

People in music enjoy a  
freedom completely unknown  
to the organization man.

—Robert Curtis,  
*Your Future in Music*

## INTRODUCTION

### Popular Music and (Creative) Labor

The stars of popular music often appear to be so free and to be doing such enjoyable, expressive, and fulfilling work that it almost seems strange to think of them as working people. In contrast to the apparent freedom of Lady Gaga, Jay-Z, or Bob Dylan to decide how and where and when to record or perform, work for most people, most of the time, is not particularly free, enjoyable, or fulfilling. For most people, work generally requires doing what you're told or suffering the consequences, which can include discipline, harassment, or termination. Most people have no right and little ability to take a meaningful part in making decisions regarding the policies or organization of their place of work. For most people, most of the time, in other words, work is characterized by “democratic deficits” that “exist (to different extents) in any employment relationship.”<sup>1</sup>

Unlike most working people, successful recording artists enjoy exceptional autonomy in their work, as well as a strong property interest in the songs they record. Typically they receive their pay in lump sums (advances) before they begin the work of recording, and although they might be required to work

with a particular producer and keep to a schedule for the delivery of their finished product, they nevertheless determine to a great extent what they do and where, when, and how they do it. As an artist becomes financially successful, she may be in a position to renegotiate her contract to gain more freedom, money, or both. Once her sales or other income have produced enough money to recoup, or pay back, the record company's advance, she may begin collecting royalties, putting her in a position similar to that of a landlord collecting rent on a desirable property. Successful artists often appear to us as paragons of autonomous self-actualization. If, as John Stuart Mill believed, "the end [the goal or object] of man is the highest and most harmonious development of his powers to a complete and consistent whole," then recording artists today seem to enjoy the fulfillment of some of democracy's loftiest promises.<sup>2</sup>

But recording artists also typically work under unequal contracts and must hand over long-term control of the songs and albums they produce to their record companies. Typically, these contracts are exclusive, meaning that without getting special permission to do otherwise the recording artist is allowed to record only for the company with whom he has a contract. The contracts are also typically assignable, meaning that they (and hence, in a certain sense, the artists) can be bought and sold, most often along with the companies who hold them.<sup>3</sup> When a company is sold, the recording artists under contract to it can find themselves obligated to a new company or executives they don't like or respect. And the new company may not honor the promises made or implied by the old company. Moreover, recording contracts are typically written in terms of successive album options rather than fixed periods of time. Option contracts can keep recording artists under obligation to one company for career-length periods of ten, fifteen, twenty, or more years, closing off their access to a competitive market for their skills. The realities of contracts appear to contradict or undercut the autonomy usually attributed to successful recording artists, and in fact artists and the companies they work for frequently wrangle over their contractual relationships, often in courts, but also before legislators at the state and federal levels.

The recording artist—the successful recording artist, in particular—is a double figure. On the one hand, she is a symbolic figure offered for our consumption, contemplation, and identification; she enacts forms of expression, autonomy, and desirability, seeming to encapsulate some of our society's most cherished virtues and values. On the other hand, she is a political and economic actor, a working person whose contractually governed relationship

to her company is sometimes one of real subordination. In this doubleness, the recording artist embodies a paradox: as an agent of self-expression under contract to a major entertainment conglomerate or a subsidiary company, the recording artist is both autonomous and the target of control. He must be free to generate new material and unfree when it comes to the labor and intellectual property covered by the contract. Promotional narratives in the media highlight the individuality and originality of aspiring and established stars, celebrating performers' commitments to authentic self-expression and personal and artistic autonomy. Yet the legal arrangements undergirding stardom and its cultivation constitute stable structures of authority and subordination, of property creation and appropriation. Like the steel I-beams that stabilize masonry buildings in earthquake-prone areas, these arrangements join and reinforce constellations of artists, companies, markets, legal structures, and consumers. The purpose of this book is to explore the symbolic and social figure of the recording artist through the juxtaposition of cultural and political-economic analyses; to draw out the special significance of the recording artist both as object of fantasy, identification, and commerce and as skilled working subject integrated into legal and economic structures; and to foreground popular music as a social and symbolic field of unique conceptual value in the early twenty-first century.

This book's title, *Unfree Masters*, comes from the political theorist Carole Pateman's influential 1988 book *The Sexual Contract*. She coins the term in her discussion of husbands in market society. In the nineteenth and twentieth centuries the husband was "that curiosity, an *unfree master*," because although his legal role in the household was that of an autocrat (wives and children had very few rights), in the workplace, where he earned the wages necessary to support the family economically, his own rights were severely constrained.<sup>4</sup> In the public realm, the husband could participate in governance through voting and other political activities. However, in the private realm of the economy and the household, the husband was situated in a hierarchy of authority: he ruled the wife and children, but the employer ruled him. I adapt this term from Pateman to accentuate the paradoxical position of the professional recording artist. Like the husband in past centuries, today's professional recording artist under contract to a record company (or, increasingly, to a concert promoter or management company) is a master in some areas and a servant in others. A primary area of mastery is the artist's control over his or her labor process. However, as will become clear later in the book, many recording artists are also employers, masters of others in small

domains of production, who nevertheless remain subject to the contractual commands of their record companies. The autonomy and authenticity—or, in related terms, the power and value—of some popular music performers rest on the discursive and legal abasement of others, much as the husband’s power in the nineteenth and twentieth centuries depended on the subordination of the wife, as Pateman argues.

*Unfree Masters* explores the relationship between recording artists’ autonomy and their contractual bondage against the backdrop of a critical perspective on the institutions of employment and intellectual property. It traces this set of relations from the center stage of highly publicized, mass-mediated representations of music making in a major television talent show and “rockumentary” film to the backstage of legislative battles over the ground rules that set the legal parameters of the artists’ relationships with their record company paymasters (relationships that are public in a different sense). Conceiving of recording artists as workers, and considering them in relation to working people in other sectors, this volume offers new insights into the social relations of the music industry. The contradictions and paradoxes discovered therein are not unique to the music or entertainment industry: they illuminate much broader problems in American society that derive from core propositions of liberalism, such as the paramount value of the freedom of contract. When held up together for critical scrutiny, the complementary mystifications of the artist’s autonomy and freedom of contract each reveal aspects of the other. Moreover, the presumed autonomy of the creative cultural-industry worker, exemplified in the figure of the rock star, is a function of mystification by the culture itself. Rather than developing as the result of a capitalist conspiracy, it is a legacy of the proliferation in and appropriation of Romantic myths of the artist as rebel and outsider by our culture. In situating this figure in economic and legal contexts, this book also seeks to demystify this presumption.

