ESSAYS

Five Things I Learned While Teaching a Class on Arts and Labor

by **Alexis Clements** on November 4, 2013

Photo of decaying labor movement mosaic in Jackson Heights, Queens, NY. (image via Carlos Martinez)

In August and September I facilitated a class focused on labor issues within the arts. Specifically, we looked at how and when artists receive or don't receive payment for their work, and the broader implications of compensating artists. We looked at examples in the US going as far back as the 1850s, but focused most of our attention on recent

history and contemporary practices. And because there was such a great mix of students in the class working across fields, as expected, I ended up learning quite a bit myself during the class. Below are five of the things I took away from the class, though there were many others as well.

1) Stop focusing so much on the international visual arts market.

Jeff Koons, "Louis XIV" (1986) (image via the artist)

Okay, maybe I didn't learn this in the class, per se, as it's a huge pet peeve of mine. However, in putting together the syllabus for the class it was reinforced for me how much of the writing on this subject spends most of its time focused almost exclusively on the international visual arts market. What do I mean by that? It focuses on the buying and selling of work by a relatively small group of art stars in the visual arts, artists who are often represented by blue chip or top-tier galleries of the kind that frequently participate in art fairs and resale markets. Or it focuses on artists who are given opportunities at the most prominent arts institutions nationally and globally.

Following on that point, it's interesting to notice that some of the most prominent arts and labor discussions (i.e. those getting coverage in major arts and non-arts publications) in the past year or so have been happening because visual arts institutions that traditionally focused primarily on painting, sculpture, and conceptual art have been

presenting more performance, dance, and theater, along with the amorphous category of social practice, which often requires contributions from people who are not the primary artist(s) and are typically not credited or compensated for those contributions. So, while *these* discussions are focused primarily on top-tier institutions and artists, what's generating the discussion is the fact that they are moving outside of the traditional realm of the visual arts.

Among these debates are Marina Abramović's use of performers as human centerpieces during the 2011 gala of LA's MOCA; discussions around MoMA's payment/terms for performers in Abramović's much-visited 2010 *The Artist is Present* exhibit; and the paid commissioning for the 2012 Whitney Biennial of dance works and residencies by Sarah Michelson and Michael Clark (payment did not cover all the costs for the performance/performers, and Clark chose to use many untrained volunteers in his work), whereas the visual artists participating in the Biennial were generally not paid anything(OWS Arts & Labor group called for an end to the Biennial given the many labor concerns that came up during its 2012 iteration). And just in the past couple weeks, artist Suzanne Lacy's performance piece, *Between the Door and the Street*, commissioned by Creative Time and the Brooklyn Museum, which incorporated literally hundreds of volunteers talking about feminism, including labor issues and the disparity of pay for women and people of color, sparked further discussion about arts and labor, led by a small group of those volunteers who wrote an open letter on the issue of compensation.

Also, as an example of why focusing only on the top tier institutions and artists gives a false picture of reality, it's worth taking a second look at the 2010 survey of artists by W.A.G.E. It did find that 58% of the visual and performing artists surveyed were paid nothing. However, among those that *were* paid, it was those showing in small to medium sized institutions that were more likely to have received fees than those presenting in large institution. Which is to say, payment doesn't seem to have a correlation to the size of an institution's budget, and many smaller, less prominent organizations are finding ways to pay artists, so it's worth looking at how they manage it in order to give everyone else examples to follow.

Plus, there are long histories of labor struggles and successful organizing among artists in other fields of the arts—i.e. actors, screenwriters, musicians, composers, etc. Having

a wider view of how labor is and isn't compensated across fields of the arts can provide an array of tested methods and ideas for approaching the issue.

And lastly, not all artists desire to work in a market context. In other words, not everybody wants to have their work treated as something that can be bought or sold through a capitalist lens. Looking at everything through the frame of the international visual arts market places everything in a context of buying and selling that is anathema to many artists. Those who strive to present alternate economies, such as barter networks, time banks, andsolidarity economies, often resist the tendency to separate out every task according to its market value. And some artists simply don't sell their work, they give it away, lend it, or choose to offer it at no charge. While the labor discussion is important, placing dollar amounts on every contribution to every work is the opposite extreme of an utter lack of compensation, and I would argue neither extreme is viable or good for the arts.

2) A lot of work we do is illegally treated as contract work.

