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Annotated Bibliography: How Is Musical Labor Exploited in the United States' Economy?

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Annotated Bibliography

How is musical labor exploited in the United States' economy?

The goal of this paper is to highlight the various ways in which musicians and their labor are exploited in today's capitalist economy. Music can be labelled in different ways such as aesthetic labor or creative labor and is not typically seen through the same lens of labor as more traditional forms of work. Record labels will abuse the vagueness of artists contracts to unfairly pay them and streaming services such as Spotify will leverage their political power and capital power to keep royalty payments to artists as low as possible. Gig work is also an important aspect to the topic of exploited musicians since companies that run these gig work apps will directly benefit from the labor of the artists without having to pay them a wage or deal with royalties.

1. Hoedemaekers, Casper. "Creative Work and Affect: Social, Political and Fantasmatic Dynamics in the Labour of Musicians." *Human Relations* 71, no. 10 (December 2017): 1348-70.

Hoedemaekers' article discusses different types of logics that apply to creative labor, specifically that of musicians. The "Social Logics" they argue are "Employability" and "Virtuosity", and the "Political Logics" are "Craft" and "Autonomy". The fantasmatic element is the supplemental analysis of the relation of the previous two categories and look at the tension between the two. The Social and Political Logics are the focus of the article, however. The article makes these analyses through the framework of the writings of Glynos and Howarth, who have written on sociological topics in their book *Logics of Critical Explanation in Social and Political Theory*. The ideas in that source are used by Hoedemaekers to examine the labor of musicians and the different facets contained within, as listed above.

2. Kubacki, Krzysztof, and Robin Croft. "Paying the Piper: A Study of Musicians and the Music Business." *International Journal of Nonprofit and Voluntary Sector Marketing* 10, no. 4 (2005): 225-237.

Kubacki and Croft discuss the dichotomy of music and artistic creativity and value, and its commodification and use in for-profit businesses. This, they argue, can lead to a stifling of creativity as the artist is forced to adapt to that business model. Another aspect analyzed in the article is the disparity between for-profit businesses' use of music and not-for-profit organizations attempting to prop up talent but without the level of capital commanded by corporations. Not-for-profit entities have started following some of the marketing models used by companies to bridge this gap. They use writings by Gainer, who argues that these marketing tactics could be used to ethically support their talent without compromising their not-for-profit structure and motives. The last key element of the article is how they highlight the difference in expectations between artists and the organizations that employ them, and the need to address and bridge the gap. They argue that to keep music as a cultural force and out of the realm of complete commodification, artists must be able to keep their creative integrity and have more of a say in their craft and its proliferation. As stated above, Gainer's writing are a main source of information used by the authors. The arguments are bolstered well by the sources used in the

article and agree with each other entirely. The author have both written a number of books and articles pertaining to music and the economics surrounding it, lending authority to their statements in this article.

3. Marshall, Lee. “‘Let’s Keep Music Special. F-Spotify’: On-Demand Streaming and the Controversy Over Artist Royalties.” *Creative industries journal* 8, no. 2 (2015): 177–189. <https://www-tandfonline-com.du.idm.oclc.org/doi/full/10.1080/17510694.2015.1096618>.

Marshall in this article assesses the claims of music streaming services reputation to underpay artists for their music. In the first part of the article, they address some of the mythmaking surrounding the pay artists receive and how some of the figures commonly talked about are false and bad reporting but brings their analysis back around to the actual numbers. While there are many factors at play in the discrepancy of royalties paid to different artists, the main argument is that these payouts disproportionately impact smaller artists and labels, who need the royalties to live, may not have the back catalogue of material that has supported them in the past, and do not have the controlling arm of large record labels to supplement their income with other contracts and work, such as concerts and promotional opportunities. Additionally, these streaming services, Marshall argues, are consolidating power within the industry. Many of the major record labels and their aggregates have acquired stake in services such as Spotify and Deezer. This, combined with the preexisting distrust toward these record labels, creates a high level of resistance to these types of services and compensation models. Interestingly, early in the article, the authors provide examples of instances where stories were distorted and reported on as if they were fact, citing said stories. This disagreement so early in the reading creates an interesting contrast with the rest of the article. The article also draws on many sources directly from these recording companies, Spotify itself, and other non-scholarly publications from within the music industry. These are also supported by scholarly sources, and vice versa, building a strong argument and conversation within the reading and its sources. Marshall is a professor of Sociology, Politics, and International Studies at the University of Bristol, and has written a total of four articles about various sociological and economic topics relating to the music industry. He appears to be well read on the topic and holds a position at a university relating to these types of topics.

