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AI, labour and property: Rethinking legal regimes in the era of automation

ABSTRACT

This article critically assesses the evolving relationship between artificial intelligence (AI), labour and property. It begins by interrogating dominant narratives that frame AI as a form of intelligence, revealing their ideological underpinnings and drawing on recent scholarship that situates AI as historically rooted in systems of labour imitation and supervision. It then turns to the impact of AI on the nature of work itself, arguing that its introduction in late capitalist economies intensifies the extraction of human knowledge and further obscures the invisible labour performed by the most exploited workers. The article then explores the entanglement between AI and property regimes, contending that the proliferation of AI technologies is facilitated by legal frameworks that reproduce a conventional, individualistic form of property – one that privileges the interests of owners over those of non-owners and users. In its final section, it considers potential legal tactics for reimagining AI beyond proprietary logics, including the possibility of conceptualising AI as a commons.

KEYWORDS

Platform capitalism, digital labour, Artificial Intelligence, property, commons.

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1. Introduction

The aim of this article is to develop a critical reflection on the evolving relationship between AI, labour and property. Its focus will be on how the spread of AI in workplaces has affected labour and how property as a legal form has played out in this process. The main thesis advanced is that a conventional proprietary approach to AI – one in which the conception of property adopted is absolute and individualistic, with the interests of the owners prioritised over those of non-owners – enables the extraction of human knowledge and invisibilisation of work that is making AI a threat for social and labour relations. To reverse this trend, legal tools could be deployed to build a non-proprietary approach to AI, which would concern not only the ownership of data but even that of AI technologies as a means of production in the current productive system. The issue that will be explored, then, is whether it is possible to conceive AI as a commons.

The article will be structured as follows. In the second part, I examine a series of critical theories that in recent years have stressed how the development of AI has been rooted from its inception in the imitation of labour relations established during the first Industrial Age. According to these scholars, the foundations of AI lie not in biological intelligence or neuroscience – as much of the prevailing enthusiastic rhetoric on AI suggests – but rather in a logic of work supervision and control.

Since the introduction of the first computational machines, this logic has sought to replicate the organisation of work activities.

The third part shifts focus to the relationship between AI and forms of labour in the current capitalist phase. I explore two central dimensions of this relationship: first, the expansion of low-cost labour required to support AI systems – including non-qualified workers engaged in global data collection processes; second, the replacement of managerial and supervisory functions with AI technologies, which significantly reshape mechanisms of control, recruitment and organisation of workers, often with little transparency regarding the criteria employed.

In the fourth and fifth part, I examine the role that law – and property law in particular – has played in facilitating the introduction and spread of AI in labour contexts. The adoption of these technologies in the organisation and supervision of labour has been made possible largely through legal mechanisms: rules, norms and contractual clauses of private law that have enabled their diffusion.

Adopting a critical approach, I explore how the legal form disciplining the relationship between individuals and things – namely, property – is at work in the context of AI's spread in work. This perspective highlights how the appropriation and dispossession of human knowledge via AI constitutes a new phase in the historical process of enclosure, which has characterised modern societies since the seventeenth century and, in earlier phases of capitalism, targeted other resources such as land. This line of inquiry leads to a tentative conclusion, in which I ask whether and how law might be used to challenge the current trajectory, wherein AI is deployed as part of a logic of endless profit maximisation. I consider the possibility of redirecting AI towards goals of social cooperation, redistribution of power in the workplace, and more equitable distribution of wealth across society. In other words, I ask whether it is possible to imagine and institute AI as a commons.

2. Which 'intelligence' of AI? Imitating labour relations

Despite the persistence of enthusiastic rhetoric surrounding technologies falling under the term of AI, there are good reasons to keep a sceptical stance towards their introduction into various spheres of social life, and to critically interrogate the belief in its supposed neutrality. As Stefano Rodotà observed years ago, the role of technology in society derives from its concrete forms and uses, as these are the crucial elements that ultimately contribute to defining its social meaning and impact¹.