Migrant farm worker demonstration, Washington, D.C., 1981. Photo by Frank Espada. (image via Library of Congress)

I learned this thanks to one of the appendices in the Dancers Forum Compact — a perfect example of learning lessons in one field of the arts that resonant elsewhere. On the very last page of that document, Ivan Sygoda, Founding Director of the artistic management organization Pentacle, writes about the thorny issue of whether a dancer is an employee of the choreographer or presenting organization, or an independent contractor. Why does it matter? If you're an employee, you MUST be paid at least minimum wage and be provided with things like workers compensation and unemployment insurance.

So, what is the difference? As Sygoda describes it, the distinction hinges on "control," i.e. whether or not the person hiring you calls most of the shots, specifically when, where, and how you work. Here's how he puts it: "The government insists that

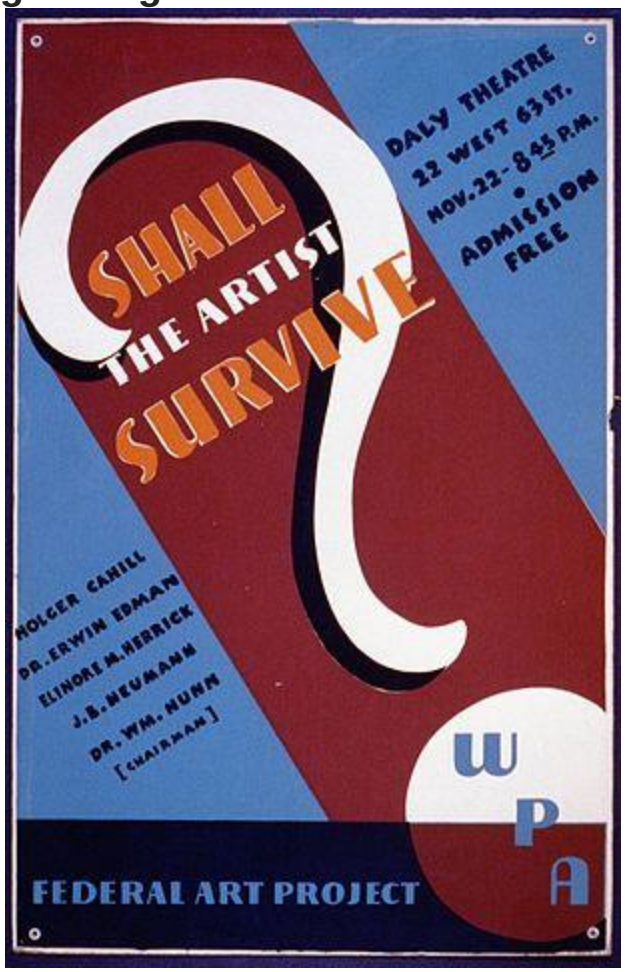
choreographers employ dancers because they tell the dancers when and where to show up, what to wear, what steps to dance." I followed up on this withDr. Cynthia Estlund, a scholar and expert on labor law currently working at NYU, and she recommended this page on the US Department of Labor's website as a resource for people wondering if their work can legally be called contract work. The page has a lot of bureaucratic language I'm not about to try to translate, but it raises immediate concerns far beyond the realm of the arts.

Similar to the legal challenges to unpaid internships there's potential for employees being illegally classified as independent contractors to mount large and transformative challenges to the conditions of their employment. Someone close to me has been employed for over a year at a film distribution company in a full-time job that regularly demands well over 40 hours a week, but who is paid as a "contract" employee, with no benefits whatsoever, nor any overtime pay. Similarly, Sara Horowitz, the founder of the Freelance Union, regularly tauts the story of being hired as a contractor by a law firm as a pivotal moment in her life, eventually leading her to found the Freelancers Union. But knowing that many instances of employers trying to get away with classifying workers as freelancers instead of employees could be illegal, questions come up about how readily we should be embracing the mantle of freelancer, not just in the arts.