4. Sargent, Carey Lynn. “iMusic: Living and Working as Musicians in Digital Capitalism.” PhD diss., University of Virginia, 2010. ProQuest Dissertations & Theses Global.

In this dissertation, Sargent looks at how digital capitalism, using the internet and similar technologies to run businesses and build careers, affects musicians and the exploitation they experience within that system. She traces the history of this phenomenon and the different phases it has gone through in the age of the internet. Another interesting point that she looks at is its effect on local music scenes and cultures versus their national and international counterparts. A unique type of evidence used in the writing is testimonials from musicians from within local music scenes. This on-the-ground approach gives a perspective of the topic absent from many other sources. With the paper being a dissertation, there is also its fair share of scholarly sources, but the direct analysis of smaller music scenes gives a more relevant scope to the material. Much of the conversation within the dissertation is that of the direct, literal, conversations with the

musicians. The author is a recipient of a PhD in Sociology from the University of Virginia. They have also contributed to a paper titled “Meaningful Play: A Case Study of Gender and Class Boundaries within a Toy Store.” This contains continuity with their writings on sociological topics regarding class and pop culture.

5. Carles, Philippe, and Jean-Louis Comolli. *Free Jazz/Black Power*. Jackson, Mississippi: University Press of Mississippi, 2015.

This book describes the various relationships between race, class, politics, and the revolutionary forces within those topics and how they can also related to music, specifically Black Jazz. Using quotes from various Black scholars and revolutionaries such as Malcom X, Archie Shepp, and LeRoi Jones, Carles and Comolli outline the movement of Black Liberation in the mid-twentieth century, and then use quotes from Black jazz musicians of the era to draw the comparison of the two political spheres and how they are intertwined. another interesting point made is that all musicians are affected by racism due to the Whiteness of the music industry, the capital it controls, and the exploitation caused by those factors. The use of these quotes and testimonies gives a more direct look into the movements of the time and are the main substance of the evidence and conversation within the reading. Carles was editor-in-chief at Jazz Magazine from 1971-2006, showing he has written extensively on jazz, and Comolli is a writer and film editor who has written books on the topic of cinema, as well as teaching at Université Paris-VIII, FEMIS, and Universitat Pompeu Fabra in Barcelona.

6. Neely, Adam. “How We Almost Lost \$17,000 On Tour.” May 3, 2022. Vlog. <https://youtu.be/3qXLYtvbIOg?si=J33so3SSxEIK30KF>.

Neely in this video documents his experience touring along the west coast with his band Sungazer. He details the various hardships of working/touring musicians and the financial and social hurdles encountered in these scenarios. Of note is the animosity he received online when posting to social media about these situations, and the level of apathy many people hold toward musicians and the struggles faced by them. Music is not seen as a traditional form of labor or “job”, and therefore does not receive the same critiques that a standard labor position may find. Neely is an online content creator for music theory, history, and other music related topics in modern pop/jazz genres, as well as a bassist and composer. He is a graduate of the Berklee College of Music and the Manhattan School of Music.

7. Clover, Corrina Cree. "Accounting Accountability: Should Record Labels Have a Fiduciary Duty to Report Accurate Royalties to Recording Artists." *Loyola of Los Angeles Entertainment Law Review* 23, no. 2 (2003): 395-442. <https://heinonline.org/HOL/P?h=hein.journals/laent23&i=407>.

Clover opens this article describing many lawsuits brought by musicians against record labels for unpaid royalties. Almost all were either won by the musicians or settled on out of court for large sums of money, though not the total of the estimated damages. This already highlights the propensity of labels and other large corporations to improperly pay their artists the royalties they are due. Clover then presents two proposed solutions to these issues: making contracts easier to understand and establishing a fiduciary duty to report accurate royalties. Information on

the author is scarce, but it is published in a peer reviewed journal, Loyola of Los Angeles Entertainment Law Review.

8. Kramp, Tanner J. “Rage Against the Machine: Why the Music Modernization Act is but the First Step in Musicians’ Battle to Reclaim the Value of Their Works.” *Boston College Law Review* 64, no. 1 (2023): 219–251.