AI is no exception to this insight. Therefore, before embarking on any inquiry into the relationship between AI, labour and law, it is essential to undertake an operation of de-mystification of AI: to examine the roots of the narrative surrounding its alleged super-intelligence and unpack this as one of the ideological formations of our time. This does not mean to demonise AI, but to adopt a materialist approach – one that situates this technology within the socio-economic conditions of its emergence. It means to recognise that in modern capitalist societies, technologies are deployed in the service of profit-making², and that what common sense portrays as immaterial technologies are in fact inseparable from the materiality of political economy³.

On this matter, a set of recent studies have approached AI not from a top-down perspective – focusing on the modes of institutional control and government – but as a technology emerging from contingent interactions between humans and tools, and closely linked to the historical trajectory of capitalist transformations⁴. A notable contribution in this field is the critical history of AI developed by philosopher of science Matteo Pasquinelli in *The Eye of the Master: A Social History of Artificial Intelligence*. The central thesis of the book is that from its introduction, AI has not been imitating biological intelligence or neural processes – as dominant narratives suggest – but rather the specific

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¹ Rodotà 2021

² Zuboff 2019

³ Kohlbry 2024

⁴ Moore 2020; Celis Bueno et al. 2025

form of human intelligence implicated in labour relations. A thorough reconstruction of the ways in which early computational machines were used to coordinate and supervise labour during the first Industrial Age illustrates that AI's development is more tied to the organisation of labour than to the fields of mathematics or neuroscience, as claimed by proponents of its alleged autonomous intelligence.

To better understand this argument, it is helpful to briefly clarify what is meant by algorithm. As Pasquinelli notes, in computer science an algorithm is equivalent to a procedure: a finite set of instructions designed to turn an input into an output by making the best use of finite resources⁵. An algorithm is a social process, which brings to the resolution of a problem through a sequence of step-by-step commands. A materialist approach adds depth to this definition by tracing the use of algorithms by human civilisations well before the modern era: they have long been employed as tools to capture and reproduce the aspect of human intelligence that develops through interaction with tools and technologies, that is, labour. In this light, the algorithm is an ancient cultural technique that only recently became integrated with a modern discipline such as computer science⁶. Lastly, and from an economic standpoint, the algorithm – despite its intangible form – is a component of what we may consider as fixed capital. Just like other machines deployed in the productive process, the algorithm belongs to an owner who utilises it to process information flows for the purpose of gaining competitive advantage over other private actors⁷.

The close connection between algorithms and human labour has taken different forms across different stages of capitalist modernity. Already during the first Industrial Age, productive processes were broken down into simple tasks and transferred to machines in the form of algorithms. What distinguishes the current phase is the emergence of the so-called adaptive algorithm, associated with the development of a process known as *algorithmic modelling*. This development marks a shift from the algorithm as a rigid sequence of rules towards one that is flexible – able to adjust its operations based on the data it collects, meaning that rules are no longer static but continuously evolving according to the data the algorithm is fed with. Therefore, when AI systems extract human knowledge from labour and convert it into data, the outcome is also the training of the machine itself and the generation of models for pattern recognition. The aim of systems based on adaptive algorithms is to encode individual behaviours into vast sets of statistical correlations, which serve predictive functions regarding future actions⁸. This innovation, rooted in the introduction of artificial neural networks in the 1950s, is now embedded in widely used AI systems, such as ChatGPT. Such an adaptive and predictive capacity significantly enhances AI's ability to monitor and direct workers, extending its reach well beyond the workplace and to exert a broader influence over society at large.

3. The impact of AI on labour forms: more extraction and invisibilisation

Demystifying the notion of AI's intelligence and tracing its origins in the imitation and regulation of labour relations is crucial to understanding its current impact on labour itself. Abandoning the myth of AI's super-intelligence allows us to reject the assumption of its neutrality and approach its influence on work as a socio-political phenomenon that goes beyond a merely technical dimension.

