

Music and / as Cultural Labour

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“musical practice...has been extremely important in imagining a freer society than the one we inherited”

Ingrid Monson, *Freedom Sounds* (2007)

“the musician is often regarded as a member of the servant class”

Bruce McLeod, *Club Date Musicians* (1993)

How does music-making fit into the social division of labor, that is, into the sum of the forms and relations of labor inhabited by working people?

The two epigraphs

I. Concepts of (Cultural) Labor – talk about some of the current scholarship and its problems; reach over to historical sociology of culture for better concepts

II. Marginality, Autonomy, Vulnerability – some of the durable features of musical work from a range of sources and moments

III. Emergence of Recording Artist – what I take to be one of the main changes in the terrain of the musical occupation

IV. Back to Work – return to the conceptions I outlined earlier, with a case, an actual case.

V. Conclusion – reiterates why the political content and contours of musical labor can and should impel us to question the social furniture of liberal society, and how it helps us to do so

My general argument has two obverse themes: The first is that we limit our understanding of social processes involving employment—and here I mean a whole lot of the music that is made in our society—if we do not critically examine or take into account the background conditions that enable those processes. The primary background condition is liberalism. The second is that creative cultural labor in general, and musical labor in the popular music industries in particular, give us both opportunities and analytical tools to render those background conditions visible, controversial, and available for critique. In other words, learning about employment gives us increased analytical purchase on music-makers’ work, and that, in turn, music (as well as other forms of cultural labour) gives us special insights into work as a modern liberal institution.

I. Concepts of (creative, cultural) labor

Work is on everyone's minds these days. The neoliberal transformations that we are rightfully concerned about are taking place largely on the terrains of work. In many developed countries, for instance, state social supports are mediated through work: access to and rates of unemployment insurance and retirement (and, in the United States, healthcare) are determined based on one's work history and wages. The depredations of "austerity" are proliferating largely through changes to social supports, to longstanding customs and institutions of work and to policy regarding corporate taxation and collective bargaining. At the same time, alongside work's contraction and escalating peril is its increasing reconfiguration as a primary site of individual autonomy and self-actualization.

the meaning and value of work

Modern work is an ideologically and politically contradictory phenomenon. Because many of its basic tensions and fault-lines have been obscured beneath decades and centuries of common sense and "ruling" ideas, work can be very hard to grasp in its historical and political fullness, in much the same way as are other major institutions like gender, race, the city, and the family. Even where we *do* understand a lot about these institutions on an intellectual level, it can be very hard to act as if those understandings had displaced our received knowledge in any fundamental way.

Crucial to developing a useful critique of work and employment is developing our understanding of their context and conditions: *liberalism*. It could be argued that work is perhaps the most personal and intimate form in which we experience liberalism, because liberalism's mainspring is the choices we are believed and expected to make about what we will do with our lives. For most of us, that means working for others in some context or other.

Ronald Mason writes that "Liberalism is the tradition of thought into which most of us are born. As political socialization affects our everyday thoughts and actions, so does liberalism affect our theoretical political thinking—in ways that are unrecognized." Our socialization in liberal society and thought gives us blind spots. And the thing about blind spots is that you don't know when you're missing something. Work puts a lot in this blind spot—work counts on us having very durable blind spots. My argument today is that digging into that blind spot gives us crucial insights into creative and musical work, which function in turn as lenses through which to examine what's been hiding from us, in more general terms, in our liberal blind spots about work.

Creative work in general, and musical work in particular, however, give us special insights into the historical and philosophical and political problems with work and its supposed freedoms as the mainspring of liberalism. This is because they present a limit case of work—a case whose unique extremes and heightened features bring into focus features of the run of cases that are hard to see because of

their naturalization. The flashpoints that are characteristic of creative and musical labor—which often take the form of arguments over who gets to control the work and own the product—bring to light the fact that virtually all waged work in market society involves not only *exploitation* (which is not that hidden) but also *domination, subordination, and appropriation*.

Approaching creative and musical work, then, with the widest and most inclusive possible view brings these core features into focus, it shows how music and cultural labor iterate and articulate the bloody history and cruel philosophy that underlie this taken-for-granted modern institution. Creative and musical labor thus function symbolically and analytically. They function symbolically because their characteristic flashpoints, often involving compelling artistic figures and sinister (or at least calculating) business people, organize meaning about cultural production.

SLIDE: *Young Man with a Horn*

Moreover, they frequently trigger—or are narrated with the expectation of triggering—sympathetic responses. These are responses that the routine indignities of run-of-the-mill work should incite, but usually don't. On an analytical register, these flashpoints can sensitize us to the usefulness of critical concepts like “labor power,” “contract,” “abstract labor,” “managerial prerogative,” and so on, concepts which seem increasingly unfashionable in ostensibly critical literatures.

