

The labour market for jazz musicians in Paris and London: Formal regulation and informal norms

human relations
2016, Vol. 69(3) 711–729
© The Author(s) 2015
Reprints and permissions:
sagepub.co.uk/journalsPermissions.nav
DOI: 10.1177/0018726715596803
hum.sagepub.com


Charles Umney

University of Leeds, UK

Abstract

This article examines the normative expectations freelance jazz musicians have about the material conditions of live performance work, taking London and Paris as case studies. It shows how price norms constitute an important reference point for individual workers in navigating the labour market. However, only rarely do they take ‘stronger’ form as a collective demand. Two further arguments are made: first, that the strength of norms varies very widely across labour markets, being much stronger on jobs where other qualitative attractions (such as the scope for creative autonomy) are weak. Second, in the Paris case, an ostensibly solidaristic social insurance mechanism (the Intermittence du Spectacle system) had the seemingly paradoxical effect of further weakening social norms around working conditions. Workers’ individual efforts to meet the system’s eligibility criteria often disrupted the emergence of collective expectations around pricing, and in some cases the existence of formal regulation itself was stigmatized as stifling creativity.

Keywords

artistic work, creative industries, France, freelance work, labour markets, musicians, norms, project-based work, United Kingdom

Introduction

There is increasing interest in the topic of creative work in employment studies and sociology (Banks and Hesmondhalgh, 2009; Ekman, 2013; Townley et al., 2009).

Corresponding author:

Charles Umney, University of Leeds, Maurice Keyworth Building, Leeds LS2 9JT, UK.
Email: c.r.umney@leeds.ac.uk

Creative workers encounter highly heterogeneous labour markets, encompassing a shifting array of employers and collaborators (Blair, 2001; Lindgren et al., 2014). This heterogeneity is further complicated by the conflicting identities and motivations affecting individual workers (Haunschild and Eikhof, 2009), reflecting an underlying tension between identification as an artist, as a professional, or as a micro-entrepreneur (Menger, 2001). In this context, this article reflects on the idea of work norms: workers' informal expectations about the material conditions under which they should be engaged. It considers the kinds of expectations that emerge about acceptable terms in an environment where strong communitarian ideals coexist alongside extreme casualization and individual 'opportunism' (Tempest et al., 2004).

The article makes use of a qualitative dataset, gathered from interviews with jazz musicians in London and Paris. It asks whether social norms around acceptable working terms existed in these contexts, examining how strong they were and how they proliferated. It also considers how, in the Paris case, formal regulatory institutions affected the extent and strength of these norms. This line of enquiry is distinctive in comparative employment research, which has so far focused little on the way in which different formal institutional setups may impact the role and nature of informal norms at workplace level. Moreover, studies of norms in creative employment have more often focused on their capacity to catalyse worker mobilizations (Bodnar, 2006; Percival and Hesmondhalgh, 2014; Simms and Dean, 2015), whereas the intention here is to consider how they may structure the expectations of labour market participants on a more quotidian basis.

The article argues that norms were extremely uneven across the two labour markets. Where labour processes were tightly constrained, there could be remarkably consistent views on acceptable prices – particularly in London. These could be invaluable reference points for workers in planning their own labour market strategies and trajectories, but only in exceptional circumstances did their violation engender a solidaristic response. On other jobs, particularly those with higher levels of creative autonomy, these norms dissipated. The Paris comparison reveals a seeming paradox: while the Parisian labour market is much more strongly regulated than the London one, informal social norms around pricing were even weaker. This reflects how the imposition of individualized eligibility criteria on musicians wishing to access the *Intermittents du Spectacle* (IdS) social insurance scheme tended to fragment collective discourse around price expectations, and also engendered stigmatization of the perceived 'institutionalization' of creative work. These problems suggest important complications of creative labour market regulation which, as will be shown, also presented barriers to trade union participation, particularly among Parisian musicians.

The article proceeds by introducing the idea of work norms, and considers their application to the specific field of creative work. After highlighting some general expectations about the role of norms on creative labour markets, it then presents some introductory discussion of the two city case studies. Following methodological discussion, two sections present data on work expectations in London and Paris. Finally, there is a concluding discussion considering the implications of the research.

Work norms and creative employment

Numerous researchers place workers' normative expectations and values at the heart of explaining empirical employment relations. These themes, however, are dispersed

across various currents of literature, often at the macro level. For example, 'deeply rooted social customs' may be invoked to explain wage rigidity across national economies (Agell, 1999), and cross-cutting differences between employers and employees as class groupings may be categorized in terms of normative outlook (Geare et al., 2009). Norms have also been prominent in qualitative literature on trade union mobilization, for which shared ideas of justice may be a necessary condition (Kelly, 1998; Simms and Dean, 2015).

Nichols and Armstrong (1976) revealed the limitations of macro-level discussions of normativity in employment relations. Professed adherence to notions of 'solidarity' or 'class' may conceal various inconsistencies, and have little bearing on the way that, in individual workplaces, workers either defer to management or pursue collective contestation. Understanding the latter may necessitate micro-level case studies. Armstrong et al. (1981), for instance, stressed the importance of widely-held notions about 'fairness' in generating shop-floor confrontation or consent. They centralized the ability of union representatives to mobilize members' sense of justice, highlighting the presence of 'legitimizing principles' in establishing acceptable and unacceptable behaviour on both sides of the employment relationship. This is an informal and contingent process, influenced by the leadership of representatives as well as worker ideologies. Armstrong et al. (1981) also argue that workers usually tend to accept managerial ideology, and that the mobilization of 'counter-principles' is normally sporadic and reactive to particular infringements of norms by employers.

Armstrong et al. (1981) studied norms in an industrial setting with traditional workplace union structures. The creative sector context, one may expect, presents different problems. The most prominent contrast is the extreme heterogeneity of many artistic careers (Blair, 2001; Menger, 2001). Most creative workers cannot rely on regularized jobs (i.e. those involving a recurrent and ongoing relationship with particular employers), obstructing the emergence of stable communities in which social norms might take root (Percival and Hesmondhalgh, 2014; Tempest et al., 2004). Indeed, researchers associate the proliferation of 'portfolio' creative careers with a shift from craft solidarity towards individual instrumentalism (Blair, 2001; McRobbie, 2002) and 'entrepreneurialism' (Storey et al., 2005). These arguments imply a weakening of the potentially solidaristic logic of norms, and raise the spectre of a fierce individual competition in which collective expectations dissipate.