The contradictory relationship between recording artists’ autonomy and their subordination brings to the surface tensions between employment and democracy in liberal society. They highlight mounting problems associated with work and social mobility in an economy and society increasingly organized around neoliberal principles. “Neoliberalism” names the hegemonic political philosophy of the turn of the twenty-first century which advocates and justifies (among other things) the expansion of employers’ power to dominate their employees, and I take it up at greater length in chapter 1. The ongoing (and increasingly contested) neoliberalist transformation of contem-

porary society and culture poses a primary context for the analysis offered in this book. Accounts of neoliberalism differ in their analyses and emphases, but the impacts on and implications for working people of these transformations is central to many of them. An overarching theme is the accelerating erosion of working people's socioeconomic security and political and bargaining power in the name of individual freedom, sometimes referred to as individualization or de-institutionalization. To capture an organizing theme in one of his examinations of neoliberalism, David Harvey cites poignantly a lyric from Kris Kristofferson's countercultural anthem "Me And Bobby McGee": "Freedom's just another word for nothing left to lose."<sup>5</sup> In this world of thought and policy, the emphasis is on freedom *from* interference from the state (in the form of labor protections, for example), rather than freedom *to* enjoy an independent individual existence.

There are both push and pull aspects to the proliferation of neoliberal logic into the social world. The push is largely political, evident in attacks on workers' rights and state-provided social entitlements and benefits by neoliberal politicians, think tanks, and industry associations, in the retreat of employers from pension and other obligations, and in the individualization, pathologization, and effective criminalization of vulnerable social groups. These and related trends push greater numbers of people into states of increased vulnerability and a decreased capacity to say no, for example, to work offered on unfavorable terms. The pull is more cultural, evident in implicit and explicit propositions that processes of individualization and de-institutionalization are enhancements of individual autonomy. As scholars of reality television make clear, the mass media are preeminent sites for the dissemination of new discourses of self-governance and self-responsibility, new modes of thinking and comportment through which people are invited and exhorted to adjust to or remake themselves in accordance with the neoliberal image of the working person:<sup>6</sup> one who expects only law and order from the state and only a wage from employers, who is ready to change jobs willy-nilly at the convenience of employers.<sup>7</sup>

Understood as workers, recording artists point simultaneously to the future of work as well as to employment's traumatic emergence in the early modern era. They exemplify the individual autonomy promised (in different registers) by democratic and neoliberal ideology and institutions as well as the routine subordination of individuals demanded in and by liberal market society. Recording artists appear as examples of the "creative worker," a term often used to suggest a dominant (yet still largely aspirational) labor

paradigm of the postindustrial economy. Observers use this term, often in the context of policy polemics, to characterize positions ranging from software developers to fashion designers, event planners, and consultants of all stripes: varieties of position and activity policymakers hope will offset post-industrial social and economic decline. In light of this proliferating discourse, *Unfree Masters* offers a critical study of the contemporary culture and politics of labor focused on the figure of the recording artist. Neoliberalism has taken root in America at least in part because rhetorically it identifies itself as the enhancement of individual freedom, even while it diminishes individual freedom by eroding the political-economic bases for working people's choices, such as access to employment insurance and low-cost education. In abstract terms, then, neoliberalism does not contradict this core American value even as it destroys its practical foundation for most people. Recording artists' paradoxical autonomy and subordination—as well as their paradoxical proprietorship and dispossession—reveal hard truths about the definitions, promises, and limits of freedom for working people in American society. None of these hard truths can finally be dissolved by “creativity,” no matter how it is defined.

The exigencies of paid work create obstacles to most people's “highest and most harmonious development of [their] powers to a complete and consistent whole.” Lacking income-producing wealth, most people have to sell their capacity to labor to others, often consigning control over large portions of their powers, as well as the valuable results of the exercise of those powers, to others on a routine basis. This situation is often referred to as “alienation.” Robert Blauner writes that in work, in general, “alienation exists when workers are unable to control their immediate work processes, to develop a sense of purpose and function which connects their jobs to the overall organization of production, to belong to integrated industrial communities, and when they fail to become involved in the activity of work as a mode of personal self-expression.”<sup>8</sup> By this definition, successful recording artists would seem to escape alienation almost entirely as they engage in creative work that “permits autonomy, responsibility, social connection, and self-actualization,” in Blauner's words<sup>9</sup>—the “harmonious development” of their powers, to use Mill's language. Unlike many if not most working people, recording artists are not routinely “controlled and manipulated by other persons or by an impersonal system”; rather, they are able to control their own work to exceptional degrees. Recording artists “work on unique and individuated product[s]” that are saturated with meaning. Especially in the case

of members of bands, they appear integrated into professional social worlds in music. Most of all, their work appears self-expressive and self-actualizing in that it “permits the expression of present capacities and the development of innate potentialities,” two principles of democratic theory emphasized by Mill.<sup>10</sup> Moreover, copyright law appears to vest authorship of their recorded output with recording artists, constructing them as proprietors who license their recordings to record companies (see chapter 5).

Successful recording artists are indeed unalienated in many ways. Yet the ways in which they are alienated are of such far-reaching significance that they merit the sustained focus and multidisciplinary approach offered here. To clarify this argument, I want first to explore the ways in which the work lives of creative workers (of which recording artists are an example) have been understood by contemporary scholars in communication, media studies, and related fields to be largely unalienated. In the following sections, I examine and highlight important themes of this scholarship, on which I build throughout this volume.

### *Popular Musicians' Autonomy*

Numerous scholars of the cultural industries have explained the unusually autonomous and proprietary nature of the work of creative cultural-industry workers. For David Hesmondhalgh, “creative autonomy” is essential to work in the cultural industries because “autonomy itself is bound up with the interests of cultural-industry businesses”; without freedom from constant monitoring and control, creative workers would not (the industry fears) be able to come up with potentially valuable new cultural properties.<sup>11</sup> But autonomy is not distributed equally among creative workers. According to Bernard Miege, “the very conditions of creation . . . vary from sector to sector: artists’ autonomy, the collective or non-collective nature of the work, division or non-division of labor, insecurity, and also social prestige” can manifest themselves very differently in different “sectors” of the cultural industries.<sup>12</sup> “For the majority of artists,” in Miege’s view, “autonomy is a pure façade: it allows them to be paid at a rate markedly lower than the value of their labor power” because the pleasures associated with autonomous creative work induce people to discount their labor in order to gain cultural-industry employment.<sup>13</sup> The appeal of creativity and autonomy is especially effective in persuading young people to accept low wages and uncertain working conditions.<sup>14</sup> Nevertheless, because cultural industries require novelty, they cannot control creative

workers the way employers in other sectors can: “Owners and executives make concessions to symbol creators by granting them far more *autonomy* (self-determination) than they would to workers of equivalent status in other industries and to most workers historically.”<sup>15</sup> A quid pro quo is implied here: we give you (relative) freedom; you give us creativity.

