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Working in the Artist's Studio

A thesis submitted in partial satisfaction of the requirements for the degree

Master of Urban and Region and Regional Planning

by

Gabriel Demy Peterson

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ABSTRACT OF THE THESIS

Working in the Artists Studio

By

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Master of Urban and Regional Planning
University of California, Los Angeles, 2013
Professor Paavo Monkkonen, Chair

Economic geography and urban planning literature, along with the rhetoric of regional boosters, emphasize the role that art plays in the regional economy as a “creative industry.” Previous studies illuminate work patterns of artists, but to date little is known about the workers that artists hire as assistants. To the surprise of many outside of the art world, contemporary art is often made not by the hands of a single artist, but by artist’s assistants’. The role of assistants in art production remains mysterious and obscure within the discourses of both art and economic development. This research explores the working conditions and labor market characteristics that shape artist assistants’ experiences through twenty in-depth interviews with workers.

This research finds that artist assistants' employment patterns reflect those of the contemporary post-fordist, flexible economy rather than pre-industrial patronage systems. The material/conceptual interdependence that historically characterizes studio work is reflected in the erosion of the physical/mental labor division in the wider economy. Like many workers today, artist assistants are falling through the cracks of U.S. employment laws and the social safety net. Changes to these laws as well as Alternative Worker Organization models are potential mechanisms for improving studio-workplace conditions. Finally, art world actors must deconstruct the myth that art is created by a solitary creative genius.

The thesis of Gabriel Demy Peterson is approved.

Edward Soja

Chis Tilly

Paavo Monkkonen, Committee Chair

University of California, Los Angeles

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INTRODUCTION

Los Angeles art collector and philanthropist Eli Broad declared in 2008 “there is no question that Los Angeles has become the contemporary-art capital of the world” (Bruck 2010). Catherine Grenier editor of *Catalog LA: Birth of an Art Capital 1955-1985* places the date in the 1980s: “more and better museums, the development of new networks of galleries and collectors, and the prestige of its schools turned L.A. into a front-rank international art centre” (Grenier 2007 p.17). No doubt similar phrases have been uttered by LA area boosters every year since the mid 20th century.

These assertions have implications for discourse within the arts as an intellectual and creative pursuit. They are also relevant to theories and practices of economic development at local, regional, and national scales. Area boosters and proponents of creative industries based regional growth strategies see art as a driver of development due to the “artistic dividend” (Markusen & Schrock 2006) or their capacity to attract other high human capital residents (Florida 2004). Often overlooked in these schemes, however, is a deep understanding of the working conditions that artists face. If indeed Los Angeles is an “art capital,” then what are working conditions like in the LA art economy?

A 2005 study by the Economic Roundtable (ERT) estimated that there were 54,000 artists working informally in Los Angeles County (Flaming, Haydamack, & Pascal 2005 p.30). The only sectors in LA with greater off-the-books employment were ‘private household service providers’ and ‘construction workers.’ According to the report there were more artists working informally in LA than landscapers (30,000), or auto mechanics (29,000). In 2007 there were 17,000 formal art employees in Los Angeles Metropolitan Statistical Area and another 57,400 formally self-employed artists according to the Census Bureau’s Economic Census. That means the true number of artists working in LA is almost double the official count.

Informal workers are not protected by federal, state, and local labor laws or regulatory agencies, putting them at risk of exploitation through underpayment or

unsafe working conditions. Additionally they are not paying into, nor covered by social safety net programs like Unemployment Insurance, Social Security, and Medicare, which not only leaves them more vulnerable, but also erodes the overall strength of the safety net system. Finally, informal workers tend to have less job security, which, combined with their operation outside the social safety net makes their lives highly precarious. The Economic Roundtable study, like many studies of the informal economy, focuses most of its attention on the pressing issues that vulnerable populations like undocumented workers face and spends very little time on artists who tend to be whiter and better educated than the population at large. Yet, the report suggests that artists do share some experience with these populations, the larger question is to what extent.

I first encountered this study while finishing up my first year of graduate school in urban planning and at the same time helping my girlfriend prepare for her first solo show at a gallery in Los Angeles. On top of my school work I was helping her fold and cut paper for a piece that was central to the show, but not anywhere near ready as the deadline approached. One day a friend came over to help out as well. We set her up with a workstation in our living room and got to work. At some point she cut her finger mildly with a utility knife. We gave her a band-aid and continued to work until lunchtime. I made us all some sandwiches and she departed shortly after. All in all, it was a pleasant morning working casually with friends on something we all believed in. Our friend was happy to contribute in the spirit of mutual support among artists. In

many ways this event existed outside of the economy: the work was made without the intention to sell, but simply as an end itself. The people who produced it worked together in the spirit of cooperation and mutual aid, not solely out of self-interest.

