

A Landscaped Campaign: Gig Companies and the Appropriation of Voice in California's

Proposition 22

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Abstract

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After a contentious debate with the California legislature about the legal status of rideshare drivers, Uber, Lyft, and other gig companies had the final word when voters agreed to pass their initiative, Proposition 22. The vote designated rideshare drivers as gig contractors, barring them from employment protections. Many Californians, including drivers themselves, claimed they were misled by the initiative campaign. Building on theories of voice and appropriation, I argue that the gig companies behind the Yes on Prop 22 campaign misled many California voters through a rhetorical process I term landscaping. This rhetorical process, distinct from faux-grassroots astroturf campaigns, works through the centering of strategically framed and selected aspects of individuals' genuine lived experiences to recast a piece of corporate-authored legislation as democratic and socially progressive. Applying this concept to an analysis of the

Yes on Prop 22 campaign website, I illustrate how landscaping works to create the impression that a policy is authentically in the best interests of those it harms. Landscaping represents one way in which corporate modes of appropriation work. Faced with the ease with which an astroturf campaign is uncovered and denounced, corporate rhetors take advantage of the fact that the apparent authenticity of individual voices persuades. To reckon with the broader implications of campaigns such as Yes on Prop 22, I conclude that rhetorical scholars must be attentive to the design of corporate strategies to mislead the public, and change their diagnostic tools accordingly.

Introduction

On the day that California’s Proposition (Prop) 22 passed, Rideshare Drivers United organizer Nicole Moore told the *LA Times* that she was repeatedly congratulated on her campaign’s success. She then had to clarify that her side lost.¹ Moore was one of many workers in the gig economy that fought hard against the initiative, maintaining that Prop 22 would allow companies like Uber and Lyft to further exploit their already marginalized workforce. The measure established gig workers as neither employees entitled to protections and benefits, nor as independent contractors eligible for unemployment insurance. Instead, they are “gig contractors,” an alternative designation offering minimal protections amounting to far less than workers were previously entitled under federal law.² Berkeley’s Labor Center found that under Prop 22, the effective hourly wage for drivers could be as low as \$5.64.³ In the months after the measure passed, its consequences for workers in other states and industries were swift. Grocery chains fired full time delivery drivers and replaced them with gig contractors. Lobbyists representing a variety of businesses worked on similar proposals, and Uber and Lyft sought to copy the proposition elsewhere.⁴ In its adoption of an evidently persuasive rhetorical strategy, the Yes on Prop 22 campaign provided a reliable blueprint to recast a piece of corporate-authored legislation as democratically conceived, even in the interest of social justice.

¹ Suhauna Hussain, Johana Bhuiyan, and Ryan Menezes, “How Uber and Lyft Persuaded California to Vote Their Way,” *Los Angeles Times*, November 13, 2020, sec. Technology, <https://www.latimes.com/business/technology/story/2020-11-13/how-uber-lyft-doordash-won-proposition-22>.

² Sam Hammett, “Prop. 22 Explained: Why Gig Companies Are Spending Huge Money on an Unprecedented Measure,” *KQED*, October 26, 2020, <https://www.kqed.org/news/11843123/prop-22-explained-why-gig-companies-are-spending-huge-money-on-an-unprecedented-measure>.

³ Ken Jacobs and Michael Reich, “The Uber/Lyft Ballot Initiative Guarantees Only \$5.64 an Hour,” October 31, 2019, <https://laborcenter.berkeley.edu/the-uber-lyft-ballot-initiative-guarantees-only-5-64-an-hour-2/>.

⁴ Alexander Sammon, “Prop 22 Is Here, and It’s Already Worse Than Expected,” *The American Prospect*, January 15, 2021, <https://prospect.org/api/content/2967b920-56ac-11eb-904a-1244d5f7c7c6/>.

In order to understand the misperception Moore witnessed firsthand about what Prop 22 meant for gig workers, or even what the measure actually contained, it is useful to examine the political context in which it came to fruition. Prop 22 was gig companies' response to California Assembly Bill 5 (AB5), the state's attempt to extend typical employment protections to rideshare drivers. In short, the bill broadened the definition of an employee so that it applied to nearly all independent contractors.⁵ Thousands of rideshare drivers, unions like Rideshare Drivers United and their allies organized in support of AB5, including staging a massive, global strike against Uber and Lyft.⁶ Many drivers hoped AB5 could offer some relief against their shrinking wages and provide them with access to reimbursements and workers comp, but gig companies did not relent easily.

Instead, they wrote, lobbied for, and funded Prop 22, which created an entirely new wage code for gig contractors. The bill stipulates that drivers' wages are calculated not by hour, but by task, and critically, this method does not guarantee any net earnings. As legal scholar Veena Dubal explains, their pay "is not based on a predictable rate, but instead [is] calculated by how much work they are algorithmically allocated, a personalized determination over which they have no control."⁷ Dubal explains that despite the measure's claims to offer workers 120% of the minimum wage, this rate does not include the time when drivers wait in their cars for the app to assign them a gig. In other words, wait time – estimated at about 37% -- is unpaid. Dubal also

⁵ Michael Hiltzik, "Column: Uber Reneges on the 'flexibility' It Gave Drivers to Win Their Support for Prop. 22," *Los Angeles Times*, May 28, 2021, sec. Business, <https://www.latimes.com/business/story/2021-05-28/uber-flexibility-prop-22>.

⁶ Veena Dubal, "An Uber Ambivalence: Employee Status, Worker Perspectives, & Regulation in the Gig Economy," SSRN Scholarly Paper (Rochester, NY: Social Science Research Network, November 15, 2019), <https://doi.org/10.2139/ssrn.3488009>.

⁷ Veena Dubal, "The New Racial Wage Code." *Harv. L. & Pol'y Rev.* 15 (2020): 511, 533.

points out that Prop 22 officially bars app-based drivers from reimbursement eligibility, workers compensation, unemployment insurance, sick leave, protection from discrimination, and more.⁸

Yet while Prop 22 rolled back decades of labor rights established by legislators and the courts, many California voters were under the impression that Prop 22 was truly in the best interests of rideshare drivers. Some support for Prop 22 was indeed an informed backlash to AB5, which, in its initial broadness, led to serious complications for a variety of contractors.⁹ However, confusion about the terms of the bill was notably widespread. An early-voting survey revealed that 40% of those who voted yes did so because they thought it would guarantee drivers a living wage.¹⁰ Phone bankers for the No campaign observed similar confusion, saying voters they spoke to frequently attributed their support for Prop 22 to a desire to ensure better pay and protections for drivers. After the measure passed, some told the *Washington Post* they were misled and regretted their decision; the papers' reporting suggests voters did not understand they were making a choice between the perks of employment and "an arbitrary set of supplemental benefits" designed by the gig companies themselves.¹¹

How can we understand the persistent misperception that a yes vote was in the interest of workers rather than the corporations that drafted and funded the proposition? The detrimental consequences of Prop 22 for millions of gig workers in California and beyond, a workforce largely composed of marginalized people, warrants a close examination of the Yes on Prop 22 campaign rhetoric that effectively misled many voters. A report from the campaign provides a

⁸ Dubal, "The New Racial Wage Code."

⁹ More than 100 exceptions to the employment test established by AB5 were later added, but many of California's independent workforce (often those in skilled, higher wage professions such as journalists, artists, musicians) were incensed about the bill, which they understood to be jeopardizing their careers.

¹⁰ Capital Weekly, "An Early-Voting Survey of the Ballot Propositions," October 28, 2020, <https://capitolweekly.net/an-early-voting-survey-of-the-ballot-propositions/>.

¹¹ Faiz Siddiqui and Nitasha Tiku, "Uber and Lyft Used Sneaky Tactics to Avoid Making Drivers Employees in California, Voters Say. Now, They're Going National.," *Washington Post*, November 17, 2020, <https://www.washingtonpost.com/technology/2020/11/17/uber-lyft-prop22-misinformation/>.

telling clue, crediting their electoral success with their strategy of making “driver voices the focus and face” of its messaging, and more specifically, drivers’ compelling testimonies that their working lives depended on the “flexibility” and freedom that came with contractor status. They also credited assembling a “transcendent coalition” of support.¹² In a moment of candor, the report seems to have captured what made the yes campaign’s message so persuasive: it appeared to be grassroots. The names Uber, Lyft, Instacart, and Postmates are difficult to locate on the yes campaign’s official website and in its shareable content. Rather, in the words of the campaign, the “voice” that voters heard speaking in support of the measure belonged to drivers themselves or advocacy organizations. As further examination will show, drivers were also misled in strategic ways about the terms of Prop 22. But by soliciting support from reputable advocacy organizations and appropriating the voices of their own workforce, gig companies created a trustworthy, apparently *authentic* ethos to voice their message.