Music making stands apart in this regard; it constitutes a limit case of cultural work—an extreme case whose features are so pronounced that they illuminate characteristics of more run-of-the-mill cases. The autonomy of successful popular music performers is exceptional among those creative workers who work under employment contracts.<sup>16</sup> Jason Toynbee is one of the few scholars to analyze the question of popular music performers’ autonomy as unique, without a precise equivalent in other areas of cultural production.<sup>17</sup> Music making, in his analysis, “has always been a relatively autonomous activity taking place beyond the supervision of the firm for the most part.”<sup>18</sup> Toynbee finds two main explanations for what he calls the “institutional autonomy” of popular music makers in the commercial record industry. On the one hand, “fans claim a direct link to musicians, and subcultures, from jitterbug to speed garage, wrap ‘their’ creators in an embrace which, initially and relatively but always significantly, protects these musics from corporate control.”<sup>19</sup> Fans’ collective capacity to buy or not buy recordings, concert tickets, and so on mitigates artists’ alienation: the artists who enjoy such fan support are more able to keep doing what they like, so long as their products are selling. However, other industry-specific factors also work to hold the line for recording artists, as Toynbee shows in his discussion of the performing and recording purveyors of swing (a highly danceable, “whitened” variant of jazz that became popular in the middle 1930s) and their legacy. Swing bands, like the rock ’n’ roll and rock groups that succeeded them, “were able to sell their services directly to several buyers and so avoid dependence on any single one.”<sup>20</sup> (I analyze the importance for independence of the ratio of sellers to buyers of musical services in chapter 3.) Toynbee notes that the economic “mobility and autonomy of the bands was mirrored in the way they made music.” To satisfy themselves, their audiences, and the institutional buyers of their services, “they needed to be self-sufficient innovators, capable of generating new performances on the move.”<sup>21</sup> This self-sufficiency has shaped the norms and terms of record deals and has become institutionalized in the form of popular music makers’ characteristically robust autonomy.

Of course, record companies typically resist that autonomy, applying pressure to maximize their own profitability and stability in a risky industry. Musi-

cians' collective self-sufficiency continues to shape the way they interact with the recording industry as only one of many possible buyers of their services.<sup>22</sup> The two parties' contractual relationships reflected the record companies' dependence on the musicians' independence: musicians' ability to generate income from numerous sources subsidized record companies' investments in them, but it also limited the companies' capacity to control the musicians' labor and products.<sup>23</sup> The autonomous and entrepreneurial modes that have come to define popular musicians' patterns of working come into conflict with the business imperatives of the recording industry. The industry's function is to collect profit: "If it licenses a certain amount of institutional autonomy, accommodation between [musicians'] social authorship and capital is surely a contradiction in terms."<sup>24</sup> This tension has been central to the popular music industry for at least the last several decades. Indeed, the rock band's apparent self-sufficiency and comradeship, Keir Keightley points out, enable its members to seem "to escape that alienation of musical labour and expression which an involvement in the cultural industries would otherwise imply."<sup>25</sup> In this view, the autonomy—or, to use a differently inflected term, the de- or nonalienation—of many popular music performers is an institutionalized contradiction in terms.

However, while a recording artist's balance of autonomy and alienation is variable in its historical particulars, the core themes and problems of autonomy and alienation are quite persistent. Recording artists' peculiar positions with respect to the firms for whom they work put them into real, existing patterns of relationship that have grown out of historical interactions between musicians, companies, audiences, the law, changing technologies, and so on. In order to keep their jobs, contracted artists must produce new music that is commercially acceptable to the companies, on a schedule; this music must generate sufficient revenue; and the companies must have clear control over the labor and output of the artists. In other words, recording artists must (to meaningful degrees) obey their company's executives and turn over their recordings to the company.

These characteristic patterns of interaction between artists and companies are themselves conditioned by and reflect more deeply seated liberal institutions: employment and intellectual property. Employment may be understood as the exchange of obedience for a wage (see chapter 4) and intellectual property as a way of constructing cultural expressions that are subject to state-enforced monopoly control by the license holder. Employment and intellectual property intersect in copyright's doctrine of "work for hire,"

whereby intellectual property produced in the workplace is typically the property of the employer (see chapter 5). To remarkable degrees, the historical interactions of musicians and their employers demonstrate the stretching (but not breaking) of these alienating institutions, with the result that recording artists do not in any obvious way seem like employees. Relative to most other working people, in short, professional recording artists enjoy real privileges.

### *Prefiguration and Atavism in Cultural Work*

The patron saint of musicians is Saint Cecilia, who, it is said, sang to the Christian deity as she was dying. In today's context, a more appropriate figure may be Janus, the Roman god of doorways and gates, of beginnings and endings. Ancient artifacts represent Janus as a head with two faces, simultaneously looking inside and outside, ahead to the future and back to the past. This ancient deity serves as a useful tool for considering the symbolic meaning and social position of the creative cultural-industry worker, given that contemporary analyses of creative work's characteristic combinations of autonomy and vulnerability suggest an essential doubleness. On the one hand, scholars position the creative worker as forward-looking, the herald of a likely future for many (if not most) other sorts of workers—perhaps analogous to the proverbial canary in the coal mine. On the other hand, they see this figure as backward-looking, recalling or reenacting otherwise outmoded forms of work from the distant past.

The present study combines these perceptions of prefiguration and atavism and uses them to explore how creative cultural work and workers can appear so Janus-like, and how recording artists present a limit case of this phenomenon. This book suggests that creative cultural work can have such a dual appearance because these forms of work and their characteristic tensions make visible the political skeleton of labor in capitalism. The traumatic and violent early modern formation of the institution of employment makes its hegemonic political content clear. Indeed, the violence of some of the earliest English labor laws—the 1349 Ordinance of Labourers and the 1351 Statute of Labourers—and the doctrines of master and servant that they codified laid the foundations for the development of the institution of employment.<sup>26</sup> (It is, I believe, this ancient yet still functional political content that is becoming increasingly perceptible at the outer margins of labor under neoliberalism, as well as in right-wing attacks on labor law, collective bargaining, and work-

ing people in general.) Creative cultural work juxtaposes social forms that appear to be only distantly related, at most, and it is the specific character of their marginality that renders recording artists such remarkable figures in this respect.

#### Avatars of the Future

In a career guide aimed at high-school students in the early 1960s, Robert Curtis highlighted the marginal and precarious nature of the musician's work. Curtis cautioned that the unusual freedom enjoyed by people in music "may also include . . . inopportunately . . . the freedom not to work."<sup>27</sup> In other words, professionals in what Curtis celebrated as "the fascinating world of music" typically live in a state of what has been called "bird-freedom." They are at liberty to flit from place to place, from employer to employer, but they are simultaneously free (bereft, that is) of any substantive claims on the means of making a living, in the meaning of this phrase widely attributed to Marxist thought. Creative workers' many privileges still come at the cost of the heightened insecurity and individual risk about which Curtis warned teen-aged American baby boomers: many may be called, but few are chosen; fewer still will become settled in stable careers or organizations.<sup>28</sup> In the recording industry, as most observers note, fewer than 20 percent of artists earn enough profits and royalties to repay their record companies' financial investments in them (known as "advances" and often treated as loans); only around 5 percent of artists actually exceed repayment and achieve profitability. Success is elusive. The recording industry is kept afloat by the small number of performers who reach star status. Failure, as Mike Jones notes, is the record industry's principal product.<sup>29</sup>

Television talent shows and rockumentaries are stories in the mass media about success and failure that reveal much about the logics—the systems and principles—in operation at different levels of the music industry. But as the statements of an *American Idol* judge about how average people can succeed and stay on top and a rockumentary filmmaker about how they can "follow their lives right"<sup>30</sup> suggest (see chapters 1 and 2), the shows and films are much more than that. Makers of popular music are creative workers who are more or less integrated into systems of production and profit. These systems are increasingly understood to model—to put into preliminary shape—forms of work organization that are increasingly perceived by academics, public intellectuals, and policymakers to be proliferating outward from the cultural industries into much more conventional worlds of work. In other words, in

the view of many scholars and researchers, as well as in those of music industry insiders and independent filmmakers, creative workers in the cultural industries have much to teach us about how to succeed in the neoliberalizing economy and society.