To put a fine point on the matter, I am at present participating in an ongoing argument with scholars of creative cultural labor about *exactly* the usefulness of these critical concepts for explaining work in general and creative cultural work in particular. Some of the contours of this argument will emerge in my remarks today. The basic point of contrast is whether and how we scholars of cultural labor ought to treat our basic background institutions of Anglo-derived liberalism, both classical and neo. My argument is that if we care about *neoliberalism*, then we really must also be focusing on *liberalism*. Whatever neoliberalism is doing to and with us and for us, it is depending on these background conditions of liberalism. Liberalism provides the palette and vocabulary and syntax and conventions and institutional and ideological building blocks out of which neoliberalism has been constructed.

Briefly, liberalism's trick, as Marx noted in his famous essay “On the Jewish Question” was not to *eliminate* the forms of domination that characterized the political structure of feudalism, but to *privatize* them. Under cover of voluntary contract and the rights of man, liberalism smuggles domination into modernity. Work is the site *par excellence* of this privatized system of political domination.

As political theorist Kathi Weeks writes, “the work site is where we often experience the most immediate, unambiguous, and tangible relations of power that most of us will encounter on a daily basis” (2).

Putting a finer point on it is American labor activist and public intellectual Stan Weir:

The moment that any of us goes on employer time, whether or not we are physically present on company property, supervisors do not have to deal with us on the basis of the rights concepts contained within the Constitution. We become an extension of the employers’ private property, and so in large part, have left the jurisdiction of the regular law. From this view, it can be seen that every place of employment is a separate domain that has its own private government. [...] The seriousness of this situation comes into clear relief when we bring to mind a fact so obvious that it is mainly ignored: most of the waking hours of the work force are spent on the job. (187)

This system of privatized domination is legitimated primarily through the principle political tool of liberalism, the *contract*, and it is naturalized through the ruling equation of freedom with freedom of contract, and the continual hyping of *political* rights as the foundation and guarantee of individual freedom in our society. You may think that I am already straying quite far from the topic of musical and creative labor. But my basic point is that certain features of creative cultural labor—and musical labor of the last several decades in particular—are sites where these very deep political problems and fault-lines are quite visible, tangible, and emotionally and intellectually arresting.

SLIDE: Janus

Another key idea here is what I see as the Janus-faced social composition of the creative cultural worker or music-maker. It’s well known that Janus sees into the past and future simultaneously. Scholarship on Janus suggests that Janus was also distinguished by the powers of auspication that were enabled or represented by his two faces. Rabun Taylor tells us that auspication was crucial to the early Romans, that “one needed to be continually in touch with the signs during important undertakings” such as war or major building projects. Janus could be viewed as a “divine augur” “endowed with properties of vigilance no human could match.”

SLIDE: Temple of Janus

Janus was represented with two faces, but sometimes also with four. Temples of Janus were built to express this idea. Taylor writes that “Janus’ effigy, with its perpetual gaze toward several quarters of the horizon, was permanently effective at a task which humans could discharge only imperfectly”; that is, to monitor

simultaneously the goings-on in places and times that were—for humans—distinct and separated from each other.

SLIDE: Art vs. commerce

This kind of figure—positioned at boundaries between distinct spheres, in such a way as to mediate between them, as Janus did between past and future, inside and outside, and heavenly and earthly realms—emerges in the cultural industries creative work scholarship in numerous ways. For example, most scholars pronounce that creative cultural workers preserve old-fashioned, pre- or proto-capitalist or “craft” labor processes and organizational forms. In this view, the creative cultural worker mediates between past and present; he or she simultaneously separates and provides a link between past and present. But the main situation in which this double figure emerges in the scholarship is at the junction of “art” and “commerce.” This is a very common theme that goes back decades, but it appears to be gaining new life in cultural industries scholarship. Mark Banks is a particularly vocal proponent of this view, arguing that “[t]he creative cultural worker exists at the very axis point of political struggle between the forces of art and commerce.” It is as if there are “forces of art” and “forces of commerce” that are somehow essentially opposed, arrayed like armies on a battlefield. It may sometimes seem like this is the case, and many narratives of culture-making certainly give this impression, but in my view, to reify this idea into some sort of social-scientific “law”—as Banks and others seem to do—is to make a serious mistake. What is offered *as* an explanation is itself in need of explanation.

SLIDE: Janus again

David Hesmondhalgh and Sara Baker frame this doubleness in terms of the creative cultural worker’s position at the boundary of what they call “good” and “bad work.” Like Banks and others, they highlight the ways in which workers in the cultural industries are liable to experience heightened versions of the basic ambivalences of work. The litany includes complementary requirements of high degrees of passion, commitment, and skill, combined with a negative flipside: willingness to accept low wages, less security, periods of unemployment in unstable project-based fields, and so on. For Angela McRobbie, Andrew Ross and Pierre-Michel Menger, these experiences of creative workers are the harbingers of what is to come for workers in numerous, more routine sectors. This perception is abundantly supported in management literature which directs managers to inculcate “artistic” or “creative” approaches to work in their supervisees. Anyway, on the one hand, for Hesmondhalgh and Baker, Banks, and others are *heightened possibilities of intrinsic rewards, autonomy, and satisfactions*, on the other are *heightened possibilities of socio-economic peril, disappointment, downward mobility*, and other woes.