This paper argues the rhetorical strategy adopted by the Yes on Prop 22 campaign can be understood as distinct from astroturfing, as a sophisticated mode of the appropriation of “voice.” Building on the concept of voice and modes of appropriation theorized by scholars of corporate rhetoric, I advance an alternate model of appropriation termed landscaping. Whereas in astroturfing campaigns, corporations simply build front groups from whole cloth to create the appearance of grassroots support, these methods are easily exposed and can result in backlash, particularly in a highly digitized world. I argue that in response, corporations seek alternate means of constructing a less offensive ethos to embody their message. Rather than build a website made to represent a supposedly local organization full of stock images, in a landscaping campaign, corporate actors solicit the real stories of real individuals by asking questions that

¹² Hussain, Bhuiyan, and Menezes, “How Uber and Lyft Persuaded.”

ensure the preferred response. They then frame these stories in a way that suggests social justice is in fact consistent with their business models despite enormous social cost.¹³

In this case, by perpetuating the legal misperception to drivers that employment status would necessarily eliminate their ability to set their own schedules, Uber and Lyft produced survey results and hundreds of testimonials to support the idea that workers championed Prop 22. These testimonials explained the many reasons flexibility was critical to their ability to work and provide for themselves. They featured single mothers, immigrants, workers with disabilities, and poor Californians, often people of color, dependent on the side gig to make ends meet.¹⁴ To pass Prop 22, Uber, Lyft, and the other gig companies behind the measure appropriated selective elements of these individuals' genuine lived experiences and their actual need for flexibility to generate the perception that contractor status was a legitimate means of upward social mobility for a precarious population of workers. This conception of social justice is distinctly individualistic, positing individual hard work as a solution to social inequalities above systemic change, such as higher wages for service work.¹⁵ Ethnographic research of California's gig workers shows, in addition to their need for a modicum of control over their schedules, workers also wanted the labor protections they lacked, and whose absence they felt more and more strongly as gig companies tightened their belts.¹⁶ Yet, these perspectives are strategically absent among surveys and testimonials, curated and displayed on the Yes on Prop 22 website and disseminated across social media channels. By making driver voices the focus and face of the

¹³ It should be noted that Uber and Lyft are actually not profitable companies, though executives receive handsome salaries. See: Michael Hiltzik, "Column: Uber Reneges on the 'flexibility' It Gave Drivers to Win Their Support for Prop. 22," *Los Angeles Times*, May 28, 2021, sec. Business.

¹⁴ "Hear Our Stories," Drivers for Prop 22 CA, accessed April 11, 2021, <https://drivers.yeson22.com/driver-stories/>.

¹⁵ Charles R. Hale, "Neoliberal Multiculturalism," *PoLAR: Political and Legal Anthropology Review* 28, no. 1 (2005): 10–19, <https://doi.org/10.1525/pol.2005.28.1.10>.

¹⁶ Dubal, "An Uber Ambivalence."

campaign, and selectively cultivating those voices, the corporations behind Prop 22 were able to create an authentic alternate persona to voice their interests and conceal their own control over the process.

This paper seeks to thicken the scholarly understanding of previously theorized modes of appropriation of voice in the context of political campaigns. Specifically, I identify a sophisticated and persuasive rhetorical strategy termed landscaping, adopted by gig companies in order to pass the corporate-authored and funded Prop 22. To better understand this rhetoric, I first provide an overview of the concept of voice and theories of appropriation advanced by scholars of corporate rhetoric and applied to electoral battles concerning energy policy. Next, I provide a definition of landscaping to advance my argument that this mode of appropriation, distinct in consequential ways from prior conceptions, is a particularly pernicious and persuasive strategy that enabled powerful gig corporations to mislead a large portion of California voters and legalize subjugation of their workforce. I then apply my theory of corporate landscaping to perform an analysis of the Yes on Prop 22 campaign website.

Voice and Appropriation

Landscaping builds on the work of rhetoricians who have observed the ways in which corporations appropriate voice in the context of political campaigns. To define voice, recent scholarship adopts media theorist Nick Couldry's conceptualization.¹⁷ Couldry argues that there is a "crisis of voice" under neoliberalism. He explains that within this system, we are only allowed a voice within the limited framework of free market fundamentalism, as individual actors in a free market. This rationality, absorbed into the broader culture, does not allow us to value the process of truly giving voice, which Couldry defines as "giving an account of oneself."

¹⁷ Nick Couldry, *Why Voice Matters: Culture and Politics after Neoliberalism* (Los Angeles ; London: SAGE, 2010).

This process of giving voice, then, is “the means by which we register our existence and give expression to our view and experience of the world.”¹⁸ Couldry argues that our ability to understand ourselves and our place in the world is rooted in this capacity to provide a narrative, and to situate our own story within that of others. Thus, to deny someone’s voice in this sense is to deny their humanity.

Neoliberalism, as an economic and political doctrine that has been absorbed into the broader culture, is incompatible with the value of voice as Couldry defines it. He writes that the economic policies of a neoliberal government are by now quite familiar, among them deregulation of markets, strong private property rights, and limited government spending on social services. Yet Couldry argues neoliberalism is not merely a set of policies, but a broader cultural framework or discourse Couldry calls the neoliberal doctrine. This “wider set of metaphors, languages, techniques, and organizational principles” functions as a discourse that solidifies neoliberalism as the default of many modern democracies, including the U.S.¹⁹ Ultimately, neoliberalism undermines voice as process because under such a system, we are only offered a voice within the market. While we have many opportunities to express our voices as consumers or commodities, other, meaningful expressions of “voice as process” as Couldry calls it, is undermined. He argues that we must organize the social world in a way that the value of voice is taken seriously.

Couldry’s premise runs into trouble if we understand it to mean that the crisis of voice as he describes it has only recently emerged. As he acknowledges, there have been many examples

¹⁸ John Street, “Nick Couldry: Why Voice Matters: Culture and Politics after Neoliberalism, Sage: Los Angeles, London, New Delhi, Singapore and Washington, 2010; 184 Pp.: £19.99,” *European Journal of Communication* 26, no. 3 (September 1, 2011): 276–78, <https://doi.org/10.1177/0267323111420488>.

¹⁹ Nick Couldry, *Why Voice Matters: Culture and Politics after Neoliberalism* (Los Angeles ; London: SAGE, 2010), 5.

throughout history, under various democratic systems, where certain populations have not been allowed to engage in the process of voice as well as be assured that their voices will be heard. Yet if we take Couldry's argument as a call to examine the specific ways in which neoliberalism obscures the value of voice, it can be a useful one. In a chapter analyzing the coal industry's Faces of Coal PR campaign in Appalachia, Peter K. Bsumek and colleagues attempt this task by describing a distinctly neoliberal means through which voice can be appropriated, which they term corporate ventriloquism.²⁰ In outlining the concept, the authors indeed demonstrate the need for a new term that more accurately captures the complexity of corporate modes of appropriation. As I will argue, however, ventriloquism is a consequentially misleading metaphor for the rhetorical strategy observed in their case. In a brief review of their chapter, I outline why previously theorized modes of appropriation do not effectively capture the persuasive aspects of corporate campaign rhetoric in many cases, and why the concept of corporate ventriloquism still falls short.

The authors explain that as natural resource industries face opposition from civil society, one rhetorical strategy for energy companies and their advocates has been to alter their public persona to minimize opposition, even popularize the industry. This can involve tapping “networks of signification by appropriating powerful structures and/or discourses of other organizations in order to obtain, co-opt, or counter their influence or identity.”²¹ According to Bsumek et al., scholars have identified four modes of appropriation in natural resource corporations' rhetoric: lateral appropriation, greenwashing, aggressive mimicry, and astroturf campaigns. To explain the rhetoric of the Faces of Coal campaign – a PR campaign minimizing

²⁰ Peter Bsumek et al., “Corporate Ventriloquism: Corporate Advocacy, the Coal Industry, and the Appropriation of Voice,” in *Voice and Environmental Communication* (Palgrave Macmillan, 2014), https://doi.org/10.1057/9781137433749_2.

²¹ Bsumek et al., “Corporate Ventriloquism,” 25.

opposition to the coal industry in Appalachia – the authors identify corporate ventriloquism as a fifth. In ventriloquism, corporate or broader industry actors appropriate elements of neoliberal and neoconservative ideology, adapt them to the cultural specificities of the campaign, then transmit this voice through front groups to create the impression of popular support and legitimacy.²² With this rhetorical strategy, industries both “mask their own influence” over the conditions in which voice is exercised, and undermine authentic opportunities for giving voice in the context of democratic processes.²³ While Bsumek and colleagues demonstrate how to apply Couldry’s conception of voice, it is difficult to overlook the fact that a clear distinction between ventriloquism and each mode of appropriation identified by the authors remains to be seen. In fact, most of the characteristics of the five terms appear to fit within the definition of astroturfing: a popular term for a phony grassroots campaign.