This prefigurative view of creative cultural labor sees in it the impending future of work organization, a blurring of the boundaries between the worlds of art and work. Jacques Attali presents music itself as a social form that “implies and heralds a general mutation of the social codes”; music making appears to offer a model for the “reappropriation by all creators of their valorized labor.”<sup>31</sup> Attali’s view, which appeared in French in 1977, and English in 1985, is hopeful, in contrast to those characteristic of later contributions. In Scott Lash and John Urry’s 1994 formulation, “ordinary manufacturing industry is becoming more and more like the production of culture. It is not that commodity manufacture provides the template, and culture follows, but that the culture industries themselves have provided the template.”<sup>32</sup>

More recent scholarship has developed this insight considerably. To Richard Sennett, neoliberal transformations in the world of work are exemplified by the information and culture industries, which “exert a profound moral and normative force as a cutting-edge standard for how the larger economy should evolve.”<sup>33</sup> The “small slice of the economy” represented by these industries, he writes, “has a cultural influence far beyond its numbers”<sup>34</sup> because “the avatars of a particular kind of capitalism have persuaded so many people that their way is the way of the future.”<sup>35</sup> What he calls the “new capitalism” is an economy in the process of reconfiguration around the model provided by these industries, invoking and eliciting a normative new self “oriented to the short term, focused on potential ability, willing to abandon past experience.”<sup>36</sup>

Pierre-Michel Menger focuses even more explicitly on artistic and creative work. Rather than appearing in their old guise as “the reverse of work,” he writes, artistic and creative activities “are, on the contrary, increasingly claimed to be the most advanced expression of new forms of production and of new work relationships resulting from recent changes in capitalism.” This has implications for the social meaning of the artist in popular culture and managerial discourse, as well as in the survey and demographic data Menger analyzes. The creative worker becomes, in Menger’s words, “a model figure of the new worker.” Through this figure we may see “transformations as decisive as the breakup of the salaried world, the growth of autonomous professionals, the magnitude and undercurrents of contemporary disparities, the measure

and the evaluation of competence [and] the individualization of work relationships”: a range of developments, some of them distinctly antisocial.<sup>37</sup>

In general, scholars in the humanities and social sciences understand the development of this new model for the worker as bad news for most working people. The “magnitude and undercurrents of contemporary disparities” appear great and growing, and the degree to which the artistic worker becomes a model for new forms of work organization corresponds, in this view, to the degree to which working people may lose the ability to find or demand transparency in their treatment, or to make claims on employers and the state—and the degree to which, consequently, they become more vulnerable to new forms of social insecurity.<sup>38</sup>

Nonetheless, this new model has its boosters, for whom insecurity and vulnerability are coded as flexibility and mobility—in a word, as liberty. Working people from all walks of life, according to this perspective, should learn to become more like creative workers in order to adapt successfully to the neoliberalizing society and economy. Mark Deuze, invoking a handy neologism (and oddly overlooking the high rate of union membership in the entertainment and media sectors) asserts that, like the artist, the worker of today must prefer “individual independence and autonomy over the relative stability of a lifelong workstyle based on the collective bargaining power of a specific group, sector, or union of workers.”<sup>39</sup> “Flexibilization” along these lines, according to Deuze, has many upsides. In the context of the destabilization of institutions and social bonds, “it is perhaps the perfect paradox in contemporary . . . life” that “those workers caught in the epicenter of this bewildering shift also express a sense of mastery over their lives, interpreting their professional identity in this context in terms of individual-level control and empowering agency.”<sup>40</sup> Citing Ulrich Beck, Deuze indicates that “mastery” and “empowerment” in this context appear as “biographical solutions of systemic contradictions,” the results of individuals’ struggles to accommodate forces far beyond individual control.<sup>41</sup> Nevertheless, in Deuze’s formulation this important sociological critique is merely descriptive.<sup>42</sup>

The forms of work organization that the more critical prefigurative approach sees as operative in cultural work, and as on the horizon in other sectors, can be understood to incorporate new modes of labor control. Employers leaning toward neoliberal social forms see models of flexible work and of workers in cultural industries, and those employers appear increasingly to believe that following those models would excuse them from a range of conventional employer obligations. Like artists, critics of this shift point

out, workers are increasingly pressured to take responsibility for their own training, successes, and failures and to accustom themselves to short-term, uncertain, “project-based” employment. The minimization of employer obligations through the recasting of routine work on the model of artistic work decreases economic and other forms of friction as firms seek to adapt to and exploit marginal shifts in markets. In Goetz Briefs’s view, “from the standpoint of efficient management, the ideal production material is described as follows: It is obtained at the lowest possible cost but is nevertheless 100 percent effective; it is highly adaptable, is economical to use, and is readily movable from place to place; it is a calculable quantity, can be used without unwelcome side effects, and can be replaced at a moment’s notice.” He concludes that “from the point of view of one who manages a plant or a great industrial enterprise, that ‘material’ which is labor comes up to the ideal when it shows these same characteristics.”<sup>43</sup> That “‘material’ which is labor” shows these same characteristics when workers have lowered expectations and make minimal demands regarding their rights, the security of their places in the economy, their ability to depend on social provisions such as health care and unemployment insurance, and so on. Restraining the kinds of demands that workers can make or can imagine making on their employers liberates employers; the model of artistic or creative work helps to exemplify, legitimize, and generate discourse about this kind of shift. The ideally flexible worker expects and requires relatively little of her employer or the state and can therefore be used with fewer “unwelcome side effects” than a worker accustomed to greater public and private entitlements.

There is yet a third variant of the prefigurative approach that largely brackets questions of the “new model worker.” Mark Banks proposes a “liberal-democratic” view that recognizes the rationalizing and disciplining of creative work, and the ways creative workers often perform discounted creative labor with little or no job security.<sup>44</sup> But the “individualizing” tendencies of modern economic life also bear promise in this view. New media and new media channels support the proliferation of “critical world-views.” The “necessity of choice” native to creative cultural work, Banks contends, has liberating effects on those who create for a living. In the cultural workplace, choice and reflexivity “open up opportunities to break away from social prescriptions that would seek to contain individuals in traditional roles largely determined by, and beneficial to, capitalist institutions.” In his view, “encouraging people to ‘be independent’ and ‘think for themselves’ runs the risk that

one day they may actually do it,” portending challenges to overarching political and economic structures.<sup>45</sup>

The individualization characteristic of creative cultural work, decried by critics like Menger (because it represents the narrowing of access to welfare-state institutions) and praised by boosters like Deuze (because it underwrites radical new degrees of freedom and mobility), is cautiously embraced by Banks. He sees both tendencies and holds out hope that new visions for social reform can be nurtured and take on preliminary, prefigurative form among increasingly socially insecure—but necessarily relatively autonomous—cultural-industry workers.<sup>46</sup> However, Banks never really defines or explains what he means by “liberal-democratic”: the concept remains something of a black box in his analysis. The coupling of liberalism and democracy is not, as he seems to think, self-evident. As the discussions in chapters 3 and 4 indicate, liberalism and democracy can be shown to exist in sometimes extraordinary tension, even under conventional definitions.