The problem here is that these analyses fail to push beyond moralizing pronouncements, they fail to expand their horizons to include explanatory factors offered by longer and wider ranges of complementary analyses or cases. They seem, in fact, quite blinkered. Worst of all, Banks' "liberal-democratic" approach and Hesmondhalgh and Baker's "good vs. bad work" approach function, to my mind, as what Kenneth Burke famously called "terministic screens"—at a certain point, beyond their very useful descriptions, they hide more than they reveal, they pose obstacles to what I see as more useful and effective scholarly and political knowledge, that can serve expressly progressive and critical ends. The problem is that cutting-edge, authoritative scholarship on creative work *fails to follow its own intuitions* beyond what I see basically as its overriding moralism. Accepting Anglo-derived liberal institutions like employment and contract as *fait accompli*, accepting liberal employment as a baseline condition—even as its social-historical formation is undergoing extraordinary change before our eyes—this benchmark scholarship stops short of what the institutions and practices and discourses seem to me to reveal quite unequivocally. *Creative and musical work—and the arguments made about it by its practitioners—provide a rudimentary but potentially devastating and galvanizing critique of the politics of work.* The conditions and discourses of creative and musical work pose powerful critiques of the basic liberal institutions of employment and contract. *On its own*, moralizing about "art vs. commerce" and "good and bad work" can not get us mentally outside our political socialization in liberal thought because it refuses to put employment and contract on the table, even as advances in the neoliberal reconstruction of the social order demonstrate how mistaken we are to trust that these institutions promise any minimum degree of social stability or comfort.

SLIDE: Weavers

I've already invoked some democratic and labor theory of work. Before I go any further, I want to introduce one further analytical tool. This tool I derive from a set of historical-sociological studies of weaving, pottery and related manufactures. Richard Biernacki's comparative study illuminates contrasting concepts of labor held by British and German workers between the late 18th and early 20th centuries. It contributes new knowledge to the sociology of culture, showing that contrasting, nationally distinct understandings, definitions, and conceptions of labor can be gleaned from careful analysis of shop floor layouts, piecework accounting systems, fine schedules, and other socio-technical forms. What he finds is that British and German workers during this two-century period have very different understandings of what they're doing when they're working, despite the great similarities of their overall industrial systems. These very different conceptions shape what Biernacki calls the workers' divergent "reception of formal ideologies"—that is, their differing capacity to imagine the contours of political analyses and political responses to very similar problems with work.

In short, British workers perceive themselves engaged in market transactions with their employers, exchanging units of objectified labor—embedded in cloth or pots—for wages. German workers, on the other hand, perceive themselves to be handing over control of themselves to their bosses while they're on the clock, labor here appears as “timed subordination.”

The British system, for fascinating historical and cultural reasons, is blind to domination because it imagines employee and employer as formal equals meeting in a non-political civil society, a market. In this view, the difference between employer and employee is that employers had access to markets that employees did not. In this view, *exploitation* is the problem, because, in the words of a 19th century British pamphleteer, “people who [do] not have the working capital needed to maintain their independence [can] not exchange their labor for its true commercial value” (Biernacki 1995: 225, n. 46). This is exactly how contemporary recording artists and their advocates frame their own political-economic debility. For the British, writes Biernacki, “the exchange of labor as a commodity could be not only separated from but *contrasted* with the exercise of authority.” He quotes a machinist telling his employer “You are no master of mine, but only a man who buys my labour for a good deal less than it’s worth” (Biernacki 1995: 193, my emphasis). This formulation “acknowledged a relation that included both formal equality in the marketplace *and* real exploitation” (Biernacki 1995: 193), but that failed to acknowledge any dimension of subordination.

German workers, on the other hand, perceived labor not as objectified and exchanged as an object for a wage, but in terms of what Biernacki calls “timed subordination.” They understood that in work they were subjecting themselves to the despotic command of employers and were to be compensated for the appropriation of their time and energy. Biernacki shows that these workers had a sophisticated understanding of “labor power” long before Marx came along. Labor power, of course, is the idea that what the employer buys is not labor, which cannot be transferred as can any other commodity, but the capacity to labor, which means also the right to dispose of that capacity. Labor power is an idea that encapsulates a political view of work, as opposed to the British view which, because it does not perceive domination, is not political. Again, for a host of fascinating reasons, German and other European workers did NOT perceive themselves as substantive equals of their employers in the contexts of markets for labor, but as formal political equals who were structurally and problematically disempowered by the political contours of waged labor, forced by circumstances beyond their control to submit to the command of others for periods of hours, days, months, years and so on.

Neither of these analyses and conceptions is “true” to the exclusion of the other. But our foremost scholars of cultural work appear to cleave entirely to the British

conception. Not only is the German conception hidden in the liberal blind spot of most scholarship, it also smacks of what Hesmondhalgh and Baker disdain as abstract, “theory-driven” Marxism. Just tell that to the weavers and potters who were talking about this in the first decades of the 19th century!