Yet, at the same time, the work was eventually displayed at a for-profit gallery—albeit one that is largely concerned with supporting and displaying art as an end in itself. The work was for sale and, although it did not sell, it could have. It also certainly cost a great deal of time and money in supplies, tools, space, and labor. My girlfriend has to find a way to have enough money to eat, clothe, and shelter herself—if not from this activity then from some other arrangement. Even without selling, the work entered the world as part of the discourse of art.

What if the work had sold? What if our friend had also severely injured her finger helping produce that work? What would our responsibilities have been to her? Were we exploiting our friend? If the piece had sold we certainly would have been extracting surplus value from her labor. This analysis, however, felt unfair, or, incomplete.

The work we were doing in our living room is similar to the work many of her cohort of recent MFA graduates do as studio assistants for more financially successful artists. None work for free, as our friend did that one day, but they work in a range of settings along a continuum from highly informal to very formal. Greg Sholette describes these workers as “dark matter” in the art economy (Sholette 2011). Sholette

explains how behind every artwork and artist that you see, there is a hidden mass of workers who are essential to the production process but who are largely invisible and marginalized. Their working conditions are not seen, not heard, not discussed. Sholette claims that their underdevelopment is essential to normal art world functions.

Artists that comprise the dark matter of the LA art economy perform two specific functions. First they serve as a largely contingent workforce employed by successful artists to assist in fabrication, production, transportation of work as well as business and administrative assistants. Second, although they may not earn income individually from their own artwork, their work contributes to a sort of cultural commons or cultural capital in the region or networks where they work (Throsby 2001). They show work, participate in the larger discussion of art and ideas, but may not receive any direct monetary compensation for their contributions. Gatekeepers and tastemakers recognize sometimes their contributions and they are elevated from the depths of darkness. Often, however, other artists or commercial interests tap into this cultural capital for their own economic gain. Without the dark matter, argues Sholette, the systems of production in the art world would collapse. There wouldn't be enough trained workers to produce work for the art stars that drive the market, nor would there be fresh new ideas sprouting up without a robust cultural commons in the region.

The purpose of this study is to shed light on this dark matter. Through in-depth interviews with artists who work for other artists as assistants in the visual fine-arts, I hope to bring attention to the actual conditions under which art is produced in Los Angeles. LA boosters like Eli Broad and the rise of creative class and creative industries literature in urban planning has thrust art toward the center of economic development planning and practice, but little attention has been paid to date to the working conditions of art production. What is it that artist assistants do and what are the conditions in which they do it? Given the data from the ERT report, how do they experience informality and in what ways are their experiences similar to those of other informal workers? In what ways are artist assistants' work experience structured by unique features of the art world?

REVIEW OF THE LITERATURE

Existing literature on so-called creative industries, of which art is one, describes the importance of these firms, jobs, and products in the contemporary economy—specifically in developed countries. Research in this area suggests that developing a deep understanding of these industries, firms, and jobs is essential to understanding the economy at large. There are also a number of theories and theorists that suggest creative industries, like art, play an important role in regional economic development and therefore should be paid special attention. There exists relatively robust literature

on fine artists as a creative industry; however, very little research exists on artist assistants employed by artists.

CREATIVE INDUSTRIES AND THE CREATIVE CLASS

The concept of creative industries began to take shape in economic development literature in the 1990's. The term "creative industries" was codified in the United Kingdom by the Department of Culture, Media, and Sports in their *Creative Industries Mapping Document* (Flew 2012 and McRobbie 2011) which defined them as "those industries which have their origin in individual creativity, skill and talent and which have a potential for wealth and job creation through the generation and exploitation of intellectual property" (DCMS 1998 p.1). The DCMS identifies 13 industries within the creative industries super-sector: advertising, architecture, art, crafts, design, fashion, film and video, interactive leisure software, music, performing arts, publishing, software and computer services, and television and radio.