Kramp outlines the 2018 Music Modernization Acts (MMA) intended goal of protecting artists and its updates to music licensing and royalty payment calculations. This, however, did not adequately address the long-standing power imbalances within the music industry, failing to protect musicians from the digital streaming services that have taken prominence in the last few years. Kramp proposes changes to the MMA that would address the protection gaps in the legislation and properly provide artists with equitable compensation. The article cites many other articles also talking about the failures of the MMA, both scholarly and non-scholarly, as well as articles about specific instances within the music industry of artists being affected by the low royalties paid by different companies. The article is published in the *Boston College Law Review* and Kramp, at the time of publication, was a student at the Boston College Law School.

9. Mühlbach, Saskia, and Payal Arora. “Behind the Music: How Labor Changed for Musicians through the Subscription Economy”. *First Monday* 25, no. 4 (April 2020): <https://firstmonday.org/ojs/index.php/fm/article/view/10382/9411>.

This article argues through interviews done with German musicians that due to the reduced revenue they receive from the prominent streaming platforms, more of their time is taken away from the creative labor of music and put towards non-creative processes. Their music has become less of an artistic, creative, and cultural work and has turned more into a marketing tool for their own particular brand. While the article does acknowledge the potential benefits to platforms like Spotify, such as being able to market music across the entire world rather than locally without the help of a label, ultimately, they argue, that the nature of musician’s labor in this type of economy leans towards exploitation in the Marxist sense. Saskia Mühlbach is Program Manager on Commercial Growth at PayPal in Berlin, Germany, giving them credibility when discussing the market and economic side of musician’s exploitation. Payal Arora is Professor and Chair in Technology, Values, and Global Media Cultures at Erasmus University Rotterdam, lending them authority to the realm of digital music distribution.

10. Springer, Robert. “Folklore, Commercialism and Exploitation: Copyright in The Blues.” *Popular music* 26, no. 1 (2007): 33–45.

Springer discusses the exploitation Black blues artists experienced from the turn of the century to the present day, and how threads can be drawn between these time periods relating to Black American’s historic oppression. The blues was a genre of music that arose from these oppressive conditions and was an artistic and folk practice. As the style of music fed into the White mainstream, it became increasingly used by record companies without proper compensation to the artists. Black Americans had not considered the work to be that of economic value, so it was initially easy for these companies to profit from these works, as no compensation was initially expected due to the nature of the music. This trend has continued into the present

day as record companies continue to underpay and underrecognize their artists, particularly Black artists. Springer has contributed to books about the blues and its history, and his article is published in the peer reviewed *Popular Music*.

11. Haynes, Jo, and Lee Marshall. "Reluctant Entrepreneurs: Musicians and Entrepreneurship in the 'New' Music Industry." *The British Journal of Sociology* 69, no. 2 (2018): 459–482.

Haynes and Marshall argue in their article that due to the nature of musician's self-entrepreneurship make them vulnerable to exploitation within capital markets. Musicians approach their work primarily from creative and aesthetic labors, and overemphasizing this and the autonomy of their work can cause a lack of infrastructural support. This can lead to increased uncertainty in their job security, as well as pushing them more towards a "gig economy" approach to their careers. Many musicians do not see themselves as entrepreneurs developing a brand and run the risk of misrepresenting the purpose of their work. The authors have written other articles in the realm of music and sociology, showing they have experience talking about the topic.

12. Gandini, Alessandro. "Labour Process Theory and The Gig Economy." *Human Relations* 72, no. 6 (September 2018): 1039-56.

This article aims to look at labor more broadly and how it is exploited in today's capitalist economy and what is known as the "gig economy". Gig work is also known as on-demand labor. Gandini looks at the different apps on the market that utilize this type of labor, such as rideshare apps like Uber and Lyft, and other freelance work apps like Upwork and Freelancer. Workers maintain a customer rating which adds an additional level of emotional labor to the equation. The article cites many other articles about related topics such as capitalism, economics, and gig work. Gandini has also written many other articles in the subjects of gig work, sociology, economics, and digital labor. While there is little mention of music and musicians directly, many parallels can be drawn from the analysis presented in this article to the work of musicians. Artists also use similar apps to find work, and the term gig economy has its roots in music, pulling from how musicians define much of their work as gigs.