Critics of the prefigurative character of creative cultural work suggest that norms of cultural work should remain marginal, and that workers in other sectors should not be asked to give up security in exchange for freedoms of unproven value. Celebrators of that character argue the opposite, and the cautiously optimistic in between look for unseen benefits. However, underlying these views, as well as the atavistic perspective outlined below, is the assumption that creative cultural work is essentially different from other forms of work because it involves the production of individual, novel symbolic goods whose chief distinction is their capacity to be meaningful.<sup>47</sup> The perspective developed in this volume, however, suggests that downplaying that distinction can give us theoretical and critical leverage in our examination of cultural labor as a component in the social division of labor.

#### Emissaries from the Past

Scholarly analysis of creative cultural labor also looks backward to older forms of work and organization for help in explaining the peculiar forms that creative cultural work takes. In different branches of cultural production, in Miede’s view, “capital is put to work in very different ways, which in part relate back to the historical conditions which determined capital’s original penetration of these different branches.”<sup>48</sup> To many scholars, creative cultural labor appears anachronistically to preserve or retain artisanal or craft forms of work and work organization in the context of contemporary global capi-

talist industry.<sup>49</sup> For example, in his 1970 study, Robert Faulkner observed in passing that the “performers who work in the Los Angeles recording studios are anachronistic in our age of large-scale industrial organizations.”<sup>50</sup> These anachronistic relations appear as the obverse of the cultural capitalists’ requirement for continual innovation in cultural products; the one requires and supports the other.

Bill Ryan explores what he calls “the contradictions of the art-capital relation,” arguing that the culture and organization of the cultural industries are characterized by legacies carried into the present by the durable conventions and discourses of art. Generations of cultural capitalists have modified these legacies: they have “reconstructed the original artistic division of labour around new technological forms and reconstituted the artist as an enormous variety of specialised occupations.” Yet each of the artistic occupations, as it underwent capitalist reconstruction, “retained residues of its origins.”<sup>51</sup> This view explains the unusual autonomy of artistic or creative workers as, in significant measure, a relic of decentralized craft control. Cultural industries’ characteristic autonomy “has been carried over from preceding eras,” agrees Hesmondhalgh.<sup>52</sup> Creative workers appear in this view to retain or preserve less-alienated forms of work and work organization. This translates into their integration into firms in global cultural industries in a generally loose manner, although numerous heterogeneous forces work to tighten this integration. In cultural industries “workshops,” Banks finds “the endurance (and indeed necessity) of creatively led, craft systems of production even in advanced industrialized contexts.”<sup>53</sup> Keith Negus offers a contrasting elaboration of this anachronistic principle along complementary lines in his discussion of the “rock aristocracy,” musicians “who have used their economic wealth to invest in land, property and businesses.” Negus sees successful artists establishing themselves effectively as country squires through the acquisition of estates and works of art, expressing, in Pierre Bourdieu’s words, “the art of living of the aristocrat . . . indifferent to the passage of time and rooted in things which last.”<sup>54</sup>

In general, these conceptions of the anachronism of creative cultural labor are ambivalent and do not benefit from references, for example, to art history, labor history, or economic history sources. Mieke’s ambivalence is exemplary; he argues that “the ‘handicraft’ structures of artistic creation continued to function despite the development of industry.”<sup>55</sup> He also notes that “even with the cultural industries, creation still proceeds largely by handicraft methods.” The reason for this is “the fact that most of the creative people are outside

the scope of the wage structure, and that the division of labor is less developed than in other branches of industry.”<sup>56</sup> Yet Miede claims elsewhere that this view is ideological: “For a long time it was believed that in the production of art—including reproducible works—craft or pre-industrial methods were still the rule, and that disruption by industry was limited to the stages of reproduction and distribution.” However, he continues, “this point of view, already highly debatable for certain commodities such as books, films, or records—but a highly convenient argument to convince artists to accept low prices—is a serious obstacle in understanding contemporary cultural phenomena.”<sup>57</sup> I argue that both prefigurative and atavistic positions are useful and that they are particularly illuminating when taken together.

### Nonsynchronicity

The significance of the pronounced forward- and backward-looking characteristics of creative cultural labor has not yet, in itself, been much developed for the insights it can provide, even by scholars who perceive both divergent dimensions, explicitly or implicitly. The usefulness of an adequate historicization and theorization of creative cultural labor for understanding the highly naturalized and largely submerged politics of work and employment is made clearer by foregrounding its Janus-faced nature.

Standing apart from the range of perspectives that sense (while leaving largely underexplored) the significance of creative cultural labor’s Janus-like appearance are the views of Fredric Jameson. He suggests that we see historical modes of production as multimodal and “differential” in that “each ‘more advanced’ mode of production includes the earlier ones, which it has had to suppress in its own emergence.” He adds: “These are therefore sedimented within a mode of production like capitalism, in which the earlier forms, along with their own specific forms of alienation and productivity, persist in a layered, ‘canceled’ fashion.” Drawing on the work of Ernst Bloch, Jameson observes that “vanquished modes of production from the past . . . survive in the ‘nonsynchronicity’ of the present mode.”<sup>58</sup> This concept of “nonsynchronicity” is not unidirectional; Jameson also endorses a prefigurative approach: “It is also clear that future modes of production are also at work in the present and can be detected most visibly in the various local forms of class struggle.”<sup>59</sup> From this perspective, it becomes clear that “no mode of production exists in any pure state.” Jameson’s view highlights the “contradictory overlay and structural coexistence of several modes of production in tension with one another.”<sup>60</sup>

Although Jameson does not see this “overlay” as occurring only or mainly in cultural production, he does note that it is heightened in creative cultural work. “Modern art,” he writes, “drew its power and possibilities from being a backwater and an archaic holdover within a modernizing economy. . . . Aesthetic production . . . offered the Utopian vision of a more human production generally.” Noting the symbolic resonance of creative cultural work, Jameson adds: “In the world of the monopoly stage of capitalism it [modern art] exercised a fascination by way of the image it offered of a Utopian transformation of human life.” Debates about postmodernism aside, popular music (as Simon Frith, Keir Keightley, Warren Zanes, and others have argued) appears in this light as a durable bastion of modern utopian practices and values, having absorbed through multiple channels a range of discourses of aesthetic and personal autonomy that are now often bundled together under the heading of authenticity. The modern perspective on “aesthetic production,” Jameson suggests, foregrounds autonomy. That perspective holds that, in contrast to the “human beings in the streets outside,” the artist’s “feeling of freedom and autonomy . . . comes when, like [James] Joyce, you can make or at least share in making your own decisions.” “As a form of production,” Jameson writes, “modernism gives off a message that has little to do with the content of individual works: it is the aesthetic as sheer autonomy, as the satisfactions of handicraft transfigured.”<sup>61</sup> Jameson suggests that the autonomy of the artist has a significance of its own, that the artist occupies a status that has meaning beyond the content of the work. I find this to be a very provocative insight. In fact, much of the argument of this book reflects an attempt to clarify the social significance of the artist or creative cultural-industry worker along these lines, through an extended examination of the symbolic, political, and economic aspects of the popular music recording artist.