The thing for us is that musical work and musical workers—as limit cases of the limit case of creative cultural work—embody and express BOTH of these perceptions, in ways that seem contradictory and bizarre, if scholars are so socialized in one of these views that they cannot see the other as anything but ideological. Creative and musical labor remind us that the concept of “labor power” is not some radically abstract and ungrounded critical theory that has nothing to do with “actual work.” Marx was picking up on the concepts that were circulating around him. His staggering insights came, Biernacki suggests, from his putting these two worlds of practice and thought—the German and the British—into critical dialogue. This is what creative and musical labor does for us, before our eyes and ears. I agree with the cultural industries scholars that creative and musical labor are double, Janus-faced—what I want to say is that, far from simply mediating between “art and commerce” or between “good and bad work,” music and/as cultural labor mediates (often confusedly and self-contradictorily) between the liberal promises and their reality, between substantive freedoms and freedom of contract, between, in short, employment and democracy.

What I want to say here is that where we see “art vs. commerce” or “good vs. bad work” what we’re seeing is a secondary phenomenon, an expression in a certain specific, historical form of a deep contradiction between liberal employment and the promises of democratic society. Where “art” and “good work” are associated with creative workers having more autonomy and self-determination over their work, I want us to see that particular workplace and relation as comparatively democratized. Autonomy and freedom in work, in Kathi Weeks’ words, **“demands not the absence of power but its democratization.”** When we see creative workers exercising their discretion, we are seeing agency. In the context of capitalist enterprise, writes Peter Armstrong, agency “takes the form of the delegation of rights attaching to the ownership of the means of production”—it takes the form of the sharing of power, the democratization, perhaps only very incrementally, of decision-making.

SLIDE: Prince

Musical work especially bears this double quality of freedom and subordination: when viewed through the broader perspective I’m invoking here, **Prince and others’** pronouncements about slavery and indentured servitude appear not simply as the whining of the already rich and powerful for more wealth and power, but as especially penetrating insights into the fact that what Mark Banks calls the “balance” between art and commerce may not always be as “delicate” as he

suggests, and that, in fact, the “blood and dirt” with which Marx argued “capital comes dripping from head to toe, from every pore,” will remain indelible as long as the ongoing modern project of democratization does not make headway in the workplace.

Another framing quotation, from Raymond Williams

SLIDE: Raymond Williams

Just to preview the rest of my talk, I’m going to suggest that musical work is marginal to but nevertheless within the social division of labor, that its specific features do not distinguish it in any *essential* way from work in general, but rather appear as intensified and poignant examples of very real, very basic problems with work. These features illustrate in sometimes spectacular ways how liberalism smuggles servility and domination into modern, liberal, supposedly democratic society. These features exemplify and illustrate BOTH of the two conceptions I’ve outlined. Because they do this in the context of a hegemonic Anglo conception of labor, they both reveal AND hide, they both push past the sign reading “no admittance except on business,” into the hidden abode of production AND provide fig leaves to conceal exactly what goes on there.

II. Marginality, Autonomy, Vulnerability

SLIDE: medieval musician

Now I want to talk about some longstanding features of musical work which I’m beginning to learn about via social and cultural histories of music making in England and Europe. To me, these features help establish the extreme marginality of music making, and vulnerability of music-makers. Music makers’ unusual autonomy sometimes appears as a byproduct of other forces, at other times it appears as a primary concern.

I want these few words about the history of labor in popular music to help give a sense of just how precipitous a change takes place around the emergence of the “recording artist.” I take Attali’s point that, with *recording*, at the early 20th century, music escapes musicians, but work on the book and ongoing research convince me that the emergence of the recording artist is also quite significant in the story of music and/as cultural labor.

Steady occupational places in music-making are notoriously difficult to get and to keep; stability and security have only rarely been features of popular musical work. From at least the middle ages, music makers of all kinds have struggled more or less continually with problems of economic security and social mobility (Loft 1950; Salmen 1983). Some of the work of the German historian Walter Salmen is appropriate to quote at this juncture:

The medieval minstrel, he writes, was “a nuisance, a sinister figure, constantly attempting to remove himself from the power of the collective society, from established norms. Yet this was also a direct consequence of the treatment accorded him, for as the weaker one, he had to surrender himself to fate without being able to plan his life rationally. He had to forego a striving for a solid existence. ... [Yet,] [t]his irrational and unreasonable nuisance of a musician, whom the power structure opposed, was nevertheless a constant magnet to which one was emotionally drawn.”

More specifically, Salmen writes that medieval itinerant musicians had no legal rights and were considered dishonorable.

Legally, their disenfranchised status of being considered honorless meant a loss of credibility and did not permit them to take an oath. Consequently, itinerant musicians could not be witnesses and were excluded from the ...public peace proclaimed by the emperor in medieval times, as for example in Bavaria after 1244. [Indeed,] a person violently attacking [an itinerant musician] would not be punished. [Moreover,] trade guilds required a so-called proof of lineage in which one had to prove non-descent from a musician.