On the flip side, if every choreographer had to pay every dancer minimum wage and benefits for every performance ever, I can assure you many choreographers would simply have to stop making work and many dancers would not have any chance of performing, ever. If you look only at choreographers who make work at top institutions, sure they should be paying their dancers. But elsewhere voluntary labor, bartered labor, and social exchanges are crucial to the arts. A vast amount of the art made in this country never stands a chance of garnering financial support, because the reality is that that there are millions of people making art in the US. Only a sliver of those people use the term "artist" when referring to their work, many happily consider themselves hobbyists and amateurs, and of those who do consider themselves artists or even professional artists, only a sliver of those people stand a chance of getting institutional or philanthropic funding for their work given how few opportunities there are for such funding in an arts field that is flush with practitioners of every age and career stage. Again all payment or no payment at all are extremes that don't reflect the diversity of ways that people make and support their art. So while illegal contract work is clearly an

issue our society has to deal with, forcing everyone to be an employee every time doesn't seem tenable.

3) Success and failure narratives are too limiting when it comes to whether an organizing effort made a difference.



Color silkscreen poster for Federal Art Project, circa 1930s. (image via Library of Congress)

Actually, I learned this lesson listening scholar and curator Yasmin Ramirez speak about the Puerto Rican Art Workers Coalition last year. But it came up again a couple of times in class. People love to declare that an effort to organize around labor issues succeeded or failed, but the point is that the act of organizing itself matters tremendously, and ripple effects can extend far beyond the end of a coalition or a specific action. Ramirez' point in the lecture she gave was that superficial narratives that say that the Art Workers Coalition (AWC) started and stopped quickly, miss out on a richer and more complex narrative that captures all the ways that many people involved

in those efforts. Specifically, Ramirez was interested in the fact that Black and Puerto Rican artists did not simply walk away from the fights that the AWC took on, but continued fighting for things like more equitable representation of artists and employees of color in museums, community-based arts programming, and the formation of new institutions focused on work by artists of color.

Organizing efforts, even short-lived or relatively small ones can radicalize people in ways that they carry with them far beyond the boundaries of that effort, and inform not only their decisions about how they work in the world, but also how they interact with other workers. Ripple effects matter.

4) Don’t assume you have to start from scratch when dealing with labor issues.

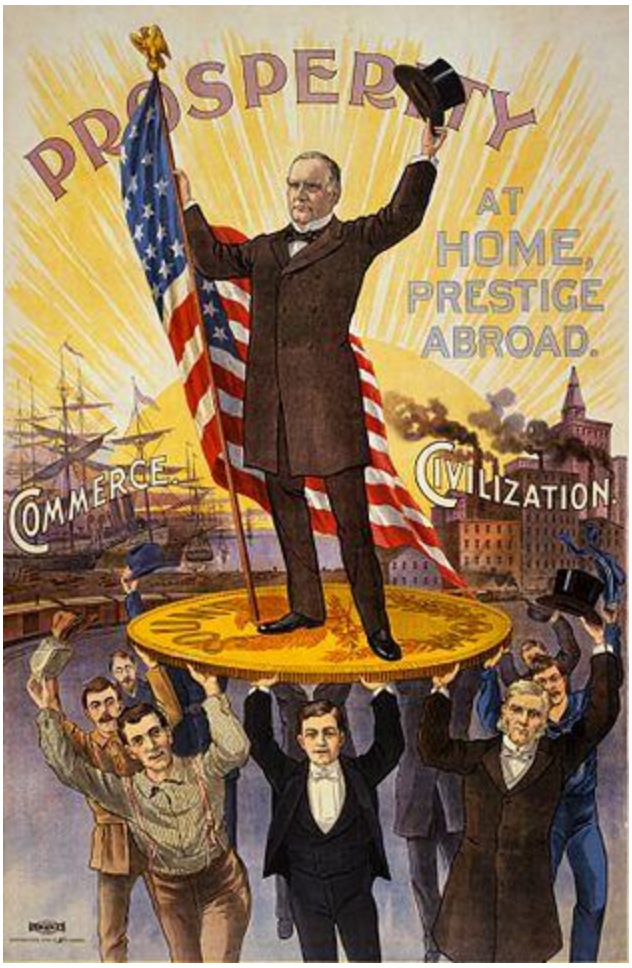
Members of the International Ladies Garment Workers Union at a rally, circa 1940s. (image via New York Public Library Digital Collection)

Re-imagining the world seems like everyone's favorite marketing slogan and pass-time these days. And starting from scratch is great in some instances. But the reality is that most of the time it's not only impossible to start from scratch, it's undesirable, as you can end up walking down well-trod paths. Beyond finding that a lot of writing about arts and labor focused on the visual arts marketplace, I also found that few writers mention the past at all in their writing on the topic, save to throw in mini-lessons or interpretations of historical theories, particularly those of Karl Marx (I often prefer Arendt on labor, if we're going for historical theory).