A second characteristic of creative jobs that may jeopardize work norms is the conflicting motivations affecting individual workers. The question of whether material terms are acceptable or not is complicated by various competing incentives. These may include indirect material concerns such as the need to generate future work via expanding personal networks (Antcliff et al., 2007; Townley et al., 2009). Ideological factors like the desire to do 'cool jobs' (Neff et al., 2005) or the bypassing of the grind of regularized work (McRobbie, 2002) could also legitimize poor conditions (Ross, 2008). Other incentives may be the desire to develop shared collaborative projects within a like-minded community (Coulson, 2012), or the pursuit of work settings affording more labour process autonomy (Umney and Kretsos, 2014). To recall Armstrong et al. (1981), these different priorities may constitute 'legitimizing factors' that render acceptable jobs that, judged on material conditions alone, would be considered unacceptable. Indeed, there is fierce debate among creative workers over whether even practices such as unpaid

working can be legitimized, or whether individuals have a social responsibility to reject unpaid jobs (Percival and Hesmondhalgh, 2014).

Finally, as Menger (2001) shows, creative careers may be finely balanced, as workers seek to trade-off these various priorities (see also Umney and Kretsos, 2014). In Menger's (2001) account, this balancing act is tied to a broader question: whether workers identify themselves as part of an artistic community, a professional class or as an entrepreneur. Rather than suggesting that workers progress from one type to another over the course of their careers, Menger argues that individuals relentlessly 'cycle' back and forth between different modes. This suggests that, beyond the general barriers to the proliferation of work norms discussed previously, their presence is also likely to be highly uneven, with some work settings engendering clearer collective expectations than others.

The prospects for creative sector work norms

The preceding section introduced the idea of work norms, offering initial comments on why they may be weak among creative workers. This section considers the particular ways in which norms may be relevant in this context, and the role of individual workers in enforcing or undermining them. When studying freelance work, norms are rarely the main analytical priority. Scholars of freelance labour markets often concentrate on issues of supply and demand in explaining working conditions (e.g. Fraser and Gold, 2001; Stanworth and Stanworth, 1997). Indeed, one explanation for weak norms is that worker fatalism simply reflects a recognition of the realities of an overcrowded supply side (Banks and Hesmondhalgh, 2009; Percival and Hesmondhalgh, 2014).

Recent research also reveals more optimistic experiences, highlighting cases where creative workers have successfully mobilized around a shared sense of injustice (Percival and Hesmondhalgh, 2014; Simms and Dean, 2015). These suggest that efforts to utilize social norms as a platform for building solidarity can be successful. But, as Simms and Dean (2015) acknowledge, such examples are noteworthy precisely because they are exceptions. Certainly, they caution against overlooking the continued strength of communitarian norms among creative workers. However, as studies of musicians have indicated (e.g. Coulson, 2012; Stebbins, 1968; Umney and Kretsos, 2014), communitarian inclinations may at other times have little to do with the solidification of material norms, potentially even creating another legitimizing factor for poor working conditions.

More salient than whether particular campaigns can galvanize creative worker mobilization around specific issues is whether shared work expectations can impact the organization of labour markets on a more day-to-day basis. Even in highly casualized environments, freelance workers may retain widespread ideas about appropriate working conditions (Antcliff et al., 2007). In tightly-knit creative scenes, these may have a genuine regulatory role, if reputational costs to employers violating expectations become prohibitive (Heery et al., 2004). Saundry et al. (2007) argue that freelancer networks, rather than simply being lists of business contacts, can also serve to transmit information over pay rates among peers, catalysing the proliferation of widespread work expectations. However, while they may contribute to the formulation of work norms, they may also lack the expertise to translate these into concrete improvements in

working conditions, and for Saundry et al. (2007) this weakness is a gap to be filled by trade unions.

Unions themselves are frequently unable to negotiate with specific employers of creative freelancers, but may be able to establish fee minima in certain domains through negotiations with industry federations (Heery et al., 2004). However, particularly in jazz, many of the most common settings (small venue owners or private clients), are beyond the reach of such agreements. Recognizing this, the British Musicians' Union (MU) has recently launched initiatives including the 'Work Not Play' campaign and the 'Fair Play Guide'. These try to raise awareness among musicians about guidelines to consider when interacting with potential employers. The former promotes a website to which musicians can report being pressured to work for free, whereupon the employer in question can be named and shamed.¹ Of course, in highly casualized settings there are unlikely to be union representatives who can reinforce and deploy norms as mobilizing tools, as in Armstrong et al.'s (1981) study. Hence, these initiatives depend on individual workers embedding social expectations in their decision-making process each time they accept a job. Moreover, given the heterogeneity of working life, this embedding must potentially be exercised across several different contexts and with several different employers within any given period. Therefore, the issue is less enforcement or non-enforcement of norms through collective mechanisms like union mobilization, than how seriously they are taken by individuals when they agree terms with prospective employers. Thus, like Armstrong et al. (1981), this study is more concerned with participants' perceptions of legitimate and illegitimate behaviour in their daily work interactions, rather than the conduct of specific mobilizing campaigns.

Hence, the dataset presented below seeks to examine what happens to work norms in work environments like music, in which job heterogeneity and casualization coexist alongside strong communitarian norms. It looks empirically at the kinds of norms that emerge in the jazz labour market in London and Paris, asking how widespread they are, and how individual participants treated them within their own careers. It will examine the unevenness of norms, the importance of price expectations to individuals navigating creative labour markets, and the limited extent to which participants sought to collectively defend them. In the French case, it will also examine how the role of norms is affected by the presence of stronger formal institutional regulation. The latter will be introduced in more depth in the following section.

Background to the case studies

One question that appears intuitively relevant when discussing norms, but that has received little attention in the literature, is how formal regulatory mechanisms impact on informal norms among workers themselves. One might envision opposing expectations. Highly visible formal institutions could conceivably catalyse a wider political awareness among workers, which may be conducive to stronger workplace communities. However, they may also partially replace, and thus obscure, informal social expectations about work. With this in mind, a comparison was selected between two cases with many similar characteristics, but also a key difference in the formal regulatory mechanisms available to musicians.