A well-worn strategy, astroturfing occurs when corporate-backed groups organize and sponsor a movement in order to create the illusion of legitimate grassroots support for self-interested causes.²⁴ Tactics vary widely, from paying protestors to creating advocacy groups from whole cloth.²⁵ The goal is to persuade voters and decision-makers that there is in fact widespread popular support for a particular policy position, thus concealing the degree to which the preferred outcome benefits corporations at the public’s expense. In the way the concept is applied to the coal industry, the authors specify that ventriloquism relies on astroturfing through building front groups through which to speak, but write that it also uses lateral appropriation to

²² Bsumek et al., “Corporate Ventriloquism.”

²³ Bsumek et al., “Corporate Ventriloquism,” 22.

²⁴ Caroline W. Lee, “The Roots of Astroturfing,” *Contexts* 9, no. 1 (February 1, 2010): 73–75, <https://doi.org/10.1525/ctx.2010.9.1.73>.

²⁵ Bsumek et al., “Corporate Ventriloquism”; William Haltom and Michael McCann, *Distorting the Law: Politics, Media, and the Litigation Crisis*, 1st edition (Chicago: University of Chicago Press, 2004).

appeal to neoliberal and neoconservative values. While it is presented as a novel type of appropriation, it is defined and conceptualized as a mixture of two of them.²⁶

Two things appear to distinguish ventriloquism from astroturfing more broadly. The first is that it simply incorporates the idea of voice. Unlike prior definitions, Bsumek and colleagues are explicit that in this type of astroturfing campaign, a corporate voice is transmitted through “seemingly less powerful entities,” a process which undermines other voices in a democratic context. Yet, if those “less powerful entities” are simply front groups built by corporate-backers, useful distinctions between this new concept and a typical astroturf campaign are hard to parse. Second, while not explicit in the definition of their concept, Bsumek and colleagues do observe an important aspect of the Faces of Coal campaign which is not standard astroturfing. Because astroturf campaigns by definition are intended to appear as organic grassroots movements in order to conceal the corporate interests at a matter’s heart, they are typically accompanied by a website featuring phony supporters, often in the form of stock photos. Such fakeries are often exposed by journalists or skeptical sleuths, which causes a predictable backlash.²⁷ In the Faces of Coal campaign, industry sponsors found a way to avoid such controversy by listing themselves as supporters: technically disclosing their involvement, but doing so by simply listing their

²⁶ On page 22, the authors define corporate ventriloquism as appropriating elements of neoliberal and neoconservative ideology, and then “throwing” this corporate voice through “front groups” to create the impression of popular support. On page 28, the authors again specify ventriloquism is a type of astroturfing campaign, writing “...the industry utilizes a two-pronged strategy. First, it builds ‘dummy’ grassroots organizations through which it can ‘throw’ its voice. This is the practice of ventriloquism.” The authors go on to describe astroturfing as a part of their case of ventriloquism in the FACES website’s use of stock photos in on page 29. On page 32, the authors describe how their case of ventriloquism also depends on using lateral appropriation of particular ideological discourses, dependent on the cultural specificities of the campaign.

²⁷ See: Bob Fernandez, “Comcast Admits Paying Attendees at FCC Hearing,” *Philadelphia Inquirer*, February 27, 2008, sec. Business, business, business, https://www.inquirer.com/philly/business/homepage/20080227_Comcast_admits_paying_attendees_at_FCC_hearing.html; Antonio Regalado and Dionne Searcey, “Where Did That Video Spoofing Gore’s Film Come From?,” *The Wall Street Journal*, accessed October 21, 2023, <https://www.wsj.com/articles/SB115457177198425388>; dahlbergjr, “Working Families for Walmart,” *Falsegrassroots* (blog), December 1, 2011, <https://falsegrassroots.wordpress.com/2011/12/01/working-families-for-walmart/>.

names alongside individuals and small organizations, placing them on co-equal ground. The authors argue that this a stealthier, more persuasive form of appropriation than the prototypical astroturf campaign. It cannot be decried as fake yet conceals the degree to which the campaign is controlled by powerful companies rather than the many other individuals featured.

With this revelation, Bsumek et al. bring to light an important distinction in digital strategies of appropriation. Faced with the ease with which skeptical publics can identify the hallmarks of a traditional astroturf campaign, perhaps corporations have learned to rely less on astroturfing to a mode of appropriation that is more authentically flavored. Indeed, the authors note that a new and improved Faces of Coal website includes pictures and quotes from “what appear to be actual Appalachian residents who support the coal industry.”²⁸ These individuals range from blue collar workers to doctors, a design that supports the website’s claim that people from all walks of life support the industry. The authors are right to argue that this flattening of relationships between individual supporters and powerful industry backers is dishonest, manipulating the reality of who controls the campaign and whose voice its website truly represents. Similarly, they are right to argue that this rhetorical strategy is more complex, and in likely more persuasive a straightforward astroturf campaign. But they are wrong to conceptualize actual local supporters, featured in strategic ways on the website, as a “dummy organization” or front group through which the coal industry throws its voice. The transformation of the Faces of Coal website suggests the coal industry is transcending the realm of astroturfing and ventriloquism altogether. I argue that the failures of astroturf campaigns in a digital mediascape have led corporate rhetors to embrace a related, but distinct mode of appropriation termed *landscaping*.

²⁸ Bsumek et al., “Corporate Ventriloquism,” 30.

Voice and Landscaping

The literature discussed above reveals rhetorical theories of appropriation and its various modes have become muddled. The decision to apply one over another seems to hinge more on the preference of the rhetorician than on what took place in a campaign. This is likely in part because political campaigns are responses to complex and multifaceted rhetorical situations, within which rhetors pivot depending on the needs of the moment. Nonetheless, there is some theoretical messiness which needs sorting. Nearly each mode of appropriation discussed by the authors appears more to a type of astroturf campaign than a distinct rhetorical strategy, with the exception of greenwashing. Similarly, ventriloquism, as defined by the authors, appears to be primarily a refashioning of astroturfing that incorporates voice explicitly. This paper seeks in part to thicken our understanding of these overlapping concepts by clarifying the role of authentic voice in such campaigns. By applying the concept in a more literal sense than the abstract form it takes in Couldry's theorizing or Bsumek and colleagues' metaphoric conception of corporate ventriloquism, I offer an important distinction between when a given campaign is astroturf, and when it is something else.

To this end, I propose there are three features of a landscaped campaign, each involving a greater degree of authenticity than the terms astroturfing or ventriloquism suggests. First is the technical disclosure of corporate support observed by Bsumek et al. In the case of a campaign that has been organized, funded, and authored by corporate actors, those corporations disclose their involvement by placing themselves among a list of actual advocacy organizations or individual supporters. While this disclosure appears as an honest gesture in contrast to a astroturfing where corporate support is omitted entirely, it works to minimize the degree to which the campaign's voice is perceived as the corporate one, and is thus a dishonest

representation of who is actually in control. Second and most critically, landscaping depends on appropriating the literal, real voices of individuals, then selectively framing aspects of their stories in service of a larger narrative that benefits corporate incentives.

As with astoturfing, in a landscaped campaign corporate rhetors wish to construct a grassroots ethos, obscuring their own voice and foregrounding one that is more sympathetic. Rather than invent this alternate persona altogether, in landscaping a corporate campaign solicits testimonials from the very population most impacted by the issue in question. These testimonials are gathered under false pretenses or ask participants to respond to a set of false circumstances. They may be supplemented with administering dishonest surveys to the same population, posing questions in a way that ensures the preferred response. The results are then culled, tended, and curated and disseminated across channels of public communication to speak for the campaign. Thus, despite corporate control over the narrative, it appears to come from a different source entirely. Landscaping then flips the interests at stake in a corporate campaign, which is the third element of this rhetorical strategy. Because the message appears to come from the population who'll be most impacted by the results of a campaign, and particularly because their voices appear to be authentic – they are, apparently, “giving an account of themselves” in Couldry’s sense – landscaped campaigns tend to claim the mantle of social justice.