*Unfree Masters* takes the idea of “nonsynchronicity” — “the coexistence of realities from radically different moments of history — handicrafts alongside the great cartels, peasant fields with the Krupp factories or the Ford plant in the distance” — as a point of departure.<sup>62</sup> I contend that it is not a perspectival contradiction to see creative work and workers as embodying and representing both the past and the future of work. It is, rather, to recognize something specific about the nature of creative cultural-industry labor as an example of labor in capitalism. Framing this study around this ambiguous overlay and coexistence of different modes of production, as well as their associated “specific forms of alienation and productivity” in cultural labor, brings to the surface provocative linkages between cultural labor and other forms and

moments of work that existing scholarly literature has largely bypassed. Specifically, *Unfree Masters* focuses squarely on the Janus-faced appearance of music makers in the commercial music industry. It perceives them as confronting apparently long-settled principles of domination and appropriation in employment and rendering them controversial, while at the same time prefiguratively instantiating processes of individualization, appropriation, and domination now ratcheting up at the margins. The confrontations of artists and their employers or investors on the issue of control of creative labor and property atavistically hearken back to and enact formative moments and basic principles of capitalist development, while at the same time making visible the laws and logics that govern contemporary forms of employment and contracting. Televisual and cinematic narratives of entry into the recording industry instruct workers of all kinds in modes of comportment and new sets of values appropriate to the coming regime, while at the same time telling stories about somewhat de-alienated forms of artisanal or craft labor that appear to “persist,” despite widespread transformations of the labor process in modern society.

### *Creative Workers*

*Unfree Masters* focuses on the representation and regulation of relations of power and property that characterize the relationships of recording artists to each other and to their present and prospective employers in the recording industry. Throughout the book, I keep constantly in mind the fact that although the artists and their employers engage each other through otherwise outmoded or vanquished organizational forms, they do *not* operate outside the broader political, economic, societal, and legal structures that form the scaffolding for most contractual relations of labor and property.

The book starts from the novel assumption that, as creative agents, US recording artists (and many other workers in creative cultural industries) also hold jobs in a capitalist system and therefore have much in common with all other employees. Creative cultural workers, like other employees, are subject to control by their employers and to the appropriation of the products of their labor. This is an inescapable fact of employment that so far has escaped the interest of scholars of cultural industries, possibly because it seems so normal and institutionalized that it is not worthy of discussion, and possibly because, despite their legal status, many creative cultural-industry employees do not appear to be employees.<sup>63</sup> Taking the employment form as an ob-

jectively existing factor of creative cultural work (that is, a factor that exists independent of its perception by participants or scholars), I argue, opens up the significance of the unusual autonomy and proprietorship of recording artists and other authorial cultural-industry workers in political terms as a marginal—but not anomalous—social form. The actual forms taken by control and appropriation differ in different sectors of work, but the principles remain constant: they are intrinsic to the employment relation and to accumulation in liberal society. Without the legal capacity to control labor and appropriate its products, the cultural industries as we know them could not exist. The same is true for capitalist enterprise in general. I argue that awareness and consideration of this similarity, however obvious and therefore unremarkable it may seem, advances the development of political and theoretical conceptions of work in the cultural industries.

If creative cultural-industry labor heralds new ideological and organizational shifts in noncultural sectors, this can be the case only because shared elements of sociopolitical status renders workers across the board vulnerable to similar kinds of treatment. What is shifting in the broader economic field and the field of social power is where lines are drawn to demarcate zones of greater and lesser vulnerability (and therefore to differentiate between more and less vulnerable workers), the ways in which vulnerabilities and protections are being reallocated, and the range of choices available to different kinds and groups of actors in particular historical contests. If, at the same time, creative labor embodies anachronistic social forms, this is only because it shares essential features with earlier forms of work—not just in terms of their appearance, as the scholars of cultural industries seem to suggest, but also in terms of their political-economic structures and relations.

This “nonsynchronicity” between dominant and marginal or residual modes of production accounts in some degree for the puzzles that confront legislators when they intervene in contests over creative labor and property in the cultural industries. Taken together, these ideas reflect an impetus to push the analysis of creative cultural work in new directions, to examine its social form and its politics against a broader political and historical background than has so far been the norm in research on cultural industries, and to imagine the roles such an analysis might play in generating and supporting solidarity across established ideological, sectorial, and class divides. Creative cultural work can be understood as both prefigurative and atavistic because the “specific forms of alienation and productivity” that comprise it reflect its position at the margins of (but not outside) employment, where control

of labor and appropriation of property are not settled but remain matters of contest.

#### Representation and Regulation

*Unfree Masters* examines social relations of and stories told about commercial music making in late-twentieth-century US society. Drawing not only on the communication, media studies, sociological, and social-theoretical sources familiar to scholars of popular culture and popular music, but also on less familiar legal and political-theoretical scholarship, the book presents detailed accounts of revealing encounters—on television, in film, and before the law—between players in a high-stakes, highly hierarchical cultural industry. It treats professional (and professionalizing) music makers as workers with exceptionally autonomous relationships to their labor processes, the products of their labor, the executives and managers who oversee the fulfillment of their contractual obligations, and the companies they work for.

*Unfree Masters* analyzes not only relationships and stories about them, however. It also analyzes the laws that govern these relationships, the linkages between those laws and the struggles over them to dynamics that have historically been specific to the music industry, and the roles and perspectives of the lawmakers in whose democratically delegated power it is to alter or preserve those laws. Political economy, in Isaac Rubin's view, "deals with human working activity, not from the standpoint of its technical methods and instruments of labor, but from the standpoint of its social form. It deals with *production relations* which are established among people in the process of production."<sup>64</sup> Using this definition, this book is a political-economic analysis of the social forms of creative labor in the music industry. It explores the ways in which individuals and groups are configured as "recording artists" as they are integrated into the industry and set to work largely on its terms, and it examines the political and legal relations of labor and property that characterize the institutions in which they struggle for and sometimes achieve profitability.

At the same time, *Unfree Masters* explores and theorizes the relationship of creative work in the music industry to the broader world and history of work, suggesting a new conception of creative cultural work. The struggles of aspiring recording artists for success in *American Idol* and as treated in rockumentary films, and those of established artists over the regulations that govern ownership of musical property and control of musical labor, I argue, are intimately related not only to each other but to emerging as well as long-standing problems in work more broadly conceived. Stories about creative

work in the music industry and the politics of cultural work around which those stories are constructed articulate pivotal issues in the politics of employment, a foundational (yet mutable) institution of liberal market society, sometimes with startling clarity, sometimes “through a glass darkly.” This perspective represents not so much a synthesis of ideas about the anachronisms in creative cultural-industry work as an exploration of what makes it possible for cultural work to represent so much to so many.