In both Britain and France, the labour market for freelance musicians is highly variegated. In Britain, certain sectors including theatre and orchestral work tend to be organized under guideline contracts agreed between unions and employers' federations. But in jazz, work is typically far more casualized, often comprising a series of diverse, smaller-scale engagements. While it is difficult to compare precisely, the heterogeneity of jazz musicians' portfolios of one-off jobs is likely to surpass that found even in other creative professions, for example theatre or television production, where engagements with particular employers often last much longer.

Hewison (2014) distinguishes between 'public' and 'market' culture, with the first typically purveyed through publicly-subsidized arts establishments like theatres or concert venues, oriented towards less explicitly commercial kinds of music, and the latter indicating the private activity outside of these areas. While jazz might arguably be considered a kind of 'art' music, public subsidies tend to skew severely away from it (Banks et al., 2014). Consequently, the buyers whom participants encountered were usually the small commercial venue owners or individual function clients inhabiting the more causal end of the 'market' sphere. In these environments, performances are highly casualized, often based on solely verbal contracts. For function gigs, where intermediaries like booking agents are often involved, there may be a contract between agent and bandleader, but not between the latter and band members. In such settings, there is no formal regulation of fees or conditions. While musicians may claim the same tax credits that other self-employed British workers do, there is also no specific system of welfare support adapted to creative employment (Musicians' Union, 2012). While the MU publishes guidelines on working conditions for freelancers, it generally assumes a servicing role, providing legal or financial advice, alongside discounted insurance.

IdS in France is an adjunct to the wider social insurance system, specifically adapted to 'intermittent' workers in the creative industries. It was created in the 1930s for cinema production workers, and extended to include musicians in 1969. When creative workers are engaged for work, they and their employers (should) pay social contributions. Workers can then claim a basic minimum income compensating for periods between jobs. IdS therefore protects against the uncertainty of project-based employment, but may also subsidize perpetual underemployment in certain environments (Menger, 2012). To qualify, workers must undertake 507 hours of work over 10 months; 'declarations' from employers for one performance normally count as 12 hours' work. This also implies a legal minimum rate for individual jobs, calculated by multiplying these 12-hour segments by the rate of the *Salaire Minimum Interprofessionnel de Croissance* (SMIC – 9.53 euros per hour at time of writing).

The 507 hour requirement was, until 2003, to be met in 12 months. Its tightening, negotiated by MEDEF (*Mouvement des entreprises de France* – the employers' federation) and leading unions in response to financial pressures on the system, precipitated an artists' strike wave across France. The strike, although initiated by the refusal of the CGT and SRF unions to accept terms, fragmented into various smaller, more informal, organizations, playing on an increasingly widespread shared 'precarious' identity (Bodnar, 2006). Nonetheless, the reforms remained in place, and at time of writing MEDEF were issuing calls for the outright removal of the IdS system. Reliable information on union density in both cases is rare (particularly given the difficulties of measuring the number

of people working as musicians), but information from French participants suggests the main musicians' union, CGT-SNAM (*Syndicat Des Artistes Musiciens*), is consistent with French unions more generally in having low membership but a strong capacity to mobilize politically, as in the 2003 strike.

IdS is the most significant difference between the two cases. However, the widespread proliferation of 'black' work – informal engagements that are not 'declared' and where social charges are not paid – muddies the distinction. In Parisian jazz, black work is endemic. Black jobs do not count towards IdS qualification, and imply no fee minima. The fact that France has a stronger tradition of public arts subsidy than Britain (Canada Council for the Arts, 2005) may imply that participants were more likely to interact with Hewison's (2014) 'public' culture such as publicly-subsidized arts venues. But, in fact, the buyers engaging Paris participants paralleled London counterparts in comprising small-scale bar or club owners, or function clients, who would very often escape the remit of the IdS system. Reasons for this are discussed below. Hence, some participants described offering to pay employers' taxes themselves to gain declarations, or else saving up to purchase post hoc declarations via mechanisms such as the *Guichet unique du spectacle occasionnel* (a service established by the State in 1999 to facilitate the administration of the IdS system). Hence, the purpose of the case selection is not to compare fundamentally different national contexts, but to consider how the presence of a specific regulatory mechanism affects the issue of work norms in otherwise similar environments. The question was posed whether IdS would legitimize and reinforce informal expectations, or obscure them; as shown below, the answer is somewhat ambiguous, though tending towards the latter.

Methods

Jazz musicians are paradigmatic 'creative workers'. The typical jazz ensemble features four to five instrumentalists, comprising a rhythm section (drums, bass and piano or guitar) and one to two 'frontline' players (most commonly saxophone or trumpet). While musicians may maintain particular bands for extended periods, they usually play in many different groups with a wide network of collaborators. They rarely make a living exclusively from playing jazz, normally diversifying into various settings, ranging from club gigs where they can showcase their own creations, to more prescriptive 'function' events. This diversification is possible because jazz musicians tend to be extremely highly skilled and versatile performers (Pinheiro and Dowd, 2009). Hence, their working lives are diverse and often unpredictable. This makes them a strong case study for a qualitative examination of highly casualized and heterogeneous creative labour markets.

The study is based on in-depth qualitative interviews with 50 participants, collected in two waves. The first 30 were London jazz musicians, interviewed between December 2011 and December 2012. Data gathering followed snowball sampling, seeking out jazz players who had moved to London to build professional careers. Interviews had two priorities: first, to encourage participants to describe, in their own words, their working lives and their future objectives. Second, to interrogate more specifically the 'material' questions surrounding work; the kinds of terms they would expect, and the recourse they would have if they were not met. Interviews typically lasted between one and two hours,

and were fully transcribed. A manual coding process followed, which highlighted recurrent trends regarding musicians' expectations, particularly around price norms, the factors that might induce them to work for less, and their efforts to balance different kinds of job.

Following this wave of research, funding from the European Research Council enabled replication of the research model in more cities around Europe. This opportunity raised the possibility of factoring in formal regulatory mechanisms, and the presence of the IdS system made a French city an attractive case for comparison. London and Paris (as opposed to other regional cities) were chosen because they are the undisputed hubs of jazz music in their respective countries. In both cases most participants were not natives but had relocated there as adults specifically to build music careers. The budget enabled recruitment of 20 participants encountered across 18 interviews (two of which were joint discussions with two participants), once again using snowball sampling from initial contacts. While the Paris research therefore comprised fewer participants, a set of questions and priority interview codes were already established from the London research. These were used as specific foci from the first Paris interview onwards; to this was added a series of open questions probing participants on the way in which the IdS system affected their decisions and expectations about the labour market. All interviews were conducted in the participant's native language. When this was French, interviews were translated into English by the researcher.

