke Faculty of Law. I wish to thank Orly Lobel and an anonymous reviewer for very helpful comments, as well as Finn Makela, Derek McKee, and Teresa Scassa for holding such a stimulating workshop.
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