#### Axes of Alienation

The framework developed here translates the conventional dualistic perspective on cultural work that highlights cultural capitalists’ need for both novelty and stability into the observation that different social and historical forms of work can be understood to take place at different points on what might be called axes of alienation. In other words, labor that produces things or services of value is subject to forms of alienation of different kinds, of which two stand out as basic: first, social-psychological; and second, political-legal. The social-psychological axis, introduced above, focuses on alienation as something experienced in largely subjective terms. Working from categories initially described by Marx, Blauner identifies aspects of workers’ experience of work as locatable on continua that he names “powerlessness,” “meaninglessness,” “social isolation,” and “self-estrangement.”<sup>65</sup> Recording artists and other creative cultural-industry workers represent a happy model to the boosters in the prefigurative camp because they seem to be so free of these forms of alienation. They represent a dismal model to those followers of Michel Foucault whom Banks calls “governmentalists.” To these scholars, overcoming alienation in some or most of these terms is an essential part of creative workers’ actual subjugation, integrating microrelations of freedom and autonomy ever more completely into ultimately disciplinary regimes in which individuals with lowered social expectations are called on to regulate themselves.<sup>66</sup> Banks, in contrast, finds these gains real and meaningful, though under constant threat, and they form the basis for his cautious optimism.<sup>67</sup>

I agree that the forms of de-alienation enjoyed by creative cultural-industry workers along these lines are real and substantial. But drawing on critical scholarship in political economy and political theory (as well as law), I propose and develop a second, complementary political-legal axis, which highlights categories of alienating work relations registered in terms that are more objective than subjective because they exist independently of individuals’ experience of them. Here I refer to the relations of command and appro-

priation that are codified in the contracts governing the power and property relations of employers and employees, and the laws that determine the contents and enforceability of those contracts. Along this axis, then, are two continua: self-government (less in a governmentalist than in a more classically democratic-theoretic sense) and property appropriation. The former measures not workers' experience of powerlessness, but rather the capacity of employers to control their employees' labor: the legal, practical, and contractual lineaments of what Pateman calls "civil mastery" and "civil subordination."<sup>68</sup> The latter measures the degrees to which creative workers enjoy property rights (or quasi-proprietary rights) over the works they produce under contract. Just as all employees can be said to experience their work as more or less alienating along the subjective lines Blauner suggests, so they can be said to have more or fewer legal and contractual rights to control their labor and its associated or resulting products (in this case intellectual property), independent of how they might feel about the presence or absence of these rights. These axes allow revealing comparisons between creative cultural-industry workers and those in more mundane worlds of work.

For most employees, being insufficiently powerful to bargain for control and ownership is so normal that ownership and control do not present themselves as possibilities. In contrast, the creative cultural-industries worker often sees a threat to or lack of bargaining power as an indignity, if not an outrage. Recording artists (for reasons that emerge over the course of this book) are paradigmatic in this regard. *Unfree Masters* presents creative workers in the cultural industries as a limit case of employment, as employees at the far end of the liberal employment relation. And it presents recording artists as a limit case of a limit case, workers whose sensitivity to the problems of domination and appropriation inherent in and essential to the liberal employment relation bring to light politics that are constantly at work in employment but that are obscured under mountains of accumulated liberal common sense.

Creative cultural-industry workers are a limit case because in general they are positioned closer to the less- or unalienated poles of these axes than most other working people are. If they are not close enough to enjoy all the benefits of de-alienation all the time, creative workers are nevertheless close enough to perceive that there is an unalienated pole that can function as an ideological North Star for them, even if only in ideal terms.<sup>69</sup> They are positioned close enough to know, for example, that the placement of the line between those who can be considered authors (and who on that basis may be eligible for ownership of the intellectual property they produce while at work) and

those who can't is essentially political and subject to struggle and negotiation (see chapter 5). In a colloquial if not a legal sense, creative workers sometimes understand themselves as authors; this is why the bald appropriation of their work, although legal, can strike them as outrageous. In other words, where the worker understands herself to have made conceptual or authorial contributions in the course of working on a cultural product, an employer can find it difficult to obscure the fact that he is appropriating that property and the income associated with it, especially if that product goes on to have a long and successful life in critical or commercial terms.<sup>70</sup>

As recording artists gain in fame, sales, and licensing ventures—as they and their products increase in value—the terms of their original contracts (signed when they were unknowns) often seem increasingly exploitative. Moreover, in a context where a creative worker has the subjective experience of de-alienation (through the experience of his work as meaningful and self-expressive), employers' political and legal alienation (that is, their appropriation) of her property and income can engender her resentment and resistance, which can disrupt or threaten the employer's power to appropriate. Creative workers, however, do their jobs in volatile, highly risky cultural-industry enterprises, where they often enjoy significant degrees of autonomy and even proprietary or quasi-proprietary rights over the unique designs, narratives, songs, characters, images, and other cultural goods that they produce.<sup>71</sup> For such a worker, every new contract is an opportunity to negotiate for (in fact, more likely an opportunity to lose) control and ownership. The relative market strength of the parties to any given contract at any given time will determine who gets to control how much of the production process and who gets to own how much of the final product.

Creative cultural-industry workers are positioned more or less precisely at the “point of alienation,”<sup>72</sup> where law, liberal philosophy, and social convention enable employers to separate employees from the valuable goods (material, intellectual, and emotional) they produce in the course of their work, as well as from control over their own labor. Along with more or less universal suffrage and public education, employment is one of the defining institutions of modern society; along with other institutions, employment undergoes major historical changes while nevertheless retaining core features. These features include its widespread integration of individuals without means of their own into profit-seeking corporate enterprises, which are governed by their owners or their owners' designated agents. Enterprises are empowered to alienate—to separate, in legal and political terms—employees from claims

on or rights to self-government and the property and value produced in the course of work. Stan Weir puts it starkly: “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.” He continues: “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.”<sup>73</sup> What is a problem to Weir (and to other thinkers discussed in the second part of this book) appears to most people, most of the time, as the routine, unremarkable, voluntary exchange of properties: one person’s work in exchange for a wage or salary from another. I sacrifice my autonomy for eight hours a day of doing what you tell me to do; you pay me a wage; and any profit you accrue is yours alone to keep. The exchange of obedience to the boss and surrendering all claims on the products of labor for a wage is “accepted as part of the furniture of the social world.”<sup>74</sup>

Charles Taylor proposes that in contemporary society, the artist “becomes in some way the paradigm of the human being, as agent of original self-definition.”<sup>75</sup> Popular music makers, in particular, in Toynbee’s words, appear to be “exemplary agents” enjoying apparently unalienated conditions of work and extensive powers of original self-definition.<sup>76</sup> They generally don’t even appear to be employees; common sense often casts recording artists as independent contractors, entrepreneurs, or petty capitalists in their own right, autonomously producing unique and expressive intellectual properties that they license to record companies and from which (should they succeed financially) they derive royalties. Royalties, in fact, are a kind of rent; their receipt makes successful artists appear even more like capitalists in the form of *rentiers*—those who make money from property and investment. Contemporary talent shows, rockumentary films, and other televisual and cinematic stories of music makers and music making present musical work as compelling, individual, expressive, self-actualizing, fun, rewarding, enriching, autonomous, proprietary—a model of de-alienating work and success to be emulated far and wide. But this utopian capitalist model of work is saturated with politics: participants at all levels are slotted into hierarchical systems of property allocation and power relations. As long as records are selling, income and advances keep debt under control, regulations appear suited to norms of busi-

ness practice, and things are going smoothly, most of these power relations remain in the background. However, in moments of transition or crisis, the rules of the system, both ancient and futuristic, come into dramatic focus.