In other words, writes Salmen, “It was necessary to have the personal protection of a powerful patron if one wished to survive as a musician in the middle ages.”

The picture Salmen and other social historians paint is one of extraordinary vulnerability, but it is also one of an extremely wide range of potential life-courses. While itinerant musicians were criminalized along with vagabonds in many times and places, one who settled at a court and who pleased his lord was liable to be granted a productive piece of land (that is, one equipped with serfs) on which to live out his days.

Abram Loft’s very interesting history of musical unionization traces the formation of unions and guilds in several countries from the early middle ages to the 19th century. For nearly a thousand years, Loft shows, organized musicians

have encountered such problems as: controlling working-conditions for members of the association; combatting competition from rival organizations and ‘outsiders’; making adjustments to new conditions imposed by mechanical innovations in the art (centuries before the era of radio, phonograph, and sound-track); securing a ‘living wage’ for work done; regulating the requirements for admission to the trade; controlling (in the old guilds) the training and advancement of those working in the trade; and, finally, seeking to extend the geographic area in which the organization exerts control, the better to protect the privileges of the members of the group (Loft 1950: 2).

This pattern persists right up through the middle 20th century, as numerous chroniclers and analysts of the American Federation of Musicians have shown in fascinating if exhaustive detail.

More recent ethnographic work highlights some of these same principles.

Robert Faulkner's study of Hollywood studio musicians shows how difficult it is to break into the inner circle of highly-paid, relatively stable positions in film, television, and music recording studios. But he also makes clear that no position—no matter how “high-voltage” the virtuosity and sight-reading ability of its holder—is secure. Even at this level, as one of his informants told him, “you’re only as good as your last call. You’re continuously exposed, so you have to have good chops, stamina, everything right for each call. It’s accepted that everyone have that, if not, they won’t make it.” What’s more, “you can lose it all in a day” (109); failure to perform at the level expected at a crucial moment can result in loss of reputation and hence future work, even for an established member of this group.

Bruce McLeod notes similar patterns among “club date” musicians in the New York City area—musicians who play for charity balls, weddings, bar mitzvahs, and so on, providing what he calls “social cement” for various ritual occasions. Here, too, even a well-established musician can lose it all in a day, but competition from DJs and synthesizers as well as non-union bands posed a greater threat. McLeod's informants, while possessing “specialized skills,” being “fairly well paid,” and “sharing some of the glamour” of the performing arts, make it clear that the club date musician “is often treated as little more than a servant, ignored entirely, or even ridiculed” (9). One of McLeod's informants told him,

I wear my glasses, not contacts; I don't wear makeup; I wear a polyester tuxedo—something you can get axle grease on and still not notice. You *are* going to get dirty—the stuff weighs a ton, you have to take it upstairs, you go through the kitchen. You can't look pretty... you're at the cocktail hour, pumping out “The Girl From Ipanema,” people are knocking over your stuff trying to get to the food, the plants are in your face, the sterno burners are heating things up. (32)

Indeed, “In most locations, musicians are expected to use service entrances—often through the kitchen—rather than the main entrance used by party guests” (32). The routine indignities McLeod recounts suggest that even in the “society” circuit, where the pleasures of performance can be very significant, these musicians bear the stamp of servility and dependence.

More recent studies of Broadway musicians by Catherine Mulder and our own Jonathan Burston reveal, again, high degrees of skill, passion and commitment coupled not only with insecurity (as the cultural industries scholars point out) but

also with truly heinous conditions and treatment: Mulder details the dire health and safety issues faced by pit musicians in mega-musicals that depend on toxic chemicals for special effects, for example, and Burston the physically and psychically debilitating rigid repetition involved in multi-year runs of Phantom of the Opera and other big shows.

SLIDE: Petrillo

These studies all give evidence, in many cases quite explicitly, of what appear to me as music-maker's native conceptions of labor power, of managerial prerogative, and of the speciousness of "freedom of contract." Many of these musicians are aware of employment's political content on a very intimate level, and would recognize their own experiences in the expressions of German weavers and potters of the 18th and 19th centuries. In fact, one could argue (and you could read Tim Anderson as having done so) that James Petrillo—the famously pugnacious president of the AFM from 1940-1960—had a distinctly German understanding of the labor of music making. The histories of the union's activities in the 1940s present a pretty clear picture, when viewed from the angle I'm advocating.

The American Federation of Musicians made extraordinary achievements in the mid 20th century, largely because of its uncompromising stance along these lines, embracing a worker identity and bearing critical concepts about the nature of the power of employers and the state. The histories are extensive—a great deal of ink has been spilled here, so I won't go on about it. But the AFM has also failed its members (and its members have failed each other) in many serious ways. The union's history of racial segregation is a particularly well-known disgrace. But other, perhaps even bigger problems, resulted from the union's later history.

III. Emergence of Recording Artist

I want to talk about the recording artist for two reasons: because this is where my attention has been for the last several years, and because the recording artist seems to me to be pretty much the paradigmatic music maker of our society. I would speculate that most members of our society, if asked to picture or name a music performer, would think of a recording artist first.