The element of faux social justice in a landscaped campaign is both unsurprising and well-grounded in the broader history of corporate communications.²⁹ Flipping the interests at stake in a corporate campaign is a critical element of ensuring the broader public’s support. To win that support, it is necessary to position regular citizens or a specific population as the ones

²⁹ Albert O. Hirschman, *The Rhetoric of Reaction: Perversity, Futility, Jeopardy* (Cambridge, Mass: Belknap Press, 1991), Roland Marchand, *Creating the Corporate Soul: The Rise of Public Relations and Corporate Imagery in American Big Business* (Berkeley: University of California Press, 1998).

who stand to benefit from a particular policy change. An issue which nakedly purports to extract the wealth or wellbeing from a community for the sake of executive profit or even to simply protect the ideals of the free market, is not likely to inspire much sympathy from the rest of us. Thus, corporate campaigns to protect mountain-top removal mining in West Virginia have argued the practice is good for poor West Virginians.³⁰ A ballot initiative seeking to end practices of affirmative action in public universities did so on the grounds that it was better for people of color.³¹ The social safety net has been slashed on the grounds that welfare is bad for its recipients.³² In each case, reaction is spun as progress. Though rhetorically inverting the interests at stake in a given campaign alone does not constitute landscaping, it is a necessary element of the strategy.

In this respect, it is important to emphasize that I do not mean to argue that landscaping is an entirely new phenomenon. Corporations have long been aware that the general public regards them as self-interested and “soulless,” their various initiatives thus perceived as necessarily inauthentic.³³ To overcome this perception, corporate rhetors have made countless attempts to embody a less offensive, apparently genuine persona through which their voice might be received.³⁴ Roland Marchand’s research into early PR campaigns demonstrates that corporate

³⁰ Bsumek et al., “Corporate Ventriloquism.”

³¹ Daniel HoSang, *Racial Propositions: Ballot Initiatives and the Making of Postwar California*, American Crossroads 30 (Berkeley: University of California Press, 2010).

Thomas Frank, *What’s the Matter with Kansas? How Conservatives Won the Heart of America*, 1. ed (New York, NY: Metropolitan Books, 2004).³² Albert O. Hirschman, *The Rhetoric of Reaction: Perversity, Futility, Jeopardy* (Cambridge, Mass: Belknap Press, 1991).

³³ Roland Marchand, *Creating the Corporate Soul: The Rise of Public Relations and Corporate Imagery in American Big Business* (Berkeley: University of California Press, 1998).

³⁴ Though an investigation of other campaigns which utilized a landscaping strategy is outside the scope of the study, it is likely there are many. It may not even be an entirely new method of passing a proposition in California. The successful campaign for proposition 209, ending affirmative action in the state, may have involved landscaping. See: Daniel HoSang, *Racial Propositions: Ballot Initiatives and the Making of Postwar California*, American Crossroads 30 (Berkeley: University of California Press, 2010).

modes of appropriation may have transcended current typologies in early efforts to combat anti-trust laws, or perhaps in the more recent cases cited above.

Despite the fact that landscaping quite possibly predates the passage of Prop 22, to my knowledge it is yet un-diagnosed in popular and scholarly literature on corporate rhetoric. I argue that the inclusion of the voices of real individuals in corporate campaigns is a meaningful departure from current theories of appropriation, precisely due to the element of authenticity. Scholars have observed that especially in the age of the internet, the lazier methods of paying actors, or covering campaign websites in stock images representing supposed supporters are easily exposed.³⁵ With such expositions, corporate rhetors lose tremendous discursive power. When astroturfing is too risky, then, it is necessary to build one's ethos on a foundation of carefully culled but apparently genuine individual voices. In such cases, critics lose the ability to easily diagnose and discredit what is still disingenuous rhetoric as such. It is difficult to pass off astroturf as living greenery, at least from anywhere close. When the grass indeed grows in the soil, one can more persuasively argue for its naturality no matter how much planning and intervention is required to sustain its appearance. Water must be routed from elsewhere and dispersed at strategic times and in strategic locations. Weeds must be regularly screened for and removed. Grass must be trimmed, shrubs must be pruned, and pests must be exterminated. The extensiveness of this maintenance is likely not top of mind for those not privy to it, and thus they can be more easily persuaded that the landscape simply is what it is, for the most part, in its natural state.

Likewise, in a landscaped campaign, it is the apparent authenticity that persuades, and it is the relative authenticity that makes astroturfing a poor metaphor for the strategy. Further,

³⁵ Frances Bowen, *After Greenwashing: Symbolic Corporate Environmentalism and Society, Organizations and the Natural Environment* (Cambridge: University Press, 2014).

while Bsumek and colleagues pinpoint an important distinction from previously theorized modes of appropriation in the technical disclosure of corporate support, the metaphor of ventriloquism is a misleading one in cases where real people's voices are used. Thus, I advance the concept of landscaping as an intuitively accurate metaphor and as such, a tool critics may apply to better understand the appropriation of voice. I offer the following definition: landscaping is *the rhetorical process of recasting a piece of privately funded legislation as democratically conceived and progressive by appropriating selective aspects of genuine individual's stories and making their voices the focus of the campaign to deemphasize the centralized control of a private actor or organization*. Instead of the faux grassroots quality of astroturf, the grass indeed grows in the soil, generating an aura of authenticity. Yet, the degree to which it has been tended, planned, controlled or ultimately landscaped, is difficult for the untrained eye to recognize.

Landscaping and the Prop 22 Website

The Prop 22 campaign was complex and unprecedented. As the most expensive ballot initiative in U.S history at well over 200 million dollars, the yes campaign utilized nearly every type of medium. They sent out mailers, flooded TV channels with ads, sent texts, emails, web advertisements, had a robust social media presence, and even used their own apps to campaign. Riders and drivers alike were required to tap "Yes on 22" or "OK" after a pop up preached of the initiative's importance. Each time they used the app, they were additionally invited to "learn more" on the Yes on Prop 22 website.³⁶ Despite the yes campaign's multimodality, I have selected the campaign website for analysis because it is a centralized location that hosts the general whole of these discourse fragments. Outside of the website, many of the remnants of the Prop 22 campaign have been scrubbed from the internet. Video testimonials and ads have been

³⁶ Harnett, "Prop. 22 Explained," 22.

removed from YouTube, Tweets have been deleted, and the mailers and in-app advertisements are preserved only in the form of secondhand descriptions.³⁷ Yet if the decision to remove these materials was an intentional step to hide evidence in the wake of a lawsuit alleging the campaign was dishonest, leaving the website in-tact was an oversight.³⁸ Upon investigation, much of what was disseminated across social and other media channels originated on the website and remains there, including hundreds of written and video testimonials.³⁹ In this sense, the website functions as a campaign archive. Further, because the site meant to advertise both to the general population as well as to their own drivers, it contains an important insight those other channels do not: the questions that solicited testimonials in the first place. With these choices explained, I turn to a report of my analysis.

Foregrounding workers' voice

The Yes on Prop 22 campaign's strategy was to ensure the support of (at least some of) their drivers, and then to use that support to win that of the broader population. This strategy is preserved on the website at every turn. The first thing a visitor to the site sees is an enormous banner dominated on one side by the logo, which simply reads "YES on PROP 22" with "Save App-Based Jobs and Services" underneath.⁴⁰ Immediately, viewers are led to believe that app-based jobs and services are in danger, and the proposition will save them. This was a central

³⁷ Kim Lyons, "Uber Accused in Lawsuit of Bullying Drivers in Its App to Support Prop 22," *The Verge*, October 22, 2020, <https://www.theverge.com/2020/10/22/21529082/uber-drivers-lawsuit-prop-22-alerts-california-gig-workers>.

³⁸ Suhauna Hussain, "Prop. 22 Faces First Legal Challenge as SEIU, Ride-Hail Drivers File Suit," *Los Angeles Times*, January 12, 2021, sec. Technology and the Internet, <https://www.latimes.com/business/technology/story/2021-01-12/prop-22-faces-first-legal-challenge-from-ride-share-drivers-seiu>.

³⁹ This could be because Lyft in particular got a "slap on the wrist" for not properly disclosing their involvement in some ads. See Edward Ongweso Jr., "Lyft Is Getting a Slap on the Wrist for Misleading Prop 22 Ads," *Vice*, February 10, 2021, <https://www.vice.com/en/article/v7mj5a/lyft-is-getting-a-slap-on-the-wrist-for-misleading-prop-22-ads>.

⁴⁰ At the time of this writing, the website <https://yeson22.com/home/> is no longer functional.

claim of the yes campaign: that if Prop 22 did not pass, Uber, Lyft, and other gig companies would be forced to leave California entirely or eliminate up to 90% of jobs.⁴¹ Next to the logo, there is an image of a masked and gloved young woman walking toward the camera out of a sunflare, leaving groceries at a home entrance behind her.

