
Riding with the Enemy: Client Identities and the Legal Making of Counter-Alliances

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Abstract

"Consumption is the sole end and purpose of all production". With these words, Adam Smith placed consumers at the centre of economic life. Platform capitalism, despite its innovations, retains this foundational logic of the market economy. However, consumers are no longer mere passive buyers: their redefined role now encompasses three overlapping identities shaped by platform design.

First, as traditional consumers, they enjoy on-demand goods and services, perceiving themselves as autonomous contractual parties. Second, as unintended antagonists of platform workers, their behavioural data and preferences feed algorithmic management systems that discipline labour. Third, as hidden co-producers, their digital activity contributes to value creation, effectively integrating them into the value chain.

Digital platforms are in fact designed to profit from the structural tension between clients and workers. Depending on the product market, business model, and degree of user involvement, platforms deploy features – such as algorithmic pricing, real-time tracking, tipping systems, rating mechanisms, and communication restrictions – to foster asymmetries and intensify adversarial roles. The ultimate objective is to favour one side over the other based on relative network externalities. However, these frictions can also create spaces for convergence. It is no coincidence that consumer class actions have been among the earliest forms of contestation in United States courtrooms, dismantling platforms' own narrative of neutrality and revealing how pricing structures may amount to misrepresentation and wage theft – thereby indirectly advancing workers' interests.

This contribution argues that no single legal tool can address the complexity of platform capitalism, where exploitation affects individuals as such-regardless of their market function. If the stated goal is to redistribute power in favor of the weaker parties, legal construction and legislative reforms must be tailored to each platform's configuration, disrupting the structural preferences embedded in platform design that privilege one side of the trilateral relationship. Drawing on a comparative analysis of paradigmatic court decisions and regulatory responses across multiple jurisdictions (United States, European Union, and Latin America), the paper shows how diverse legal tools – from consumer and data protection to antitrust and anti-discrimination law – can challenge platform-assigned identities and power relations.

Thus, thanks to a key feature of legal systems – their indeterminacy and openness to interpretation – law can serve as a terrain for collective struggle. This is especially true when combined with grassroots activism and unionism, which can forge fragile yet purposeful alliances and pressure courts and legislators to rethink platform accountability.

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Keywords: Platform capitalism, client identities, algorithmic management, comparative law and policy