If the technological element is embedded within broader social and labour relations, then the digital transformation of labour can be a lens through which to observe the modalities and contradictions of contemporary regimes of accumulation and production⁹.

⁵ Pasquinelli 2023: 26

⁶ Ivi: 30

⁷ Vercellone and Di Stasio 2023

⁸ Pasquinelli 2023: 236

⁹ Perocco and Pirina 2025

In the present conjuncture, work is increasingly mediated by platforms – digital infrastructures that enable interactions among individuals and groups and serve as intermediaries between customers, service providers, producers and physical objects¹⁰. This has led to a twofold transformation of labour: first, an *expansion of platform work* – tasks carried out directly via software from electronic devices; and second, a broader *platformisation of work*, whereby characteristics of platform work are incorporated across diverse sorts of productive activities¹¹.

A major consequence of the introduction of platforms in work is the intensification of extractive processes, which is closely linked to the proliferation of invisible labour at stake in productive processes. This occurs in several ways. First, it is evident in the multiplication of outsourced workers in charge of generating data, mostly located in the global South, who are part of a precarious and underpaid workforce and a broader dynamic of job displacement¹². Second, extractive dynamics are deepened by the involvement of the so-called free digital labour – for instance, unpaid activities performed by users of social media and search engines, who generate contents and interactions that are used to train AI systems – actors whose condition is a hybrid between production and consumption and are therefore called prosumers¹³. Thirdly, the expansion of extraction is reinforced by a large set of human-machine interactions, which take place through devices of common use such as chatbots and vocal assistants and contribute to refining AI technologies¹⁴. In sum, the introduction of platforms enables an intensification of extractivism that goes hand in hand with an expansion of invisible work, such as reproductive labour, on which the capitalist system has thrived¹⁵. At each wave of technological innovation, work does not get eliminated, on the contrary: it is displaced, sometimes onto the machine, more often on workers¹⁶. As argued by Illich decades ago, to the extent that some people's labour is ignored as they are framed as non-persons, more invisible work is created¹⁷.

Workers' vulnerability is further exacerbated by the deployment of AI not only to mediate work but also to execute core managerial functions such as supervision, evaluation and control. As these roles are increasingly automated, workers find themselves subject to algorithmic management systems capable of instantaneously assessing performance and promptly dismissing those deemed inefficient. While mainstream discourses on AI stress its alignment with neoliberal imperatives such as flexibility, innovation and efficiency, workers are being stripped of their dignity and rights to comply with standards set by algorithms deployed to quantify human capacities and crystallise existing hierarchies¹⁸.

Legal frameworks have begun to partially respond to these developments. The 2024 EU Artificial Intelligence Act, for example, establishes that employers may only use AI systems following the modalities of use provided by their developers to avoid their deployment for illicit purposes¹⁹.

However, such measures have been criticised for focusing narrowly on non-discrimination and fundamental rights protection and failing to promote a broader process of digital emancipation, which would empower citizens to actively assert and defend their rights in the face of increasingly pervasive AI systems²⁰.

Interestingly, despite the transformations of work brought about by digital platforms, we live in a time in which AI remains incapable of fully replicating the tasks performed by those regarded as manual workers par excellence – truck drivers, for instance. Paradoxically, the more automation