Beneath the banner image, bold text informs us that the website will tell us “Why Drivers Support **Yes on Prop 22.**” Though drivers are not yet the ones literally voicing support for the proposition, already the campaign is speaking on their behalf, informing the viewer first and foremost that drivers themselves support the measure. Consistent with theories of appropriation, this framing conceals corporate influence in the campaign. Viewers are not told why Uber, Lyft, and other gig companies not only support but personally authored, lobbied, and spent a record-breaking sum on Prop 22. Instead, driver support is what is featured. Several icons beneath this text then list, in order, the campaign’s core talking points. From left to right, they read that Prop 22 “PROTECTS the ability of app-based drivers to choose independent work,” “PROVIDES drivers new protections and benefits,” “SAVES hundreds of thousands of jobs,” “PRESERVES food and grocery delivery and rideshare services that millions rely on,” and “IMPLEMENTS strong new public safety protections.”⁴² The curious capitalization of the first word of every bullet point seems to emphasize the fact that Prop 22 is about providing a service for workers and consumers rather than taking something away from them (namely labor rights). Each bullet point has been worded in a way that strongly suggests this is the case, and each capitalized word reinforces the idea.

⁴¹ Siddiqui and Tiku, “Uber and Lyft Used Sneaky Tactics to Avoid Making Drivers Employees in California, Voters Say. Now, They’re Going National.”

⁴² “Yes on Prop 22 | Save App-Based Jobs & Services,” Save App-Based Jobs & Services, accessed May 15, 2021, <https://yeson22.com/home/>.

These bullets both effectively summarize the idea of Prop 22 that was propagated to the public and themselves represent the campaign's message and marketing strategy. That is, the Yes on Prop 22 campaign was dependent on first winning the support of workers in the gig economy then using that support to convince the broader public that the proposition was about preserving the livelihoods of a vulnerable population of workers through both allowing them flexibility and preventing job loss. The premise of Prop 22 was that employment status was incompatible with drivers' ability to set their own working hours, the primary, if not *only* feature of the job that attracted drivers to gig work in the first place. Indeed, as the driver stories and other research reveals, rideshare drivers are in large part a workforce for whom the ability to control their schedules is a necessity, rather than a preference.⁴³ Flexibility is in fact so essential that they are willing to forgo certain employment protections if it means keeping this autonomy. Gig companies were well aware of this fact, and so by perpetuating the falsehood to their workers that without Prop 22 they would get set shifts, they guaranteed a certain degree of driver support. This underlying strategy of targeting drivers first was the lynchpin of the broader campaign strategy. The fact that the first bullet point targets the driver's "flexibility" is telling in this regard. In order to appeal to the broader public, a majority of whom would likely sympathize with workers over corporations, the message that Prop 22 was good for drivers needed to come from drivers themselves.

Speaking for themselves? Driver Surveys and Testimonials

Beneath the icons references above, a large portion of the homepage displays a prominent statistic: "By a 4-to-1 margin, App-Based Drivers Prefer to be Independent Contractors." Next to this is the bold text: "**More than 80%** of Drivers work less than 20 hours a week, have other

⁴³ Dubal, "The New Racial Wage Code."

jobs and responsibilities, and can't work set shifts as employees." Nowhere on the website or elsewhere in the campaign does it clarify that this often repeated 4-to-1 preference came surveys commissioned and funded by Uber. In fact, it appears to reference an influential survey researchers have described as "fraught with methodological problems including sample bias, leading questions, and selective reporting."⁴⁴ Legal scholar Veena Dubal noted others' complaint that the question that produced the statistic above was "double-barrel", and clarified that it further perpetuates a legal falsehood. The survey asked workers to make an arbitrary choice between standard employment protections or the ability to set their own shifts, insinuating that the two are mutually exclusive.⁴⁵ As Dubal explains, nothing about the legal designation of employee requires working an inflexible schedule. The website, however, does not explain that drivers were repeatedly threatened with inflexible schedules if Prop 22 didn't pass, then asked again and again by the apps if they supported the measure.⁴⁶ The latter statistic about work hours, too, was shown to be cherry-picked from internal data, with other studies showing that the majority of drivers worked more than 30 hours weekly.⁴⁷ Corporate involvement in these figures is not mentioned on the website. Yet on the homepage, drivers are apparently given voice in the form of a result from a public opinion survey. The page assures the viewer that Prop 22 is what is best for workers and thus, the broader public.

⁴⁴ See: Jonathan V. Hall and Alan B. Krueger, "An Analysis of the Labor Market for Uber's Driver-Partners in the United States," Working Paper, Working Paper Series (National Bureau of Economic Research, November 2016), <https://doi.org/10.3386/w22843>; Janine Berg and Hannah Johnston, "Too Good to Be True? A Comment on Hall and Krueger's Analysis of the Labor Market for Uber's Driver-Partners," *ILR Review* 72, no. 1 (January 1, 2019): 39–68, <https://doi.org/10.1177/0019793918798593>; Dubal, "An Uber Ambivalence." Berg and Johnston, "Too Good to Be True?"; Dubal, "An Uber Ambivalence: Employee Status, Worker Perspectives, and Regulation in the Gig Economy."

⁴⁵ Dubal, "An Uber Ambivalence."

⁴⁶ Dubal "The New Racial Wage Code."

⁴⁷ Michael Reich, "Pay, Passengers and Profits Effects of Employee Status for California TNC Drivers," *Institute for Research Labor and Employment*, n.d., 21.

Beyond this statistical evidence, text on website’s homepage invites the viewer to take it from the drivers themselves. Bold-faced text tells us “What Drivers are Saying” and that “App-Based Rideshare & Delivery Drivers support Proposition 22.” With this language, drivers are explicitly offered a voice, one which they are using to support the proposition. To the right of the text, there are three revolving quotes attached to circular driver profile photos along with the drivers’ first name and last initial. Each of the three discuss the importance of flexible schedules, though each is only a snippet of a longer testimony provided on the “Driver Stories” page. This would become clear to the viewer if they followed the website’s directions, clicking a hyperlink next to the driver quotes circled in yellow that reads “See More Driver Stories.” Submitted either in video or text format, these stories were then curated to feed the campaign’s overall message. Drivers were encouraged to share their stories, indeed, their voices, in support of the measure through emails, in app-based advertisements, and on the website itself.⁴⁸ A button on the homepage that asks “Are you a driver?” directs viewers to a separate page titled “Just for Drivers” that requests them to share their voices. Each testimonial was shareable across social channels. The campaign posted video testimonials on YouTube (now removed), and text-based stories were shared across other sites. Further, photos posted on Twitter appear to show postcards mailed out by the Yes campaign featuring the faces and written testimonials of drivers.⁴⁹ Though the campaign’s social accounts have since been deleted, all testimonials were preserved for sometime afterward on the website.

While these testimonials quite literally offer drivers a voice, indeed, an opportunity to give an account of themselves, the influence the gig companies backing Prop 22 had over the

⁴⁸ Hiltzik, “Column.”

⁴⁹ Mike Moffitt, “Fake ‘Progressive’ Mailers Urge Yes on Uber/Lyft’s Prop. 22,” accessed April 8, 2021, <https://www.sfgate.com/politics/article/Fake-progressive-mailers-urge-yes-on-Uber-Lyft-15635173.php>.

process is concealed. Beyond the fact that the campaign and Uber and Lyft by extension had control over which stories to select and how to frame them, drivers are asked to answer a series of (mis)leading questions in their testimonies, just as they were in the survey. If a driver clicks the “Share your story” button, they are taken to a page that instructs them how to do so. The header at the top of the page reads “Tell Us About the **Good** You’re Doing in Your **Community** and Why We Need to **Save App-Based Jobs & Services.**”⁵⁰ Again, the bold text reinforces the idea that what is at stake is the availability of the job itself, a valuable community service. Drivers are given the option to either submit text or a video testimony, and beneath buttons that enable them to do either, they are given a list of bulleted questions to respond to. They read, in order:

- Why is independent work important to you?
- What if you were forced to work set shifts or full time, or couldn’t drive for rideshare or delivery at all anymore?
- Tell us why app-based work is so important in this economy.
- Tell us about the importance of what you’re doing for customers, restaurants, families.

Next to the textbox for story sharing, large yellow letters remind the driver “Your voice matters.”