## The Chapters

Chapter 1 analyzes *American Idol*'s narratives of success and authentication and of failure and humiliation in the context of an examination of its formidable ratings success. It considers the ways *Idol*'s narratives propose strategies for individuals' simultaneous negotiation of contemporary economic conditions and construction and maintenance of authentic selves. Just as dramatic stories of succeeding and failing bids for social mobility in a high-stakes occupational ecology amplify the appeal of *American Idol*, the musical performances around which the show is built provide the magnetic pole that aligns the attention of an unusually wide audience to these stories. The fragmentation of work and the end of the lifelong career put American workers increasingly in the position of having to audition continuously to get and keep their jobs. Chapter 1 suggests that popular music, work, and narrative are linked through the metaphor of the audition, and *American Idol* is all about auditions, successful and unsuccessful.

Chapter 2 examines the 2004 rockumentary film *Dig!* as it follows the diverging career trajectories of two West Coast "indie rock" bands. The Dandy Warhols and the Brian Jonestown Massacre (BJM) start out the film as peers: the former group has just signed a record deal with a major label, and the latter seems on the cusp of a similar deal. Their shared path splits as the Dandys work their way up to bigger international audiences, and as the BJM appears dragged down and sabotaged by its leader's entropic mental state. This chapter's analysis of the film and aspects of its context—including the professional trajectory of the filmmaker—shows that in the course of indie professionalization, authenticity is something to be managed in relation to another element in the constellation of values at the center of this book: autonomy. The story of the Dandys' careful management and attenuation of their claims of authenticity, however useful it might be as a model for individuals seeking to live their lives right, is overshadowed by the arguably less helpful story of the BJM leader's disintegration. This is what I call the bait and switch in *Dig!*: first the bait, consisting in the lure of real autonomy; then the switch, the substitution of a less-secure form of autonomy that is the obverse of what the contemporary rockumentary's typical career narrative represents.

Chapter 3 recounts an episode in the history of the American recording

industry that has been little discussed outside of legal scholarship. In 1987, in response to heavy lobbying by the Recording Industry Association of America (RIAA), the California legislature enacted a law that effectively excluded recording artists from the protection of the state's century-old "seven year rule," a law that prohibits the enforcement of employment contracts beyond the period of time indicated by its name. This chapter examines the conditions that drove the RIAA to seek the change and analyzes the arguments offered for and against it at the time, making use of political-economic theories deriving from works of economic history and economic sociology. In the context of intensifying rounds of industry consolidation and companies' increased dependence on blockbusters, the "Olivia Newton-John problem" brought to light certain limits on record companies' power to capture recording artists' labor. I argue that the RIAA's member companies sought to enhance their power by making recording artists—whose contracts had been limited to seven years, just like those of all other California employees—vulnerable to contracts of effectively unlimited duration. The chapter recounts the process by which the final form of the law was enacted, showing the perseverance of ancient logics of labor control in a cutting-edge, global enterprise and offering new evidence and arguments about the ways in which cultural-industry corporations and trade associations manipulate the law to gain favorable business terms. (The labor laws of California discussed in this chapter and the next are important for the nation's music industry. This is partly because of the large amount of contracting that takes place in the state, as well as the large number of recording artists and companies based there. But it is also partly because in states where no equivalent laws exist, California laws offer a standard that local courts sometimes consider when asked to adjudicate contractual matters.)

Chapter 4 tells the story of the 2001–2 attempt by recording artists, their allies, and sympathetic legislators to overturn the 1987 exception examined in chapter 3. In this case, however, the focus is not so much on recording industry history as it is on the rhetorical strategies engaged in by the artists and their employers in the struggle over this controversial amendment. The empirical center of gravity is the testimony offered at 2001 and 2002 legislative hearings over contract practices in the record industry and proposed repeal legislation. I argue that, in their attack on this law, the recording artists' colorful invocation of slavery and indentured servitude actually raised critical questions about the nature of employment and contract in a liberal democracy. These questions, I argue, demand a critical consideration of the

tensions between liberalism and democracy that are evident in the employment relation. However, as I show, when faced with the mesmerizing starkness of contractarian arguments that they signed their contracts voluntarily and therefore had nothing to complain about, the artists were unable to marshal compelling arguments to support their demand for the right to terminate their employment. In this rhetorical failure, I argue, they missed an opportunity to foster and draw on real solidarity beyond the offices of their own unions and lawyers, and the public missed an opportunity to examine the politics of employment critically through the lens of the recording artists' dramatic struggle.

Finally, chapter 5 examines another encounter between recording artists and their employers, this time in front of a committee of the US Congress. In late 1999, the RIAA engineered a change to copyright law that turned "sound recordings" (songs and albums) into "works made for hire." Work for hire is controlled by the part of copyright law that allocates to the employer the authorship and ownership of intellectual property produced in the context of an employment relation. Thus, under this new definition, the legal author and owner of the sound recording is the company that employs the artist. The law's passage outraged and drew protests from recording artists and their allies. The artists were able finally to compel repeal of the 1999 change by invoking their status as independently contracting employers. What decided the matter was not the question of who actually authored the songs or albums, but who was an employee and who was an employer within a given division of authorship and in legal terms. In contradiction of their arguments before the California legislature, the recording artists' position was that they were, first, the employers of numerous other creative and technical workers. They argued that their status as employers gave them the power of appropriation under work for hire.

*Unfree Masters* demonstrates that the assertions by a range of analysts that creative workers can and should be understood as avatars of the coming neoliberal regime of work are intriguing and well supported, and that anxieties over what that fact portends for most working people are warranted. But it goes further, showing how nonfictional representations of the professionalization of music makers (as just one example of creative workers) help to sell the rest of us on these new work arrangements. It shows how varieties of domination and appropriation—which are close to the surface in creative work but largely obscured in other forms of work—are re-naturalized through these processes and their representation. Moreover, the book fore-

grounds the shared aspects of creative and other forms of work as it follows the politics of music making behind the screens of representation and into the realm of legislation. This is the arena in which music industry players argue over and sometimes change the contents of contract and copyright law, the main forms of legislation that structure the playing field of professional and commercial cultural production. These struggles force music makers to declare themselves in political terms, in order to be recognizable to the law and to further their legislative projects and goals. As either employees or employers (they appear as both in the second part of this book), they are irremediably political and economic subjects operating in the same legal world as all the rest of us, engaging with and struggling over laws that affect all workers in a given jurisdiction (in these cases, either the United States as a whole or California).

Stories about contemporary media making help us see the shape of things to come in the neoliberalizing world of work; contract and copyright law bear the traces, and codify the results, of struggles between workers and employers over issues of autonomy and property going back centuries. Holding up for scrutiny both the stories that the media tell us about creative work and the legal struggles over the basic terms of creative work enables the central features of each to deepen our understanding of the other. It brings into focus the significance and the stakes of creative work in the context of a political economy undergoing tectonic shifts.

Let me echo Robert Curtis's exhortation: "Yes, come and join me in the wonderful world of music."<sup>77</sup>