The London sample was slightly younger than the Parisian one, with a modal age range of 25–35 years as opposed to 35–45. This is because the first wave of data gathering was initially tied to a project specifically concerned with young workers, while no such stipulation was in place for the second. More important was the career profile of participants. In both cases participants targeted were not scene elites but busy professionals seeking to establish or expand portfolio careers. Most were giving two to three performances per week, in a diverse range of different, normally informal settings, and the vast majority did not have a 'star' name constituting an individual selling point. This status was a consistent focus despite the different average career lengths in the samples (typically between five and 10 years in London and 15–20 in Paris). Weaknesses in the sample include the small number of female respondents (four and three in the London and Paris cases respectively) and ethnic minority respondents (one in each case). This was difficult to avoid as it reflects the 'white male' dominance of jazz in general (Banks et al., 2014; Heckathorn and Jeffri, 2001), but future research building on the dataset will more explicitly prioritize a stronger understanding of the experience of minority groups within jazz.

The London case

London interviews demonstrated the unevenness and compartmentalization of different kinds of music work. While participants encountered highly diverse work settings, engagements tended to cluster around two main poles, designated 'original' and 'function' gigs. The former describes performances where musicians can exercise greater control over their repertoire and playing style; perhaps at a jazz festival, but more commonly in clubs or bars, or even venues hired out by groups of musicians for self-organized events. 'Function' work indicates private parties and events, where style and repertoire would be more prescribed. A client would specify a particular repertoire that bands

would deliver in a relatively standardized way. There is clearly potential for overlap. A wedding client might, for instance, hire a musician to present their 'original' project. However, this was an important empirical distinction with clear consequences.

The reason this distinction matters is because of the radical difference in the proliferation of work norms in each setting. In both, arrangements are highly informal, based on verbal agreements and a chain of individual relationships between employer, bandleader and band members. Functions might also involve a booking agent linking client and bandleader. For all performances, the MU publishes guidelines on expected fees (specifying £108 per musician for pub or club engagements, and £144 per musician for function work).² Very few participants knew these or professed to adhere to them. However, almost universally, interviewees cited £150–£250 as a widely recognized price expectation on function gigs. Indeed, one participant (Alex, trumpet) referred to 'that old saying: "it's gotta be £150!"'. The similarity between the MU function rate and the informal one suggests that the latter may have its roots in the former, though, if so, participants were not often aware of this connection. Regardless of origin, this figure was transmitted independently through informal peer discussions while the notion of an official MU guideline had negligible visibility. Certainly, sanctions against those ignoring it were exclusively exercised through informal peer interactions; a point elaborated below.

The £150 figure proliferates rapidly and widely in part because of a pressing need for new scene entrants to address labour market knowledge gaps. Uncertainty regarding what musicians should ask for when approached for work early in their careers is a common source of worry. They are often simply asked to offer a price by potential employers without any expectations or contextual budget-related information being offered by the latter. They then need to suggest something that will neither sell themselves short nor repel the buyer. One London participant, for example, had been asked to perform with a 10-piece band on the other side of the UK and told to name a price. The participant agonized over how to respond before suggesting a figure that was accepted with suspicious speed. The participant was immediately worried, and calculated (too late) that he should have asked for twice the amount in order to provide his bandmembers with a respectable return. The lack of knowledge in these situations constitutes a vacuum that is filled by fee norms. Because the MU has little shop-floor presence in these settings, and because of the centrality of peer networks, participants were invariably more inclined to turn to contacts for advice than the union. Hence, the £150 expectation is propelled rapidly through informal musician–musician discussion, and particularly from existing to new scene members.

The question of individual responsibility is more complex: are these norms just information, or is there a sense that musicians have some form of solidaristic duty to at least try to respect them? Certainly, some participants were explicit about their sense of obligation. One (Emily, saxophone), who worked as a bandleader on function gigs, described feeling a responsibility to protect her band from 'insulting' offers. Another (Harry, trumpet) recounted the ostracizing of a musician who had set up an agency and sought to push prices way below the norm:

He was a guy who did very, very low paid gigs. Crazy . . . I'm talking a wedding outside of London, including travel- so people were walking away from the gig with £40 . . . Once a bass

player on the scene got an email asking if he'd do it for £80 . . . He emailed back politely asking why he'd agree that fee . . . Anyway, this guy got back . . . saying some horrible things. 'If you won't do it I'll get some other mug to do it'. Really showing his hand as a guy that exploits young up-and-coming musicians, who need the work. One of my friends suggested that he put it on Facebook to expose him. So he did, and the comments! 60–70 comments, people saying 'yeah I did a gig with him, he paid me £60 and treated me like shit!' . . . Just brutal. Great! . . . Fuck him. It's good that people know about that. Musicians are vigilant. People still do these gigs but they're ashamed of them and don't want to be seen with those people. So their life does become difficult eventually.

However, this kind of reaction was relatively rare. Much more frequently, the strategy was simply to avoid working with persistent offenders, and recommending that contacts do the same. Generally, participants saw little scope for negotiations with buyers: if a rate was low, it was a case of 'take it or leave it'. Moreover, participants accepted that each musician would make individual decisions each time the situation arose, depending on a range of other factors, from the venue's travel logistics to the degree of creative autonomy on the gig. The latter, in particular, tended to legitimize the individual's choice in the eyes of other musicians; hence, there was little sense that individual workers had a social responsibility to treat norms as demands. Material expectations are therefore highly fragile, but persist as an important and widely visible reference point for participants.

Given the legitimizing role of creative autonomy, it is unsurprising that on 'original' gigs, norms dipped way below MU recommendations, and indeed were almost entirely absent. The interviewee quoted above was later asked if the same protection of norms would apply to original projects:

It absolutely wouldn't. Everyone knows when starting an original project that you have to be into the project because there ain't going to be any monetary reward . . . People are happy to do that, that's why we're into music. We were doing that stuff for fun when we were learning music . . . Doing [my own original project]; I never expect to make money about that, even though it takes up days of my time in writing, hours of my own and other musicians' time in rehearsals. I'm very grateful for them for that, but they know I'd do the same as well.