Given the framing of these questions, it is unsurprising that driver voices largely confirm the story that the Yes on Prop 22 campaign wanted to tell. The questions they were asked to respond to perpetuate the same misperception as the survey, that employment status would necessarily mean no more flexibility to set your own hours. These questions additionally imply that rideshare services will disappear if Prop 22 fails, misrepresenting the issue at the proposition’s heart and requiring drivers to respond to a set of false circumstances. Further, the testimonials are explicitly used to explain why “App-Based Rideshare and Delivery Drivers support Prop 22”, but this is not the question they were asked. None of the questions listed above

⁵⁰ “Share Your Story,” Drivers for Prop 22 CA, accessed May 25, 2021, <https://drivers.yeson22.com/share-story/>.

even mention the bill, much less asks drivers directly if and why they support it. They are asked only why they depend on the flexible work and why their jobs are valuable. By posing questions in a selective way, the Yes on Prop 22 campaign was able to exercise control over otherwise authentic voices. Many drivers, perhaps themselves misled about what Prop 22 actually contained, offered their genuine voices and stories in support of the measure.⁵¹ Their voices confirm that they want to remain independent, though this appears contingent on their perception that flexibility, or the job itself, was at stake. This reliance on strategically framed, though genuine voices encapsulates the rhetorical strategy of landscaping.

The page that reproduces selections from these collected stories begins with the title text “Driver Stories - In Their Words: 119,000 drivers and growing are providing essential services as independent contractors: Read their stories on why they drive.” The website displays vertical rectangles that either display text or a video testimony, which the viewer can scroll through. Each is signed with a first name and last initial, some additionally display a circular photo. While the default Driver Stories page only shows about a dozen “featured” testimonies, the page also provides an interactive map of the state which invites viewers to click on their own region to see local driver’s stories. Between them, there are close to 300 testimonials displayed. If a viewer clicks on an individual testimony, it fills the screen and they are given the option to scroll through one by one. Interestingly this feature displays even more testimonials. For the purposes of this study I stopped count at 486.

Of these, each is written with the assumption that either the availability of rideshare services themselves, or workers’ flexibility is contingent on the passage of Prop 22. Though

⁵¹In addition to the leading questions, the language of the proposition itself was also highly misleading. In “The New Racial Wage Code,” cited earlier, legal scholar Veena Dubal commented that drivers, as well as professional media analysts, did not understand the terms of the proposition, and noted that Ballotpedia rated it with a readability grade of 18. This score means you would need approximately 18 years of school to understand it.

these concerns are often linked in a testimony, the vast majority primarily discuss the centrality of flexibility in their work, some not even mentioning the proposition. Within these, several themes emerge. A minority of the testimonies that appear roughly correspond to what some researchers call “casual earners” or “free agents.”⁵² These are people who actively choose independent work rather than being forced into it out of financial desperation. In their testimonials, free agents passionately describe the importance of flexibility in their work lives because it allows them to pursue their real dream. As Thomas B’s testimony sums up: “Following a schedule that is assigned to me will hinder me in a colossal way of following my dreams as a performer.”⁵³ These sorts of testimonies appear to come from musicians, actors, writers, or students. There is no mention of providing for a family; these appear to be workers who use the apps primarily to fund their apparently successful creative or scholarly pursuits. Surveys have shown that only about 30% of independent contractors (including but not limited to gig workers) actively choose independent work, though among the testimonies they appear a bit more numerous than that.⁵⁴ This may be because the yes campaign sought to overstate the casualness of their workforce to strengthen the perception that, as part-timers, they didn’t deserve employment benefits at all. This too, though, is a legal misconception.⁵⁵ Regardless, these statements of support for Prop 22 are contingent on the understanding that without the measure, gig work would no longer be flexible. Further, the lower wages legally enshrined by the proposition would make rideshare driving in California a far less lucrative fall-back for these

⁵² McKinsey & Company, “Independent Work: Choice, Necessity, and the Gig Economy” (McKinsey Global Institute, October 2016).

⁵³ “Thomas B.,” Drivers for Prop 22 CA, accessed June 1, 2021, <https://drivers.yeson22.com/driver-stories/thomas-b/>.

⁵⁴ McKinsey & Company, “Independent Work: Choice, Necessity, and the Gig Economy” (McKinsey Global Institute, October 2016).

⁵⁵ Dubal, “An Uber Ambivalence.”

ambitious individuals, but there is no mention of this fact. Voters hear only voices that ask for the flexibility to pursue their dreams.

Faux-cial Justice: Flipping the social stakes of a corporate campaign

Gig companies did not only solicit and selectively frame worker voices to project a grassroots aura for the yes campaign. Rather, they used these testimonies – many of which give voice to the realities of life as a marginalized person in America – to foreground the precarity of their workforce and persuade voters that Prop 22 was a means of social justice. Consistent with the findings of sociologist Alexandra J. Ravenelle that most gig employees are not casual earners, the vast majority of testimonials on the website fit either the categories she identified as “Strugglers” or “Strivers.”⁵⁶ In her conceptualization, Strugglers are those who are unemployable outside of the gig economy, and turn to the apps out of desperation. Strivers, however, have a full time job or some alternative source of revenue, and turn to gig work to make extra money after hours or on days off. While Ravenelle finds that the majority of gig workers fall into this third category, the line between struggling and striving can be quite thin, and many are on the brink of insolvency.⁵⁷ Of the testimonials displayed on the Prop 22 website, many come from Strivers in Ravenelle’s sense, but those who are by most accounts struggling; their “extra” income more a necessary supplement to their regular paychecks. They drive on lunches, weekends, and after-hours to afford California’s high cost of living, or perhaps pay down their debts. Marcus H. describes living in a one-bedroom apartment with his wife, two children, and two cats and depending on driving for Uber and Lyft around his job for the state to be able to make ends meet.⁵⁸ Similarly, Reylena G. is one of numerous testimonials that begin by pointing

⁵⁶ Alexandra J. Ravenelle, *Hustle and Gig: Struggling and Surviving in the Sharing Economy*, 2019.

⁵⁷ Ravenelle.e, *Hustle and Gig*

⁵⁸ “Marcus H.,” Drivers for Prop 22 CA, accessed June 1, 2021, <https://drivers.yeson22.com/driver-stories/marcus-h/>.

out that without the income from rideshare driving she would be homeless. She writes that as a single mother, she has a hard enough time making ends meet, but the pandemic exacerbated things. “If I lose the flexibility to drive whenever I can and how long I NEED in order to meet my daily and monthly goals, me and my son will not have somewhere to call home.”⁵⁹ Reylena is one of many that express a desire not to be limited by a 40 hour work week. By emphasizing the necessity of working more than set shifts would allow simply to be able to make ends meet, Reylena insinuates eight-hour days are a luxury she cannot afford. She is also one of many single mothers whose testimony is featured and fits into this category. The testimonials featured appear to be in line with scripted ads shown on TV which specifically requested single mothers and immigrants who value the flexible lifestyle that gig-work provides.⁶⁰

It appears the campaign intentionally emphasized the marginality of the gig workforce to portray Prop 22 as in the interest of social justice, when in reality it’s terms guaranteed that a workforce disproportionately composed of people of color would legally be paid less than the federal minimum wage, woefully inadequate as it is.⁶¹ By featuring poor but hard working Californians voicing their perception that Prop 22 was necessary for their ability to keep a roof over their heads or provide for their families, the campaign likely convinced many voters concerned about protecting an income source for vulnerable populations. Yet this particular model of social justice, one where only the most hardworking and thus deserving individuals are given an opportunity to thrive, is of a distinctly neoliberal appeal. This logic requires us to accept the premise that individual hard work is a reliable means of social mobility despite systemic

⁵⁹ “Reylena G.,” Drivers for Prop 22 CA, accessed June 1, 2021, <https://drivers.yeson22.com/driver-stories/reylena-g/>.

⁶⁰ Edward Ongweso Jr, “Uber Is Casting Single Parents and Immigrants to Parrot Talking Points In New Ad,” *Vice*, accessed April 22, 2021, <https://www.vice.com/en/article/bvx38q/uber-is-casting-single-parents-and-immigrants-to-parrot-talking-points-in-new-ad>.

⁶¹ Dubal, “The New Racial Wage Code.”

barriers. While many Americans may intuitively recognize the American Dream as a falsehood, perhaps it has been internalized so deeply that its logic is second-nature.⁶² Surely a more efficient way to achieve social justice would be to ensure that drivers like Reylena G. were fairly compensated for their labor; to make sure she did not have to far surpass eight-hour days to provide a home for herself and her son. Yet gig companies did not present that option to voters, or to drivers. Instead, we only hear Reylena's voice telling us her livelihood depends on the flexibility to work as many hours a week as she needs.