¹⁰ Srnicek 2016

¹¹ Benvegnù et al. 2022

¹² Le Ludec et al. 2023; Matheus et al. 2023

¹³ Vercellone and Di Stasio 2023

¹⁴ Ruta 2025

¹⁵ Adams 2022; Rodríguez-Modroño et al. 2023

¹⁶ Star and Strauss 1996

¹⁷ Illich 1981

¹⁸ Deranty and Corbin 2022

¹⁹ European Parliament and Council of the European Union 2024

²⁰ Kusche 2024; Mazur and Włoch 2024

advances, the more the human intelligence embedded in activities deemed as manual appears with clarity²¹. This confirms a thesis long proposed by theorists, namely the inherently cognitive character of human labour. As Marx writes in the *Capital*, what distinguishes the human species from other living beings is labour – the activity through which humans transform nature and, in doing so, reshape their own nature. Specifically, what is peculiar to human labour is its cognitive dimension – a combination of action and thought that differentiates it from the mechanical character of animal labour²². What is important for our reflection is the anthropological dimension of labour that is at the heart of this analysis, which seems to resurface with renewed strength in the current wave of technological innovation. Upon these premises, it is worth turning to the institution disciplining the relationship between the human individual, the machine (in this case, AI), and the product of their interaction (the data). In other words, it may be useful to look at how property as a legal form plays out in the diffusion of AI in the sphere of work.

4. The role of property in enabling AI: algorithm as fixed capital and data enclosure

If AI has emerged as a prominent technology for the organisation and control of labour that is also, and mostly, thanks to law. Indeed, it is mainly through private legal tools – such as contractual clauses, technical protocols – that the appropriation of data as an immaterial resource and its conversion into a central element of production has been achieved²³. For this reason, it is worth exploring the connection of AI to one of the main private legal forms, particularly the one that disciplines the relationship between individuals and things: property. The question is whether and how property is transforming in the circumstances of technological innovation brought by AI. To provide a tentative answer, it is important to clarify how property is involved in an economy in which productive processes are increasingly organised by AI technologies, which means investigating two aspects: who owns the machines that are used by workers in platform capitalism? And who owns the data that is created by the workers interacting with the platforms?

Regarding the first aspect, as already mentioned, it is helpful to conceive the algorithm – and the machines operating on its basis – as a form of fixed capital: an essential component of the production cycle that, while not directly generating value, enables and organises labour. Law plays a crucial role in instituting the algorithm as private property – something that belongs to an owner (of the means of production) and whose functioning remains largely opaque to the users involved in the productive process. This conception reflects a quite conventional notion of property characteristic of modern capitalist societies: an absolute and exclusive right designed to protect the interests of owners and to the detriment of users and non-owners²⁴.

Turning to the second aspect, namely the ownership of data generated through interactions with AI, it is important to interrogate what is actually appropriated each time a human engages with these technologies. In contemporary economies, human knowledge itself becomes subject to private appropriation, transformed into data flows that are then claimed as property by platform owners. This dynamic closely resembles other phases of capitalist development, during which resources previously considered as common – such as land, water or wood – were enclosed and privatised and corresponding collective rights were destroyed. It is taking place what Naomi Klein aptly describes as “the greatest theft in human history”, whereby private companies are seizing the totality of human knowledge which “exists in digital, scrapable form and walling it off inside proprietary products,

²¹ Pasquinelli 2023

²² Marx 2010

²³ Marini 2024

²⁴ Nieswandt 2021

many of which will take direct aim at the humans whole lifetime of labour trained the machine without giving permission or consent”²⁵.

5. Rethinking the relationship between AI and property: beyond data governance

In a global order governed by the logic of profit, AI is likely to function as yet another instrument of dispossession. Developing a non-proprietary approach to AI would mean reversing this trend, with a particular focus on data – its ownership, access and control. Critical scholarship on AI has been arguing that workers – all workers of digital economies, both those directly interacting with platforms and those relying on them as intermediaries between themselves and employers – should have access to the data they generate or that is generated about them while they are employed²⁶. A promising avenue would be to reconceptualise copyright over data not as a property right, but rather as a permitted privilege under certain conditions – akin to non-exclusive models of intellectual ownership such as the copyleft²⁷.