Proponents of "creative class" or "creative industries" theories and corresponding economic development practices in urban planning highlight the importance of creative occupations, arts related firms artists in urban regions. Creative industries' importance reflects the changing consumer desire for increasingly differentiated and customized products with high semiotic content and value as well as the new

production patterns characterized by numerous short term contracts, the use of independent contractors, and thus a more precarious workforce (Scott & Power 2004 as well as Scott 1996, 1997, and 2011). The changing consumer demand, new business management practices oriented toward flexible production methods, and the decline of mass production in developed economies characterize what Scott and others call the post-fordist economy. Counter to the pervasive notion within and outside the arts that art is an exceptional industry due to artists' overriding concern for creating work of high symbolic value over high economic value, much of the research on creative industries actually suggests that industrial production in developed countries reflects more and more the artistic mode of production and vice versa.

The production of cultural goods is highly territorially dependent. Numerous studies (Florida 2009, Currid 2010, Currid & Williams 2010, Markusen & Schrock 2006, Scott 1997) have found high concentrations of cultural producers in dense Marshallian industrial districts. Their theorizing suggests it is advantageous for producers to cluster due to agglomeration economies produced by external economies of scale. Pooling of suppliers and labor allows for greater social division of labor and thus greater efficiency for co-located producers. Knowledge spillovers are also important in industries like art whose products depend on cutting edge technological and semiotic content. Developed economies are more and more dependent on these types of economies of scale—another way in which the creative industries model larger

changes in economic development. Importantly, these industries cannot be “geographically disarticulated” as Scott describes it, because they are dependent on the wider stream of life and working in urban areas and their products cannot be standardized into packets of work and dispatched to low-wage hinterlands (Scott 2011).

There are a couple of different interpretations of the importance of art, broadly speaking, and fine art more specifically within the post-fordist urban economy. To Richard Florida (Florida, 2004; 2008) and Terry Clark (Clark 2004) artists help produce cultural amenities that attract other cognitive or creative workers and industries to regions. They see artists as innovators and exporters themselves, but also as producers of local amenities that add to a region’s overall desirability to footloose, well-educated, skilled workers who drive innovation. Others such as Ann Markusen and Elizabeth Currid see art as an overlooked driver of local, regional and national economies. In Markusen’s studies she asserts that artists stimulate local economies both through increased local consumption and through exporting to other regions (Markusen & Schrock 2006; Markusen 2006A; 2006B; 2012). Both argue that art and artists interact with numerous other industries and are both bigger industries than conventional metrics are able to capture, and integral to regional clusters of firms, or, the economic milieu. Policy implications from their research include a need for social spaces (Currid 2007); local art schools for lifelong learning and employment

opportunities; affordable living, working, or live/work spaces; and smaller scale venues for display and performance (Markusen 2006).

WORKING LIVES OF ARTISTS

Perhaps even more than other industries in a post-fordist flexible economy arts and culture industries depend on numerous short-term contracts and a highly contingent workforce (Caves 2000). Artists, craftspeople, and fabricators of all sorts may come together to produce a single work, or museum or gallery show and then immediately disperse. Artists' work is often project based, largely contingent on opportunity and funding. Few artists make a living solely from selling work. Most survive by securing grants, working in arts related jobs as traditional employees, teaching, working in non-arts related jobs, or living off income earned by a partner/spouse or an inheritance (Jeffri & Greenblatt 1998). For most artists, making a living means combining many of these streams of income. A 2008 report by the Urban Institute summarized their findings on employment patterns as:

similar to those of a growing number of people identified as 'contingent workers.' Features of these non-standard 'contingent' arrangements include flexible employment; multiple-firm careers; voluntary and involuntary job shifts; uneven benefit and wage levels; continual training, job-finding and employment based on networks; self-marketing and occupational strategizing; limited workplace

bargaining power; and employment insecurity and stress. (Jackson & Boris 2003 p.30)

Although artists' work patterns are highly flexible and bring certain lifestyle benefits, they present artists with significant employment-related challenges because of unpredictability of work and lack of financial security.

Practically all research on artists shows that committing to a career as an artist is a conscious choice to live precariously. Artists earn far less than other professionals with similar education levels, which, for artists, tend to be quite high. The reason, according to cultural economists like Pierre-Michel Menger, Hans Abbing, and David Throsby is simply an oversupply of artists. The number of artists far out number funding and sales opportunities, which creates intense competition for opportunities and drives down wages and earnings (Menger 1999). Unfortunately, some research indicates that more grants will simply compound the problem by inducing even greater supply of artists (Abbing 2002). It seems that artists are willing to accept lower wages in exchange for the intrinsic rewards of doing creative work. Artists are often caught in a paradox where they are constantly trying to minimize their earned income hours at paying jobs so that they may have more time to work on their art, for which they may receive little to no income. Many artists interviewed in qualitative studies expressed frustration and exhaustion regarding the inevitable financial risk taking that goes along with being an artist (Jackson & Boris 2003).