There are numerous artists' unions in this country, many of which have been around since the early 1900s. There have been countless organizing efforts outside of traditional unions as well. Which is to say, labor struggles have been going on for quite some time in this country, so it's worth looking at those examples, along with existing labor laws (see lesson #2), in order to have more solid ground to stand on. As any book on the avant-garde will tell you, everything old is new again all the time, so borrowing existing models, legislative ideas, or forming relationships/solidarity with existing groups is worth looking into.

A couple examples of groups having a look beyond the immediate moment are OWS Arts & Labor, who have done a number of teach-ins on non-arts labor organizing and historical efforts. Also, the group of NYC performing artists working together as the Brooklyn Commune, have been doing some research beyond current practices in that field.
And, P.S., visual artists, I know you love making art about labor issues, but once in a while organizing is a good thing too.

5) The economy is not a monolith.



Campaign poster showing William McKinley, circa 1890s. (Source: Library of Congress)

It's frequently the case that you'll see discussions in the media and in academia on economics where the theories at play operate under the assumption that certain behaviors or trends are universal. There are even researchers who work to link our individual economic attitudes and practices to our biology—in other words, we use money a certain way because we are literally programmed by the makeup of our bodies to behave that way.

But there's really compelling and strong evidence that it is never safe to treat economic behavior as universal, and therefore, it is never safe to operate under the assumption that the way one economy functions is the same as how another economy functions. And it's also a mistake to think that we're only participating in one economy at any given time in our lives.

Example one: Americans are weird. A few years ago three psychologists at the University of British Columbia decided to test out some of the claims that people behaved the same when it comes to money across multiple cultures or societies. So, they traveled around the world and used classic economic experiments like the Prisoner's Dilemma and other similar games to see how people would play them outside of the US and Europe. Basically, the answer was immediately clear—not only do people not think of money and economics in the same way, *most* people don't behave the way many classic economic theories say they ought to. Why? In the abstract for their paper, "The Weirdest People in the World," scientists Joseph Heinrich, Steven J. Heine, and Ara Norenzayan say, "The comparative findings suggest that members of Western, educated, industrialized, rich, and democratic societies, including young children, are among the least representative populations one could find for generalizing about humans." They go on to say, "we need to be less cavalier in addressing questions of human nature on the basis of data drawn from this particularly thin, and rather unusual, slice of humanity." The mind quickly starts to think about all the other ways that we need to be less cavalier in generalizing, not just about economics. (Read this great recent write-up of their study.)

Example two: Simultaneous economies. Another paper that really intrigued me and reinforced how mistaken it is to argue or believe that there is a singular, monolithic economy, is by Jenny Cameron and J.K. Gibson-Graham, titled "Feminizing the Economy: Metaphors, Strategies, Politics" (please let go of whatever part of you may cringe reading that title, it's a good paper). Essentially, they are attempting to take next steps following earlier feminist thinking about the economy that pushed for traditionally unpaid labor like child-care and cleaning to be treated just like other forms of labor that are compensated, such as office work. What the authors of this paper argue is not that we shouldn't acknowledge the work being done by all people in all realms, or that there aren't real disparities in the way different groups of people are paid and treated as workers, but rather that placing every type of labor in a capitalist framework ignores the fact we actually are simultaneously working in multiple economies at the same time. More simply, in my day-to-day life, I choose to volunteer, I also cook and clean for myself, I give gifts to friends and family, and I am paid for some of the work other that I do (in fact I'm paid in different ways and at different levels). Each of those things is a form of labor, but each of them is basically operating in a separate economy. Forcing

them all into a capitalist framework where a specific monetary value is assigned to each task actually would change my relationship to that labor and to the people involved in it, in many instances to the detriment of those relationships. As they put it in the paper, “In the diverse economy we cannot easily read off credits and debits but are forced to inquire into the specific conditions of any economic activity before we can advocate or oppose it.”

There was much more that we covered and that I learned from the class, but these were among the things that resonated most frequently for me during our discussions. Hopefully some of this is of use to those of you out there concerned with these issues.

http://hyperallergic.com/91236/five-things-i-learned-while-teaching-a-class-on-arts-and-labor/
Accessed on 26. February, 2014.