SLIDE: Johnny Winter

Although the Oxford English Dictionary finds uses of "recording artist" and "artiste" appearing in the first quarter of the 20th century, the contemporary figure of the recording artist is of relatively recent origin. For this new figure, as Motti Regev shows, the term "artist" represents the "ideology of autonomous art" (Regev 1994, 86-87), in contrast to earlier conceptions of recording performers as

skilled, even celebrated, but nevertheless generally compliant participants in commercial entertainment.

The characteristically individualistic, autonomous recording artist emerged over the course of several overlapping changes in the music industry.

SLIDE: Some Factors

SLIDE: First, what Reebee Garofalo calls the “rise of the vocalists” (2004: 61)—which he attributes in part to the AFM’s 1940s recording boycotts—and the more or less coeval demise of the pre-war “big bands” began to change the social form of entertainment-industry music making, bringing smaller groups fronted by singers to the foreground.

SLIDE: Second, as Keir Keightley (2001) has outlined, the age-grading and segmentation of mainstream popular music production in the 1950s, and associated changes in formatting (“singles” vs. “long players”), helped divide and redefine music marketing and audiences. In combination with the bellwether transformation of Frank Sinatra from teen idol to forerunning “emancipated” popular music “artist” able to act as “his own boss” (Keightley, 1996, 27) these factors played major roles in constituting popular music as a realm of individualistic, “rebellious” cultural meanings (Keightley 2001A).

Fascinatingly, studies of postwar American class transformation illuminate this process: in the postwar era, when union solidarity ran at very high levels, American companies had a very difficult time recruiting managers from the rank and file. The Taft-Hartley act had made it impossible for managers to remain in bargaining units and workers did not want to leave the comfort and solidarity of their unions. American companies initiated a propaganda campaign using industrial films that invited union-loyal workers to imagine themselves as leaders—as heroes and protectors, to be sure, but as individual achievers along the lines presented by Sinatra.

SLIDE: Third, as Mike Roberts has shown, the deeply-seated and mutually-reinforcing racism and elitism of a plurality of American Federation of Musicians members propelled the withdrawal of the union and its customs and class-consciousness from the mainstream of popular music production. Inhibited from organizing rhythm and blues and rock and roll by ethno-cultural prejudices, the AFM failed to extend labor standards into emergent areas of musical practice (Roberts 2005), ultimately facilitating the field’s stratification. In Roberts’ view, these problems resulted in the steady bifurcation of recording performers into “two classes” of recording artists and side musicians (Roberts 2002 p. 30). This problem was accompanied by another in the American Federation of Musicians, a split between the elite and the rank and file within the union. This split ultimately led to the takeover and transformation of the union by the elite recording musicians in

the early 1960s, which in my view added to other obstacles inhibiting their ability to maintain meaningful control of musical work in changing conditions.

Parenthetically Roberts and Martin Lussier have looked at struggles around unionization of indie music.

SLIDE: Fourth, in the face of the AFM's neglect of youth-oriented popular music, the vertical disintegration of the major labels and outsourcing of much recruitment and production to independent studios and producers (Peterson and Berger, 1975; Roberts 2005; Kealy 1974, 1979, 1982) exacerbated the conceptual and social differentiation of the category of recording artist. Working in independent studios, for independent producers, pop artists appear symbolically and socially to move further out of the integrated systems that had characterized mainstream pop production.

SLIDE: Fifth, the shift of emphasis in the social relations of recording from the "artist and repertoire" to the "artist development" model (Peterson and Berger, 1971; Kealy 1974; Straw 1990) contributed significantly to the reconfiguration of the recording artist in the eccentric and even anti-social persona of the "autonomous artist"; this process was reinforced by changes in discourses of rock music and culture (Regev 1994; Keightley 2001).

Certainly other factors were at work, but by the early 1970s, in my reading, the terrain of occupational music making had been transformed and polarized. Both ceiling and floor have been removed from the occupation, as growing potential wealth and power were mirrored by more widespread potential destitution and disaffiliation. The institutionalization of recording artistry as a principal occupational and aspirational category has accompanied and perhaps propelled the hollowing out of the occupation. Today, as Mike Jones (2003) has credibly asserted, the primary product of the recording industry is *failure*. The fact that million-selling artists expire in conditions not only of obscurity but of poverty proposes that the medieval German saying cited by Krickeberg, "young musicians, old beggars" (Krickeberg 1983: 111), may be as true today as it was in the middle ages. As Chuck Phillips wrote in the *Los Angeles Times*, "Soul singer Jackie Wilson was buried without a headstone. Motown stars Mary Wells and Florence Ballard died welfare recipients. Rock and Roll Hall of Famers Jimmy Reed and Howlin' Wolf lived in destitute conditions, abandoned by the same industry that now sings their praises" (2001, A1). It is no coincidence that all these performers are African American; this commonality reflects structured asymmetries of music-making; in Chapple and Garafalo's words, "black roots" provide "white fruits."