Regarding original projects, participants were reluctant to venture any fee expectations at all:

That floor has to be shifted depending on your current situation, and who is on the gig, who you might meet. You have to weigh up is it worth it? You've always got something at the back of the mind, 'let's not let anyone take advantage', but at the same time you haven't really got the choice. If someone says 'oh we're doing a gig, it's quite local why don't you come down? It's only £40 but we're playing fun music; there's no list of criteria to fulfil and we're playing jazz' . . . you see it as just a chance to have a play with other musicians who might be quite good. (Simon, guitar)

These quotes are generally representative of participant responses to original work, and illustrate the ambivalence of 'legitimizing principles' (Armstrong et al., 1981) among freelance musicians. The illegitimacy of certain material conditions can be overruled by

other qualitative factors that in themselves legitimate the individual's decision to take work. This includes, of course, the potential to build contacts, which serves both a creative and an economic purpose. But arguably more important still is the autonomy, or lack thereof, afforded by particular gigs, and the attraction of deepening relationships with artistic kindred spirits. As one interviewee (Bryan, bass) says of an admired musician with whom he had recently started working, 'he just calls me up and asks if I want to play. I don't even ask if there's any money involved'.

Therefore, on one hand, as indicated above, participants were very resistant to the idea of individual opportunists winning work by violating norms. Where they felt that this was happening, it produced angry reactions as discussed above. But various factors also legitimize individual choices to work for low pay and would almost never attract comment from peers. This ambiguity is illustrated by Rick's (piano) reflection on the possibility of undercutting among musicians:

There's a fine line between having an opportunity and what you think is morally correct in terms of what you get paid . . . I certainly wouldn't ever undercut anyone . . . you've got to think about what kind of opportunity will present itself. You've got to think a) is this the kind of thing I want to do? And b) what kind of work will flow from it? . . . So it's all relative . . .

This sketch of the most common work types among London participants illustrates the unevenness of norms. Norms proliferate through peer contact, often propelled by the need for reference points when setting prices. There is a sense among participants that it is wrong to compete by actively undermining norms, and this occasionally manifests in fierce criticism of particular individuals. But there is also an acceptance that the choice to accept work is also dependent on various legitimizing factors and hence is usually beyond peer judgement.

These tensions are not just static 'pro and con' lists applied to each situation as it arises. They are also embedded in the way musicians plan their long-term careers. Participants had to plan out individual portfolios balancing different kinds of work, and consider how this might shift in the future. The existence of fee norms is important in this planning process. For instance, when asked about future objectives and the development of a family, participants referred to the need to take on greater quantities of 'stable' jobs such as private tuition or functions. Tim's (saxophone) response is indicative of common attitudes: 'I do want all of that [family] stuff at some point. I'll cross that bridge when it comes to it. If I have to hustle for more function gigs, so be it'. 'Stability' here is not so much contractual formality or a regularized employment relationship, because functions rarely provide these. Instead, it is the ability to capitalize on relatively reliable fee expectations on certain kinds of job. Inevitably, this balancing process is highly personal, depending on participants' capacity to tolerate uncertainty in their material arrangements, and their willingness to prioritize creative autonomy above other concerns. This is another sense in which fee norms are an individual reference point rather than a collective demand.

Ultimately, the role of the £150 figure as a guideline for functions has a static quality. Musicians describe it being passed from experienced professionals to new scene entrants, but there is no sense of a critical collective engagement with it; for example, should

shared efforts be made to discuss and raise these figures over time? This is not something participants ever discussed. Given this, it may be unsurprising that many observed that the £150 guideline had remained the same throughout their careers, and were largely the same in London as in their hometowns, despite substantial increases in the cost of living. The possibilities and limits to collective engagement with fee norms are picked up again in the discussion of the Paris case.

The Paris case

The IdS system has ambivalent effects on the Parisian jazz labour market. The distinction between function and original gigs is equally clear in Paris as in London, perhaps more so. Here, the same points about higher fee expectations in function work were reiterated, but price norms were not as clear and universal, as discussed below. The most significant difference is that, by providing recipients with a basic income, IdS may (though not inevitably, as shown below) reduce musicians' need to enter those arenas where norms are more likely to emerge (i.e. functions). Receiving IdS payments affords musicians opportunities to specialize in particular artistic niches, minimizing function work to develop original projects. Robert (saxophone), a French interviewee who had previously spent several years in London, described his experience of both cities:

The economic constraints linked to the way of life in England necessitates accumulating a lot of work, and playing a lot, to get by. [In France], work is much more structured around long-term projects. There are less 'sideman' projects – the 'jack of all trades' – in France than in England. The effects on the music is that people are a lot less versatile, less adept at doing lots of different things in Paris and in France more generally. Musicians are much more likely to concentrate on a set of projects.

Hence, Robert described a more distended labour market, as groups of musicians doing original and function work became more distinct. In his words: 'I don't know a single person that works [on functions] here. I don't know who plays at weddings here!'. This remark would be inconceivable among London participants. Other IdS beneficiaries (Guillaume, bass; Leon, drums) spoke about how their dedication to original jazz projects had taken them off the radars of leading function bandleaders. These testimonies may initially suggest that formal IdS mechanisms circumvent informal norms, by enabling participants to immerse themselves in original projects while maintaining a basic income. The presence of 'black' work, however, greatly complicates matters, and other participants had very different experiences.

Only a minority of Parisian jazz performances are 'declared'. A musician could quite conceivably undertake 507 hours' work in 10 months, but fail to obtain IdS status because so much was 'black'. Notably, functions are declared far more regularly than 'original' gigs. The small venues dominating the latter are often reluctant or unable to pay for declarations. Aside from simply offering undeclared work, such venues can shunt responsibility for declarations onto musicians' own associations. The latter are small non-profit organizations, usually run by musicians themselves, which act as their employers for the purposes of IdS-related paperwork. For interviewees, they provided a formal platform

through which they sought work and processed declarations, rather than establishing and regulating labour market conditions, though the possibility of the latter is revisited below. If venues can sign contracts with associations to provide bands in return for an on-the-door split, then in the (likely) event that there are insufficient funds to declare all musicians, the association is responsible and may meet charges from its own account. Otherwise, musicians could save money from previous gigs to pay employers' declaration charges from their own pockets.

The fact that function gigs declare more regularly means that the original/function balancing act characterizing London participants' could resurface *a fortiori* in Paris. The difference is that the question of expected pay is superseded by a blunter 'yes or no?' question: is the gig declared? For some (Pierre, drums; Patrick, piano), the latter was indeed of higher importance than price. This may explain why, while most participants would expect more money for function work, research did not uncover the same near-universal citing of a particular going rate as in London. Indeed, Martin (saxophone) and Pascal (drums), in a joint interview, described widespread reluctance to talk about prices among Parisian musicians, a point echoed by others such as Michel (bass), and that is revisited below.