A prominent theme appearing among the Strugglers are concerns from those that are physically incapable of working set shifts because of a disability or illness. For these individuals, like those who are financially dependent on an adaptable side hustle to provide for themselves and their families, flexibility is not a preference, but a necessity. These testimonies often describe physical pain that makes necessary days off or breaks unpredictable. Robert B. describes depending on the flexibility of the job because it enables him to make his dialysis treatments, and writes that renal failure and other injuries make him incapable of any other kind of work.⁶³ While a wide variety of disabilities and illnesses appear in the testimonials, stories from the elderly, veterans, and elderly veterans are quite numerous. Christine C. writes: "I am a 100% disabled Marine Corps veteran, and because of my disability, I am no longer able to work in a structured environment." Often, these testimonies discuss receiving disability payments from the state that do not cover the cost of living. Vern K writes "I am 77 years old and my retirement income is relatively nonexistent except for SSI. I have outlived my money. Thank you Uber and

⁶² Luke Winslow, *Economic Injustice and the Rhetoric of the American Dream* (Lexington Books, 2017).

⁶³ "Robert B.," Drivers for Prop 22 CA, accessed June 1, 2021, <https://drivers.yeson22.com/driver-stories/robert-b/>.

Lyft.”⁶⁴ Younger drivers sometimes disclose that their struggles with anxiety and depression make it hard to hold down structured jobs. Full-time caregivers of disabled family members are also quite numerous in this category. Parents of special needs children, or adult-children caring for aging parents also write to explain the necessity of flexible work in their lives. As Monica A. writes: “I have two kids still in the home. One is autistic and one has ADD. They need my time when they need it.”⁶⁵

Individuals representing each of the themes discussed above – those who need a flexible part-time job to fund their other aspirations, those who need to work around their full-time job to scrape by, and those who are themselves disabled or are the primary caregiver of a disabled relative – offer their support for Prop 22 with the understanding that without it they will be forced to work set shifts. Among the testimonials, these are the vast majority. Yet there remains a small minority of testimonials who have chosen to respond to the last question on the bulleted list: “Tell us about the importance of instead discuss the importance of what you’re doing for customers, restaurants, families.” Thus, a few testimonials explain the importance of the service rideshare drivers provide, particularly in the context of a pandemic. Though many of the testimonies whose primary theme is flexibility also mention the importance of the service, a handful discuss only the importance of the work itself. Jim P. describes the pride he took in knowing he was helping people on the frontlines after delivering food to doctors and nurses.⁶⁶ Laura V. writes that she takes “great pride in helping disadvantaged people get to their

⁶⁴ “Vern K.,” Drivers for Prop 22 CA, accessed May 29, 2021, <https://drivers.yeson22.com/driver-stories/vern-k/>.

⁶⁵ “Monica A.,” Drivers for Prop 22 CA, accessed June 1, 2021, <https://drivers.yeson22.com/driver-stories/monica-a/>.

⁶⁶ “Jim P.,” Drivers for Prop 22 CA,” accessed June 1, 2021, <https://drivers.yeson22.com/driver-stories/jim-p/>.

location.”⁶⁷ Nicole W. writes “Whatever I got to do to make families feel safe and secure during this crisis...I really hope our stories get across to millions of people around the world so they know how important it is to do rideshare at this time....”⁶⁸

Backgrounding Corporate Control over the conditions of voice

While perhaps these stories did not make an impact around the world as Nicole W. hoped, it appears they certainly made an impact in the state of California. After all, the Yes on Prop 22 campaign credited centering driver voices with their win. By giving gig workers like Nicole an apparent voice in the form of surveys and testimonials, gig companies successfully cultivated an aura of grassroots authenticity. The individuals who submitted their stories were in fact real workers expressing real needs and concerns; in some ways giving an account of themselves. This authenticity was likely what made the Yes on Prop 22 campaign’s message so persuasive. Yet gig companies were ultimately in control of when and how their workers' voices were heard, asking questions guaranteed to produce a pre-approved narrative and framing the results to be consistent with corporate needs. Ultimately, gig companies appropriated the genuine voices of drivers to recast Prop 22, a piece of corporate legislation through and through, as popularly conceived and a means of ensuring progressive change for marginalized people. Through landscaping, they concealed their own control over the campaign.

Absent from these testimonies are the many drivers who organized fiercely *against* Prop 22 with organizations like Rideshare Drivers United, who protested and made infographics displaying that under the proposed law drivers would make far less than they had before, even without the official employment status that AB5 provided. Absent are the nuanced views of most

⁶⁷ “Laura V.,” Drivers for Prop 22 CA, accessed June 1, 2021, <https://drivers.yeson22.com/driver-stories/laura-v/>.

⁶⁸ “Nicole W.,” Drivers for Prop 22 CA, accessed June 1, 2021, <https://drivers.yeson22.com/driver-stories/nicole-w/>.

drivers, who, in an interview setting, consistently said that while they needed independence, they also wanted better pay, workers compensation for their dangerous jobs, and reimbursements for gas and other expenses. Absent is another important reason drivers gave for being wary of employment status: they reviled the companies they drove for so much, and already felt so badly mistreated, that they feared how Uber, Lyft, and others would behave as employers. A driver told one ethnographer that “Uber is so ruthless to these software engineers. Imagine what they would do to us.”⁶⁹ Finally, glaringly absent are the names Uber, Lyft, Instacart, and Postmates.

The fact that tech companies were supporters of Prop 22 is mentioned only on the “Our Supporters” tab, though on the page, supporters are labeled “Our Coalition.” Underneath this title, viewers are informed that “More than 119,000 app-based drivers and the following organizations **support** Prop 22.”⁷⁰ On this page, supporters are broken up into several categories of organizations: veterans, community advocates, and public safety advocates, for instance. Many of the names carry considerable weight, such as the NAACP and MADD. Much of the reporting on some of these high profile endorsements focused on the fact that organizations received monetary donations from the campaign. Further reporting revealed the decision to endorse was a contentious one within the California NAACP in particular, leading to the resignation of long-time leader Alice Huffman.⁷¹ Rather than assume the endorsements were simply motivated by monetary gain, however, it is important to consider the degree to which organizations like the NAACP were shown the same set of misleading facts as voters. It is likely that the coalition was assembled under the same conditions as driver voices. Finally, dead last on

⁶⁹ Dubal, “An Uber Ambivalence.”

⁷⁰ “Proposition 22 Coalition,” Save App-Based Jobs & Services, accessed May 15, 2021, <https://yeson22.com/coalition/>.

⁷¹ Melody Gutierrez, “California NAACP Leader to Step down amid Conflict-of-Interest Criticism,” *Los Angeles Times*, November 20, 2020, sec. California, <https://www.latimes.com/california/story/2020-11-20/california-naacp-leader-to-step-down-alice-huffman>.

this list is a category titled “Technology,” and the last names on this list are Uber, Lyft, DoorDash, Instacart, and Postmates, who happen to be the biggest contributors, the authors of the bill, and ultimately, those in charge of the campaign. Yet the campaign’s industry backers are listed as co-equal supporters among a list of reputable organizations. As Bsumek et al theorize, this creates the impression that the voice we hear speaking in support Prop 22 is not primarily the gig companies’, but belongs to a unified group of diverse supporters and advocates of the greater social good.

Conclusion

This paper has argued that the Yes on Prop 22 campaign effectively misled a sizable portion of the California electorate by engaging in a mode of appropriation termed landscaping. By asking drivers to respond to strategically framed, indeed, misleading questions about the terms of the proposition, gig companies were able to use survey responses and hundreds of testimonials from their drivers to create the impression that Prop 22 would indeed help the worker and not corporations. Uber, Lyft, and other gig companies first led their workforce to believe that if the measure failed, they would either lose their jobs altogether or lose their autonomy over their schedules, the single most important feature of gig work for the vast majority of drivers. Then, the campaign selectively used those driver voices, voices carefully planted so as to be heard pleading with the public not to take away the flexibility that their livelihood depended on, to market a piece of corporate legislation as democratic, pro-worker, indeed grassroots, to the rest of the public. Hiding behind the strategically framed voices of their workforce, Uber, Lyft, and others successfully concealed their interest in and control over the campaign. While at first glance the tactics used to push Prop 22 sound like typical astroturfing –

hiding corporate influence behind a grassroots facade – I have argued here that the use of real individuals’ real voices marks a meaningful departure from astroturf campaigns.