SLIDE: Don Henley

Today's "featured" or "royalty" (recording) artists, particularly those under contract to major record labels, are in many ways the personification of these

changes: having achieved what Denisoff and Bridges called the “Mount Olympus of the business” (1982, 134), they embody *par excellence* what Toynbee (2000, p. x) calls “exemplary agency” in both expressive and occupational registers. Recording artistry is not a profession in any sociological sense: it has very low barriers to entry, yet its highest status practitioners are among the most wealthy and prominent of public figures. The meritocratic, even democratic appearance of recording stardom—visibly underlined by the success of men and women of various ethnic and class backgrounds—belies its intense stratification and obscures real obstacles to getting noticed. There is no amount of hard work, talent, training, and persistence that can ensure a recording contract, even with a tiny local outfit. To get a job as a recording artist is to be selected for a position of uncertain reward and duration, according to criteria no one can really spell out.

IV. Back to Work

One thing recording artists do have in common with virtually all working people is axiomatic: as McLeod’s informant put it, you get a position “[o]nly if [someone] can make money on you” (McLeod 1993: 132). Nevertheless, the position of American recording artists in the social division of labor is marginal: under state law—which governs recording contracts—they are employees, while under copyright law—which governs their legal relationships to their sound recordings—they are independent contractors, entrepreneurs. I argue in the book that this duality (which the principle parties basically ignore) is part of what enables recording artistry to serve as a “limit case” of work in our society. The recording artist straddles a conventional boundary between labor and capital, between subordinate and superordinate, highlighting tensions between concepts of freedom and practices of subordination that are both foundational to market society. The public appearance of (the artist frequently referred to as) **Prince** with the word “slave” written on his cheek exemplifies this dual identity (Stiegler, 2009).

Yesterday, Jonathan Burston talked about the subjective suffering that has accompanied the recent deskilling of pit orchestra conducting and singing for Broadway musicals. This is an extraordinary case for at least two very important reasons: First, his presentation, and most of our responses to it, suggest that there is a *ethical* aspect to the restriction of what he so economically calls “interpretive agency.” When the freedom of music-makers to interpret and express is restricted, it often seems like an injustice. I’m not saying it is or not, just that it seems to feel that way much of the time. The second reason is that the case he is describing is relatively unusual, an exception that proves the rule. And the rule is that much of what is singular about creative work in general is the overall *difficulty* in separating “conception” from “execution,” to use the terms that Harry Braverman taught us in his analysis of Taylorism. One way of explaining why creative work has remained so “good” (to use Hesmondhalgh and Baker’s term), or at least

desirable, relative to other forms of work, and why people are willing to expend prodigies of concentration, effort, and time for so little pay (as the performers in the “Loving in the Name of” concert series so obviously do), and so on, is because this is work in which conception and execution are pretty firmly bound together.

For numerous reasons, music stands apart along these lines, and here I want to return to the contrasting conceptions of labor I mentioned earlier and bring in an illustrative case. I’m sorry it’s taken me so long to get to a case; I promise if I ever get to do another keynote I’ll start with a story. I just got an email that my interlibrary loan copy of *The Working Musician’s Joke Book* has finally arrived – I was hoping I’d have it before putting this talk together.

I’m going to continue to focus on recording artists in American popular music, because they’re what I’ve studied most. What I want to point out is that music-making takes the integration of “conception” and “execution” to a greater extreme than other forms of creative cultural industry work because it involves questions of *property*: many music makers have property rights to the recordings they produce. And even where they don’t have statutory property rights, some musicians enjoy collectively bargained schedules of residual rights that smack of property, and even where there are not copyrights or collectively bargained rights, there are cultural discourses of music-making that project or imagine what we might call ethical rights—such as Broadway singers’ right to interpretive agency—in many music-making contexts. Even boy band members express *feelings* of authorship and the kind of relations it implies.

One way of understanding these structures of property—and structures of feeling of property—is that music-makers have a very easy time imagining their work from the perspective of British workers. As you recall, in Biernacki’s analysis, British workers imagine that they convey their labor to their employers in objectified form. The paradigmatic expression of this comes with the recording artist’s standard option contract: typically the recording artist signed to such a contract has extraordinary amounts of freedom in how, where, with whom, and when she makes a record. What she owes the record company is the collection of tracks stipulated in the contract, by a certain deadline. What is a recording but objectified musical labor?

But the flip side of this—the other face of the Janus-figure—is the *contract*, which not only commits the recording artist to handing over the tracks, but also gives the employer the right to control her labor in very real ways for the contract’s entire duration. Now, for the most part, the contract, once signed, becomes a relatively non-controversial legal scaffolding within and around which artists and companies work. But mountains of lawsuits over the years tell us that the contract is not by nature a neutral document.

SLIDE: Pateman

Indeed, as Carole Pateman argues, “exploitation is possible precisely because [employment contracts] place right of command in the hands of one party to the contract. ... Contract always generates political right in the form of relations of domination and subordination.”