Moreover, inverting Robert's experience, Emilie (drums) recounted that after qualifying as an *intermittent*, it had become widely accepted among her circle that, far from specializing, she would have to pursue more and more 'shitty gigs' (i.e. functions), in order to retain the status in future. This illustrates how the collective institution of IdS can in fact engender highly divergent individual priorities. If a musician is struggling for declarations, they may veer urgently towards function work. If they have exceeded their annual quota, functions could be jettisoned. Others may reject it as a priority entirely. Olivier (saxophone) refused to change playing priorities in order to maintain material security: 'It's more a metaphysical question. If all you want in life is money, you can have it'. Another (Steve, guitar) said of qualifying: 'I wouldn't mind but I want to do it on musical terms . . . I do music for the artistic side as well as the pragmatic side'. The IdS system therefore exerted different pressures on different people, reflecting their own circumstances and priorities. This clearly obstructs the emergence of shared norms. One participant (Pierre, drums), unusual among interviewees in having participated in the 2003 strikes, was frustrated at the failure of musicians to unite in defence of the system. He argued that, far from providing a collective platform, IdS had assigned a highly personalized set of decisions to every individual: 'the pernicious effects of *intermittence* is that it has atomized everyone, all artists: everyone for his or her own *dossier*'.

The association of declarations with functions in some cases served to stigmatize IdS status in the eyes of participants. Some were hostile to it, dismissing it as 'institutionalized' music supported through public subsidy; a kind of '*jazz d'État*' (André, guitar). Pierre (drums) described hostile attitudes encountered during the 2003 campaign:

Lots of people consider that to be declared is to be a *fonctionnaire d'État* and lots of people have a very anarchist vision . . . The state is horrible, it's taxes, the police, prison. So *intermittence* for them is a kind of prison . . . There are lots of people that thought that to be an *intermittent*, is the death of music. To fight for hours is to forget what one is doing, to not concentrate on art. As many musicians will say, to talk about politics is to not talk about art.

As noted, the relatively binary dilemmas engendered by IdS – the fact that whether a gig is declared competes for importance with price – mean that informal fee norms are not as universally visible as in London. However, this does not mean the scene is simply atomized. Many participants described what André (guitar) called the ‘climate of mutual aid’ among musicians. For instance, despite the problems of formal regulation, its mechanisms could be manipulated informally as a means of mutual support. A recurrent example is musicians’ responses to situations where the money from a concert is only enough to declare part of a band. Participants described bands distributing declarations according to need. For example, is there anyone in the band that is struggling to retain IdS status? If so, they may be prioritized for declarations.

These kinds of examples do not involve direct negotiation with employers over their commitments. Instead, they involve informal reallocation among participants of what the employer has already offered. Regarding direct dealings with employers, as already indicated, individual priorities vary widely, obstructing the proliferation of fee norms. As in London, a ‘take it or leave it’ approach to poorly-paid gigs prevails, and musicians are expected to make these decisions individually according to their priorities and circumstances. Indeed, as shown above, the IdS system can actually deepen these divergences. Like in London, musicians generally accept the legitimacy of others’ decisions: ‘The common agreement among musicians is that you play every situation as different. You play it by ear’ (Steve, guitar).

The direct link IdS forms between musicians’ lives and government policy, however, raises the possibility that shared justice norms, even if weak at the level of workplace decision-making, may re-emerge at a ‘higher’ level of collective political engagement. French participants were typically more explicitly political in their interviews. All knew, for example, of MEDEF’s recent calls for the abolition of IdS, against which unions were beginning to mobilize during the interviews. While many participants self-identified as ‘precarious workers’, there had been little participation in the post-2003 ‘precariat’ movements described by Bodnar (2006). Participant testimony suggests that political mobilization among jazz players was rare, partly reflecting the pre-eminence of ‘black’ work entirely outside the IdS system, and partly reflecting scepticism about IdS itself (see above). Current mobilizations were led by CGT-SNAM, of which only two participants were members. This may simply reflect low unionization rates across France generally, but the above discussion indicates why participants could reject not just union membership but unions’ attempts to contest national policy on their behalf. As Emilie (drums), André (guitar) and Leon (drums) all argued, a union ethos may stigmatize casual practices that they saw as important and legitimate (like much black work). Hence, while there was no strong anti-union discourse among participants (when unions were discussed in the abstract, indifference was the most common attitude), this reluctance to indulge the influence of formal institutions within the labour market was widespread. While British participants often recalled contacting the MU for advice following bad experiences, French participants did so less. Instead, the French dataset yielded more dramatic examples of musicians taking matters into their own hands. Emilie (drums), for example, described physically snatching a bar owner’s iPhone and threatening (successfully) to smash it if her band were not paid.

French data revealed occasional examples of musicians attempting to instigate ‘collective reflection’ (Michel, bass) around the conditions of work. The interviewee in

question, a committed left-wing political activist, was atypical in explicitly invoking the idea of musicians' own responsibilities when agreeing fees: 'I think we're in a profession where we don't have the right to not be able to evaluate ourselves financially'. He had established an association that was intended as a discussion forum for material questions such as expected fees. The interviewee described indifference or even mistrust of these efforts among peers, who interpreted the discussion forum as an incongruous over-emphasis on material factors. Ultimately, efforts to instigate discussions with a view to catalysing the solidification of work norms comes too close to questioning the legitimacy of individual's own decisions in developing their portfolios.

Discussion and conclusion

The above examined work norms among freelance musicians in two cities. The analysis of freelance labour markets has differed in some ways from approaches outlined above. For example, Fraser and Gold (2001) and Stanworth and Stanworth (1997) focus primarily on dynamics of supply and demand in explaining freelancers' working conditions. These certainly do not favour the vast majority of jazz musicians. While many participants had achieved an exceptionally high level of instrumental proficiency, this skill did not equate to marketplace power unless buyers themselves are seeking elite jazz virtuosity. This was rarely so for background music in bars or clubs, and even less so for function work. Hence, one potential objection to the above is that the most important factor in explaining weak norms is simply a recognition of labour market oversupply.