Looking specifically at Los Angeles, 81% of artists surveyed in 1998 by Jeffri and Greenblatt made “some” money in the previous year through their art, with 49% stating that this money covered their arts related expenses. For 37% of artists these art earnings made up the majority of their total income as individuals. Many, however, derived the majority of their income from teaching (12%) or other art related occupations (12%). Still, more either worked primarily in non-art related occupations (19%) or specified the majority of their income came from some “other” source (12%). While we know much about the nature of non-art related jobs, teaching, and arts related jobs such as arts administration or teaching (Jackson & Boris 2003), one very common source of income for artists has been studied very little: working for other artists.

The actual number of artist assistants working in Los Angeles is unknown and difficult to estimate. According to anecdotal evidence from artists as well as limited journalistic accounts, most artists who earn income from the sale of their art have at least one assistant (Yablonsky 2007). Los Angeles is home to approximately 57,400 self-employed artists, of which approximately 37% make a majority of their total income from art according to Jeffri and Greenblatt. Therefore, most of those 21,000 self-employed artists who generate a majority of their income from the sale of their art probably hire assistants at one time or another. This number is far higher than the total number of formally employed artists in Los Angeles (17,400 according to the

Census Bureau's Economic Census), most of whom are probably not assistants anyway, which indicates a high rate of informal employment.

INFORMAL AND PRECARIOUS WORKERS

Given the uncertainty and precariousness experienced by artists in general, it is not altogether surprising to find high levels of informality in the arts. Informality is defined simply as work that is “unregulated by the institutions of society, in a legal and social environment in which similar activities are regulated” (Castells & Portes 1989 p.12). Informalization is found increasingly across nations and regions of varying levels of development. While certainly in some cases it arises from personal decisions based on identity and/or an empowered spirit of entrepreneurialism (Snyder 2004), Portes, Castells, and Sassen (Sassen 2000) argue that it has more to do with the economic restructuring of post-fordism. Informality is both a management technique practiced by employers in hyper-competitive industries used to reduce costs, and a survival strategy of desperate workers. Informal workers may move fluidly between more formal and less formal work within the same year, month, week, or even day. Castells, Portes, and Sassen argue that informal economic activity is not a separate sector or economy, but rather highly integrated into a number of different sectors and parts of the economy.

Sociologist Andrew Ross (Ross 2008) and others like Marc James Leger contend that artists and other creative and cognitive workers share class status as members of the “precariat” with other precarious workers (Leger 2011). Ross, Leger, and Angela McRobbie see “art as economic driver” models, such as those developed by the U.K.’s Department of Culture, Media, and Sports (1998) as cover for neoliberal labor disciplining policies, rather than celebrating the value of art to society. They argue that the individual creativity of artists lends itself well to the narrative of entrepreneurialism and success through intense competition for scarce resource. Rather than act as a mask for capital, however, Ross argues that artist and other precarious or informal workers may form a common class consciousness around the particular issues of informality and precariousness. He envisions artists as a sort of vanguard party to lead this new precariat in contestations of capitalism (Ross 2009).

THE ART MARKET

While I find Ross’ construction to be wishful thinking, there certainly is some room for building consciousness and solidarity among art workers. One challenge to building consciousness among artists is the denial of their role as economic actors. Pierre Bourdieu (1985) describes the “field of cultural production” as a “market of symbolic goods.” Symbolic goods “are a two-faced reality, a commodity and a

symbolic object: Their specifically cultural value and their commercial value remain relatively independent” (p.16). According to Bourdieu, art’s cultural or symbolic value system is relatively autonomous, a position consciously chosen by artists in reaction to industrialization. Rather than submit to the alienation of industrial production, artists turned inward to each other creating an internal system for the creation of symbolic value. The creation of symbolic value involves both the producer (artist) and the consumer (other artists, critics, etc.) just as exchange value in the commodity market is established dialectically by the producer and consumer.