SLIDE: more from Carole Pateman

Among Pateman’s achievements is bringing this German conception of labor into American democratic theory. Moreover, as music industry legal guides have been telling us for decades, the typical recording contract is a purely one-way affair: the company can drop the artist or exercise options willy-nilly, but artists have basically no contractual power of any significance: they cannot compel the company to release records or do anything else really.

And here the German conception of labor as “timed subordination,” as “labor power,” with all the political baggage that term carries, comes back. The problem here is not *minute* control of labor—not micro- or excessive minute-by-minute monitoring and command of the kind that so many workers are accustomed to. But it is control nonetheless: it is the ability of companies to use the contract to compel people to do things they would otherwise not do, or to prevent them from doing things they otherwise would do.

I’ve talked about California’s “seven year rule” at previous IASPM meetings, and do so at length in my book. It remains the clearest of a group of examples that support my general argument that we cannot look at processes involving employment without critically examining the background conditions that enable those processes.

In 1985, in the midst of a merger and acquisition spree, the ascendancy of a newly intensified blockbuster business model, and a slow-to-start economic recovery after the 1979-81 profit slump, the RIAA lobbied the California state legislature to remove a time limit to the enforcement of record contracts. For a hundred years, the state had refused to enforce contracts past a certain amount of time, no matter what the contract said. From the 1930s to the 1980s the limit had been seven years—hence the seven year rule. In the context of the industrial conditions I just mentioned, however, companies wanted to make sure that they could get the maximum amount of profit out of every successful act. In the case of acts like Bruce Springsteen, it could take years of development and marketing to produce a blockbuster act: for him to be able to accept an offer from a competing company on the seventh anniversary of his Columbia contract would deny them the ability to capitalize fully on their investment.

In their lobbying documents, the RIAA argued that “current law in California has been used as a weapon by prominent, highly successful recording artists.” Because of their ability to invoke the seven year rule, recording artists, they write, can

“force their record company employer/financiers into renegotiating contracts under circumstances in which the record company is not even sure it will get the benefit of the new bargain;” if the record companies don’t submit, they argue, “the alternative to renegotiation is that the artist will sit out the balance of his contract term with impunity.”

[o]ver the past ten years competition for the services of leading recording artists has become increasingly intense. Advances payable to artists and royalty rates earned by them have escalated markedly. Consequently, the problems created by ... the seven-year rule have become magnified and threatened the entire functioning of the business. Accordingly, the California-based record companies have determined that they can no longer wait for the law to develop in the usual course of judicial decision making.

The story of the debate over and passage of this law is totally fascinating and to me it very clearly exemplifies how central control of musical labor is to the recording industry.

In the next 15 years, several further legislative contests took place, and they too all had to do with record companies’ power, as employers, to control labor. If you’re interested, I can refer you to analyses of these. What I want to point to now is a statement made by singer Patti Austin at a 2001 hearing to repeal this law:

SLIDE: Patti Austin

What I’m saying is that patterns that the politics of music making illuminate as aspects of work in general should make us take such statements very seriously

V. Conclusion

I’ve been presenting the occupational music-maker as a Janus-faced figure, at the margins of employment, yet embodying and dramatizing its core features, mediating between not only “art” and “commerce” and “good” and “bad” work, not only between the “inside” of routine social relations and the “outside” of self-actualizing, expressive labor, but also between very different conceptions of labor, that contain within them the seeds of very different kinds of critique and of social action. This latter feature is what makes the study of music-making so fascinating to undertake and the findings so exhilarating to teach: there are very few sociological or empirical accounts of music making that do not at least implicitly raise questions that cannot satisfactorily be answered from the British perspective. Hesmondhalgh and Baker make much of a study of a Canadian nightclub which, when it changed owners, went from a very informal workplace characterized by “responsible autonomy,” to a very rigid situation of “direct control,” which alienated staff and regular customers alike. They offer this account to show a clear contrast between “good” and “bad” work. The question that they cannot—or at

least do not—ask is: how did this happen? The answer is quite simple: “good” work turned into “bad” work because the owner had the right—as owners do in liberal employment—to govern his employees however he wanted to. He didn’t have to ask them what they thought about this change he was considering. But the characteristic if constantly shifting mix of marginality, vulnerability, and autonomy of musical work, the nature of its characteristic flashpoints, and especially the politics of the contract—so often played out in the media in various spectacular ways—is constantly pushing us toward a more catholic view of work, one which expands through the sober interrogation of blind spots and the broader reach for illuminating parallel cases.

To consider music-making from the German perspective, in the kind of sustained way that Patti Austin and her advocates could not manage, is quite difficult. I don’t claim to have figured it out. But as long as we stay within the parameters established for us by John Locke, we cannot expect much to change. Neoliberalism expresses the promises of liberalism in ways that are painful to acknowledge; to me, the struggles of music-makers reveal this relationship in dramatized forms. It is, of course, evident in all kinds of work all the time, but our liberal blind spots have made it very hard to see, and our social consciences so dulled that it can be very hard to get exercised about, in all but the most extreme cases. But to accept liberal institutions as non-controversial background conditions is, to paraphrase **Mose Allison**, to put business before justice.

SLIDE: Mose