However, recent research shows this is not the whole story. Efforts to build solidarity among creative workers by mobilizing shared norms can achieve at least modest success in countering market weakness (Bodnar, 2006; Percival and Hesmondhalgh, 2014; Simms and Dean, 2015). This literature, however, tends to highlight specific campaigns, often around high profile issues. The aim here has been to examine the functioning of material work norms on a more 'day-to-day' basis. It has examined how workers embed collective expectations in their career decision-making. This is a relatively novel research agenda that moves beyond literature on protest and mobilization, instead examining the role of norms in structuring labour markets themselves. The first finding is the unevenness of these norms. This is so pronounced because of the conflicting motivations acting on participants. Hence, while other writers (e.g. Neff et al., 2005; Ross, 2008) have identified creative workers' various non-monetary motivations as a factor explaining (self-) exploitation, this study goes a step further in showing how the varying strength of these competing attractions translates into uneven price expectations in different sections of the labour market. It is only on jobs where attractions other than material reward are low that norms are likely to solidify. Norms may be critical for musicians in plugging knowledge gaps and planning long-term career trajectories, but they rarely move beyond this status as a reference point.

In this focus on the day-to-day role of norms, this research was inspired by classic industrial relations workplace studies such as those of Armstrong et al. (1981) and Nichols and Armstrong (1976), for whom the normative attitudes of workers themselves should be a key concern in analysing the employment relationship. However, this line of enquiry was transposed into a very different context, where concepts like 'legitimacy'

have highly ambivalent meanings. Musicians did often have a clear sense of what was legitimate material treatment and what was not. But other attractions such as musical or networking opportunities provided are alternative, often conflicting, sources of legitimacy. It is well-known that musicians take poorly-paid work for other reasons (e.g. Neff et al., 2005; Ross, 2008; Umney and Kretsos, 2014). However, this research also shows that the legitimacy of these other factors stymies attempts to stimulate more explicit 'collective reflection' around material conditions, and indeed musicians may be highly sceptical of such efforts. Outside of particularly egregious examples, the individual decision about whether to take or leave work is sacrosanct.

Another finding concerns the interaction between formal mechanisms and informal norms. This is a relatively unexplored question: while some research is starting to consider, at the macro-level, how different national institutional contexts shape the normative ideas people have about economic issues (e.g. Hauptmeier and Morgan, 2014), this discussion remains remote from in-depth case comparisons such as those offered here. Hence, the above study contributes to comparative employment literature by attempting to engage with this nascent discussion of the connection between institutional mechanisms and informal norms via detailed empirical case studies. It has investigated not a 'national context' but a particular formal regulatory institution. It has highlighted a somewhat paradoxical effect: a formal mechanism that socializes the risks of creative work tended to produce further divergence in the priorities of individual Parisian participants. It presented each with their own personalized dilemma over whether to pursue declared work, and the pressure to do so could vary widely among participants (depending on how close they were to meeting their quota, or whether they even wanted to). It obscured the issue of pay behind the binary question of declarations. Moreover, in some respects it was subsumed by more informalized mutual support arrangements (e.g. the distribution of declarations among band members). The potential attractions of black work and the association between functions and declarations could, in some cases, stigmatize the IdS system and by extension formal labour market regulation including via unions. Efforts to impose material regulation on the musicians' labour market are rejected if they interfere with musicians' own individual decisions.

Hence, this study invokes and reflects the arguments of Menger (2001) who is concerned with the multiple and ever-switching identities of creative freelancers. Jazz musicians may in some contexts demonstrate a strong sense of professional community, but the extent to which community expectations can encroach on individual 'balancing acts' is strictly limited. However, they are rarely 'entrepreneurial', at least in the sense of ambitiously pursuing individual material reward. Where musicians go below norms it is generally because of positive attractions beyond pay, and this is considered legitimate by peers. The rare cases where angry reactions did occur were when the actions of those concerned were perceived as seeking to gain work by out-competing others. This sacrosanct nature of artistic (rather than financial) decision-making simultaneously implies a rejection of entrepreneurial 'opportunism' (Tempest et al., 2004), and of professional economic solidarity.

From the perspective of formal actors seeking to get to grips with the labour market for creative freelancers, the argument here is more pessimistic than that of Saundry et al. (2007). My findings support the latter's arguments that freelance labour markets, while highly casualized, should not necessarily be seen as atomized and

hyper-competitive. Indeed, they may be characterized by strong information-sharing and even mutual support, as Saundry et al. (2007) show. In this sense, Coulson's (2012) depiction of musicians as generally communitarian in orientation is also corroborated. The weakness of unions is therefore not because of inter-musician competition. However, unlike Saundry et al. (2007), these findings are not seen here as necessarily indicating an opportunity for unions. Among participants, indifference to unions was more to do with their perception that the latter would disdain the kinds of working conditions they saw as legitimate. Indeed, the data presented here have shown the inherent limits of formal mechanisms in the kinds of situations participants found themselves. For this reason, as shown above, interventions by the British MU (such as the 'Work Not Play' campaign) tend to be highly voluntarist in tone, depending on workers making their own decisions to report poor working conditions. The likelihood of this happening, however, tends to be stunted and uneven across labour markets. While union-led campaigns may potentially make headway in proliferating wide discussion of working conditions, to be successful they need to result in a more explicit engagement with material questions permeating musicians' discussions at a much more informal level.

Ultimately, work norms among music freelancers are characterized by extreme unevenness. Where they exist, they can play an important informational role for workers, but the extent to which they can constitute a collective demand in the defence of working conditions is undermined by a widespread unwillingness to criticize other musicians' labour market decisions in all but the most extreme cases. Where strong formal mechanisms exist, social norms may, surprisingly, be even weaker. From an academic perspective, these findings indicate the importance of recognizing the complex interrelationship between informal work norms and formal labour market institutions, when studying 'creative' labour markets. This represents a relatively unexplored research focus, but one that is likely critical to better understanding the way labour markets and working conditions take shape in creative freelancer labour markets.

Acknowledgements

I would like to thank Genevieve Coderre-LaPalme, Ian Greer, Lefteris Kretsos, Barbara Samaluk, as well as the editor Paul Edwards and anonymous reviewers at *Human Relations* for their help and comments on earlier versions of this article.

Funding

This study was supported by funding from the European Commission European Research Council (grant number: 313613).

Notes

- 1 <http://www.worknotplay.co.uk/>.
- 2 <http://www.lastminutemusicians.com/news/mu-national-gig-rates-2013.pdf>.