While establishing democratic data governance is crucial, a non-proprietary approach to AI cannot be reduced to data issues alone. A deeper challenge lies in overcoming the dominant, individualistic and absolute notion of property that underpins current regulations. This means reimagining property not as a monolithic, exclusive entity held by a single owner, but rather as a “bundle of rights” that can be reshuffled to serve the interests of non-owners, as legal realism has suggested²⁸. Reconceived in this way, property could accommodate the interests of users and other individuals who, while not holding a property title over AI, nonetheless maintain great stakes in its use. Such a reframing would shift the balance of power in favour of workers and non-owners whose labour generates data, whether formally recognised or not.

Ultimately, the broader question is how to reimagine AI as a commons: a collectively managed and governed resource that can serve to reduce socio-economic inequalities and redistribute wealth.

The issue of government is central to this operation: how can we construct direct forms of AI government that shift power toward workers and non-owners, and how can such arrangements be made durable? The focus should be on creating government structures in which open communities (of users and workers) collectively manage AI as a shared resource withdrawn from state and market logics²⁹.

Indeed, there are already signs of grassroots-driven transformations in this sense occurring in platform labour. Transport platform workers are increasingly engaging in strikes and transnational forms of organisation and solidarity, demanding stronger protections through regulation or, more radically, a redistribution of the value they create³⁰. These mobilisations, taking place both in courts and in political arenas, are shifting debates around AI governance beyond a liberal framework centered solely on the rights of citizens and consumers³¹.

A second promising domain for imagining AI as a commons is its application in addressing the consequences of climate change. In this context, it becomes possible to consider whether and how AI might be deployed to tackle pressing global issues that involve significant questions of redistribution and collective welfare. AI’s “super-human” capacity to crunch datasets and detect patterns among immense amounts of data is increasingly being used in projects to mitigate the impacts of climate

²⁵ Klein 2023

²⁶ Purtova and van Maanen 2024; Chan et al. 2023; Dencik 2021

²⁷ Xifaras 2010; Delacroix 2024

²⁸ Hohfeld 1913; Schlag 2015

²⁹ Ostrom 1991

³⁰ Umney et al. 2024; Woodcock 2021b

³¹ Dencik 2021

change. Examples include optimizing energy consumption, monitoring endangered species, and forecasting extreme weather events³².

Yet, the deployment of AI to mitigate the effects of climate change implies plenty of contradictions. Indeed, the development and operation of AI systems contribute to greenhouse gas emissions, particularly through the energy-intensive processes involved in training large-scale models and performing complex computations³³. Thus, while AI holds potential as a tool for environmental justice, its deployment also raises critical questions about the trade-offs between technological innovation and ecological sustainability.

6. Conclusion

This article has explored the entanglement of AI, labour, and property, revealing how AI technologies are deeply rooted in the imitation and control of labour relations that are enabled by property relations. The deployment of AI both exploits and invisibilises human work, relying on and exacerbating global inequalities while disguising its dependence on vast and undervalued forms of human knowledge. Law, and especially property law, has been playing a pivotal role in facilitating these dynamics by consolidating AI within an individualistic and absolute proprietary framework that privileges owners over workers and users.

Rethinking AI through a critical socio-legal lens reveals that addressing data governance alone is insufficient. What is needed is a radical reimagining of property relations – moving beyond proprietary logics and conceiving AI as a commons. Such a shift means considering how collective, democratic forms of government might not only redistribute power in the workplace but also repurpose AI toward social cooperation. This perspective demands to see AI not as a neutral force of technological progress but as a contingent social product – one whose future direction remains open to legal and political intervention.

Ultimately, the challenge is to turn AI from an instrument of enclosure into a means for instituting the commons. By centring it on workers' rights, knowledge equity, and environmental justice, we can begin to imagine and institute forms of AI governance that resist commodification and promote redistribution of wealth and resources. Whether this vision can be realised depends on our capacity to mobilise legal and political tools capable of confronting and overcoming the predominant proprietary paradigms.

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³² Jain et al. 2023; Leal Filho et al. 2023

³³ Cows et al. 2023

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