Bsumek and colleagues write that corporations build “front groups” through which to “throw” their voice.⁷² Yet even in the campaign to which they apply their theory, the Faces of Coal, it is difficult to conceive of the real coalfield residents quoted on the website, or the real community organizations listed among the supporters, as front groups. For an average voter trying to parse out a political decision, it is the very presence of *authentic* voices within their community that is likely to be persuasive. The presence of authentic voices is antithetical to astroturfing. It is far more challenging to decry the voices of real drivers as disingenuous, or discover the degree to which they have been strategically cultivated and portrayed. Rather, the strategy observed by Bsumek and colleagues in the Faces of Coal campaign, as with Prop 22’s strategy of making “driver voices the focus and face” of the campaign, cannot be understood as mere astroturfing or even ventriloquism with the workers nothing more than puppets through which the corporation throws its voice. Rather, faced with the ease with which astroturf campaigns can be exposed in a digital mediascape, it appears corporations may be forced to embrace more complex measures. Rather than simply put down astroturf, they carefully tend and manage real, living greenery. Rather than create a dummy employee group through which to speak, corporate strategies summon forth real employee voices, then selectively arrange them in service of a corporate narrative.

Gig companies continued to embrace landscaping as a strategy to defend Prop 22 from activists and workers who sought to invalidate the measure in the courts.⁷³ After the SEIU

⁷² Bsumek et al., “Corporate Ventriloquism.”

⁷³ Grace Gedye, “Court Upholds California Prop. 22 in Big Win for Gig Firms like Lyft and Uber,” *CalMatters*, March 14, 2023, sec. Economy, <http://calmatters.org/economy/2023/03/prop-22-appeal/>.

challenged Prop 22's constitutionality, in place of the Yes on Prop 22 campaign surfaced a coalition titled Protect App-Based Drivers and Services (PADS). The homepage of the coalition's website features these title words in text that fills one's screen, though if the viewer scrolls down, they are informed that California voters overwhelmingly passed Prop 22, "protecting the ability of rideshare and food delivery drivers to remain independent contractors, while providing access to new benefits and preserving the availability of app-based services." The text proclaims that "Prop 22 was supported by nearly 122,000 California app-based drivers." Scrolling further, the viewer learns that PADS is "a coalition of drivers, social justice, small business, public safety and community organizations" dedicated to upholding the will of Californians and protecting the availability of independent work. Just as the Yes on the Prop 22 website did, PADS works to create the impression that it is an organized movement of drivers and their advocates. While Uber, Lyft, Doordash, and Instacart are indeed listed as supporters on a page nearly identical to that of the Prop 22 website, they are conveniently left off the description on the homepage (unless they consider themselves "small businesses"). Instead, the voice of PADS is presented as that of drivers and community advocates.

While an update celebrating the recent ruling in their favor has been added to the homepage, if a viewer scrolls to the end of the page, a large yellow button invites them to "Hear More from Drivers." On this page, dozens of written and video testimonials are displayed, each under the impression that drivers' flexibility or their jobs were at stake if Prop 22 were overturned. For instance, Octavio A. writes "If I wanted a regular job I would have applied for one but unfortunately having two girls as a single father I must have that flexibility. I can not hold a 9 to 5 job as long as they are dependent on me picking them up from school. Please do not

take that flexibility away from us drivers.”⁷⁴ Beyond this portion of Octavio A.’s testimony, each of the themes from the yes campaign’s published testimonials are represented on the PADS website, and at every turn, the website cites surveys commissioned by gig companies to assure the viewer that Prop 22, and contractor status more broadly, is what drivers want.⁷⁵ While maintaining the flexibility to pay drivers less than the federal minimum wage – \$7.25 at the time of this writing – is certainly what gig company executives want, research not funded by the companies in question tends to yield a more complex picture of how drivers feel about their employment status.⁷⁶ A McKinsey and Ipsos survey found that 70% of executives globally say they plan to increase their reliance on contractor and gig work. But the same study refutes corporate claims that workers overwhelmingly prefer contractor status because of the “flexibility” it allows, finding that 62% of workers in the gig economy say they would prefer to have a stable job with employment benefits.⁷⁷

⁷⁴ “Driver Stories Vimeo,” Protect App-Based Drivers + Services, accessed April 30, 2023, <https://protectdriversandservices.com/driver-stories/>.

⁷⁵ The site references a report from Uber Newsroom, which itself asserts that “surveys show” drivers “value Prop 22, the protections it provides for independent work and a flexible schedule, and the benefits it delivers.” This assertion appears to be tied to one survey which Uber paid consulting firm Beneson Strategy Group (BSG) to carry out. While Uber describes the study as “independent,” BSG’s website makes it clear its research will find the “right answers” from a client’s perspective, rather than the true answers. For instance, BSG asserts “We leverage our language expertise with innovative qualitative and quantitative methods to uncover the ‘Hidden Architecture of Opinion’ that shapes your audiences’ decision frames.” Unsurprisingly, BSG’s survey of rideshare drivers relied on the same misleading and double-barreled questions employed during the Yes campaign, most importantly presenting the choice to drivers as one between set shifts and flexibility, or Prop 22’s benefits or nothing. See: “Uber Newsroom,” accessed March 31, 2023, <https://www.uber.com/newsroom/prop-22-benefits/>; “California Drivers Reaction to Prop 22,” *Beneson Strategy Group* (blog), May 12, 2021, <https://www.bsgco.com/post/california-drivers-reaction-to-prop-22/>; “Benenson Strategy Group | Strategic Consultants | United States,” BSG 2021, accessed March 31, 2023, <https://www.bsgco.com>.

⁷⁶ See: Ravenelle, *Hustle and Gig*; V.B Dubal, “An Uber Ambivalence: Employee Status, Worker Perspectives, and Regulation in the Gig Economy,” in *Beyond the Algorithm: Qualitative Insights for Gig Work Regulation*, 2020; Juliet Schor, *After the Gig: How the Sharing Economy Got Hijacked and How to Win It Back*, *After the Gig* (University of California Press, 2020), <https://doi.org/10.1525/9780520974227>.

⁷⁷ McKinsey & Company and Ipsos, “McKinsey American Opportunity Survey,” accessed May 27, 2021, <https://www.mckinsey.com/about-us/covid-response-center/covid-19-impact/impact-on-economies/unequal-america-ten-insights-on-the-state-of-economic-opportunity#>.

Growing worker opposition to the contractor model bodes well for labor advocates, but attempts in other states and by industries to expand or replicate Prop 22 suggest corporations plan to continue pushing for similar legislation to roll back workers' rights.⁷⁸ Indeed, as rhetoricians and legal scholars have observed, the history of astroturf campaigns indicates corporations will continue using dubious rhetorical campaigning strategies to disregard and replace any legislation that hurts their bottom line, regardless of social harm. Rhetorical strategies designed to create the impression that a piece of corporate legislation in fact has been popularly conceived and has legitimate, democratic, grassroots support have proved effective. I have posited here that such strategies are evolving out of the realm of astroturfing and into a mode of appropriation that is much harder to detect. In a digitized media landscape, it is easy for journalists or any curious member of the public to expose total grassroots fabrication. It is easy to trace pictured supporters back to a stock photo website, or even find out if supporters have been paid. It would appear that in the Prop 22 campaign, Uber, Lyft, and other gig companies recognized astroturfing may no longer be sufficient. They needed real individuals to voice their measure. Because it is the very authenticity of the voices used that is so persuasive, I have argued that this strategy is distinct from astroturfing, and is better termed landscaping. In this mode of appropriation, corporations solicit the stories of real individuals by asking leading questions in a way that ensures the preferred response. They then selectively frame aspects of these individuals' genuine lived experiences to create the impression that the piece of corporate legislation at hand is in fact in the best interests of the individuals featured.

As landscaping proved to be an effective means of recasting a piece of corporate legislation as socially just and popularly championed, rhetoricians and political communications

⁷⁸ At the time of this writing, a worker owned rideshare cooperative has launched in New York. See: <https://www.nytimes.com/2021/05/28/technology/nyc-uber-lyft-the-drivers-cooperative.html>.

scholars more broadly should pay close attention to this distinct mode of appropriation. Just as astroturfing was once an effective means of corporate campaigning, perhaps landscaping too can be exposed and guarded against. Yet the first step is knowing what to look for. In this case, skeptical members of the public could search for the source of the survey statistics, they could find, if they wanted, the leading questions asked of workers, the conditions under which reputable organizations endorsed the measure, and the real implications of Prop 22. However, as many individuals understandably do not have the time for such an investigation, nor know precisely what to look for, it is our responsibility as scholars to give such misleading rhetorical strategies a name and detailed definition. In doing so, we may identify the strategy so journalists, community advocates, average civilians, and above all workers themselves, will have a vocabulary in place to recognize it. Admittedly, a holistic solution to the problems posed by corporate campaigns would be a legislative one. There should above all be far more stringent legal protections against misleading workers and the public writ large in a campaign setting. Absent such protections, a first step to better guard against measures like Prop 22 is to make the misleading rhetorical strategies adopted by corporations, landscaping and otherwise, visible to the public.