References

- Agell J (1999) On the benefits from rigid labour markets: Norms, market failures, and social insurance. *The Economic Journal* 109(453): 143–164.

- Antcliff V, Saundry R and Stuart M (2007) Networks and social capital in the UK television industry: The weakness of weak ties. *Human Relations* 60(2): 371–393.
- Armstrong P, Goodman J and Hyman J (1981) *Ideology and Shop-floor Industrial Relations*. London: Croom Helm.
- Banks M and Hesmondhalgh D (2009) Looking for work in creative industries policy. *International Journal of Cultural Policy* 15(4): 415–430.
- Banks M, Ebery J and Toynbee J (2014) *Working Lives in Black British Jazz*. Leicester: University of Leicester.
- Blair H (2001) ‘You’re only as good as your last job’: The labour process and labour market in the British film industry. *Work, Employment and Society* 15(1): 149–169.
- Bodnar C (2006) Taking it to the streets: French cultural worker resistance and the creation of a precariat movement. *Canadian Journal of Communication* 31(3): 675–694.
- Canada Council for the Arts (2005) *Comparisons of Arts Funding in Selected Countries: Preliminary Findings*. Ottawa: Canada Council for the Arts.
- Coulson S (2012) Collaborating in a competitive world: Musicians’ working lives and understandings of entrepreneurship. *Work, Employment and Society* 26(2): 246–261.
- Ekman S (2013) Fantasies about work as limitless potential: How managers and employees seduce each other through dynamics of mutual recognition. *Human Relations* 66(9): 1159–1181.
- Fraser J and Gold M (2001) ‘Portfolio workers’: Autonomy and control amongst freelance translators. *Work, Employment & Society* 15(4): 679–697.
- Geare A, Edgar F and McAndrew I (2009) Workplace values and beliefs: An empirical study of ideology, high commitment management and unionisation. *International Journal of Human Resource Management* 20(5): 1146–1171.
- Haunschild A and Eikhof D (2009) Bringing creativity to market: Actors as self-employed employees. In: McKinlay A and Smith C (eds) *Creative Labour: Working in the Creative Industries*. Basingstoke: Palgrave MacMillan, 153–173.
- Hauptmeier M and Morgan G (2014) Ideas and institutions: The evolution of employment relations in the Spanish and German auto industry. In: Hauptmeier M and Vidal M (eds) *Comparative Political Economy of Work*. Basingstoke: Palgrave Macmillan.
- Heckathorn D and Jeffri J (2001) Finding the beat: Using respondent-driven sampling to study jazz musicians. *Poetics* 28(4): 307–329.
- Heery E, Conley H, Delbridge R and Stewart P (2004) Beyond the enterprise: Trade union representation of freelancers in the UK. *Human Resource Management Journal* 14(2): 20–35.
- Hewison R (2014) *Cultural Capital: The Rise and Fall of Creative Britain*. London: Verso.
- Kelly J (1998) *Rethinking Industrial Relations: Mobilization, Collectivism and Long Waves*. London: Routledge.
- Lindgren M, Packendorff J and Sergi V (2014) Thrilled by the discourse, suffering through the experience: Emotions in project-based work. *Human Relations* 67(11): 1383–1412.
- McRobbie A (2002) Clubs to companies: Notes on the decline of political culture in speeded up creative worlds. *Cultural Studies* 16(4): 516–531.
- Menger PM (2001) Artists as workers: Theoretical and methodological challenges. *Poetics* 28(4): 241–254.
- Menger PM (2012) Job growth and unemployment increase: French flexible labour markets and their insurance shelter in the performing arts. *Economia della Cultura* 22(1): 17–34.
- Musicians’ Union (2012) *The Working Musician*. London: Musicians’ Union.
- Neff G, Wissinger E and Zukin S (2005) Entrepreneurial labor among cultural producers: ‘Cool’ jobs in ‘hot’ industries. *Social Semiotics* 15(3): 307–334.
- Nichols T and Armstrong P (1976) *Workers Divided: A Study in Shopfloor Politics*. Glasgow: Fontana.

- Percival N and Hesmondhalgh D (2014) Unpaid work in the UK television and film industries: Resistance and changing attitudes. *European Journal of Communication* 29(2): 188–203.
- Pinheiro D and Dowd T (2009) All that jazz: The success of jazz musicians in three metropolitan areas. *Poetics* 37(5/6): 490–506.
- Ross A (2008) The new geography of work: Power to the precarious? *Theory, Culture & Society* 25(7–8): 31–49.
- Saundry R, Stuart M and Antcliff V (2007) Broadcasting discontent: Freelancers, trade unions and the internet. *New Technology, Work and Employment* 22(2): 178–191.
- Simms M and Dean D (2015) Mobilising contingent workers: An analysis of two successful cases. *Economic and Industrial Democracy* 36(1): 173–190.
- Stanworth C and Stanworth J (1997) Managing an externalised workforce: Freelance labour-use in the UK book publishing industry. *Industrial Relations Journal* 28(1): 43–55.
- Stebbins R (1968) A theory of the jazz community. *The Sociological Quarterly* 9(3): 318–331.
- Storey J, Salaman G and Platman K (2005) Living with enterprise in an enterprise economy: Freelance and contract workers in the media. *Human Relations* 58(8): 1033–1054.
- Tempest S, McKinlay A and Starkey K (2004) Careering alone: Careers and social capital in the financial services and television industries. *Human Relations* 57(12): 1523–1545.
- Townley B, Beech N and McKinlay A (2009) Managing the creative industries: Managing the motley crew. *Human Relations* 62(7): 939–962.
- Umney C and Kretsos K (2014) Creative labour and collective interaction: The working lives of young jazz musicians in London. *Work, Employment and Society* 28(4): 571–588.

Charles Umney is a lecturer in employment relations at the University of Leeds, UK. Dr Umney's research initially focused on trade union mobilization, but is now primarily concerned with labour markets and the labour process in the arts. He is also interested in marketization and its effect on social institutions; part of the data gathering for this article was funded as part of the European Research Council-funded project 'The Effects of Marketisation on Societies'. His research on jazz musicians has previously been published in journals such as *Work, Employment and Society*, *Work and Occupations*, and his other writing on international trade unionism appears in journals including *European Journal of Industrial Relations* and *Industrial Relations Journal*. [Email: c.r.umney@leeds.ac.uk]