Whether this explanation is true or not is less important than the underlying empirical evidence it seeks to explain—that artists regard themselves and their activities as relatively autonomous. It is therefore contentious when Isabelle Graw (2009) says that the border between art and market is crumbling, that “art is not an economy free zone. Consequently, the notion of art and economy as a pair of polar opposites is untenable.” Graw argues that if art is indeed relatively autonomous, “then a sudden rise in the market value of a given artwork would leave the symbolic value attributed to it relatively unaffected. Is this the case?” she asks rhetorically.

Some artists, like Andrea Fraser (2012), call for the retrenchment of art’s autonomy.

I believe that a broad-based shift in art discourse can help bring about a long overdue splitting off of the market-dominated sub-field of galleries, auction houses, and art fairs. Let this sub-field become the luxury goods business it already basically is, with what circulates there having as little to do with art as yachts, jets, and watches. European

museums have the potential to be the birthplace of a new art field that could emerge from this split, where new forms of autonomy can develop: not as secessionist “alternatives” that exist only in the grandiose enactments and magical thinking artists and theorists, but as fully institutionalized structures, which, with the “properly social magic of institutions,” will be able to produce, reproduce, and reward specific and, let’s hope, more equitably derived and distributed forms of capital. (p. 6)

Fraser and others like her find the erosion of this border threatening to art discourse and art’s ability to comment on and contribute to knowledge and the human experience.

ON ARTIST ASSISTANTS

Other artists directly engage with the unstable boundary between art and market and are often criticized by other artists and critics, essentially for threatening the autonomy of art. This mode of artistic production and discourse is often linked to Andy Warhol and his “Factory.” Where Warhol’s production exemplified the mid twentieth century mode of mechanical mass production using technology like screen prints, today’s art factories are far more sophisticated. Mark C. Taylor (2011) describes Takashi Murakami’s studio as “a commercial conglomerate that is functionally indistinguishable from many of today’s media companies, advertising agencies, and leading corporations” (p.3). Murakami has at least 3 studios in Japan and one in the U.S. producing his paintings, but also created Kaikai Kiki Co. Ltd. to

market his work, the work of other artists, and to produce a range of artist designed commodities like t-shirts, key chains, mouse pads, cell phone holders, and handbags.

Murakami, opened his studio to sociologist Sarah Thornton (2008) for her book *Seven Days in the Art World*, which offers a portrait of the work and working conditions therein. The assistants employed in production at Murakami's studio are for the most part highly skilled artists in their own right. In recognition of this, Murakami has his assistants co-sign his paintings on the back, with sometimes as many as 25 contributing to a single work. Thornton describes this practice as "unusual" as is his "desire to help his assistants launch their own careers" (Thornton 2008 p.191). The practice is unusual because for many artists "the *appearance* of creativity is essential to their credibility" (ibid.).

Linda Yablonksy (2007) conducted interviews with a number of high profile artists and their assistants. She claims "most artists today depend on at least one extra hand to keep their studios in order and help prime their creative pumps" (p.66). According to her, it is not just the international art stars engaged directly in the discourse of art and commerce that employ assistants. She identifies three features of artist assisting: First, it provides "young wannabe's" an "entrée into the profession" as an assistant to an "established mentor" (p.66). In other words, it is an important career stepping stone for emerging artists. Not all assistants eventually become successful artists themselves, nor are all successful artists one-time assistants, but generally speaking,

assisting provides many artists with experiences and connections that help further their career. Second, she contextualizes the presence of assistants as “traditional” and pervasive. Third, she describes the skills, tasks, and responsibilities involved in assisting. In particular, she cites the importance of assistants’ own creativity and subjectivity as artists themselves.

Yablonsky’s piece suggests that artist assisting is both pervasive and traditional, but other accounts suggest otherwise. In a conversation with Helene Winter the artist Jack Goldstein discusses how he initially hired a recent art school graduate who actually taught Goldstein various painting techniques that sped up his process. Eventually the two had a falling out:

too much ego conflict...From then on I hired people who were not artists, mostly Puerto Ricans, who would work hard and needed the work...They didn’t argue with me and they didn’t need to know anything; I could teach them to airbrush. (Goldstein 2003 p.95)

This account is somewhat at odds with the narrative Yablonsky puts forward. Instead of engaging assistant’s creativity and providing a career stepping-stone to emerging artists, Goldstein speaks of hiring essentially unskilled manual labor.

Further complicating the picture of the role of artist assistants is the ethnographic record produced by Richard Hertz in his 2009 book *The Beat and the Buzz: Inside the L.A. Art World*. Through in-depth interviews with artists, curators, dealers, critics, and collectors Hertz’s work is

one-third a history of the Los Angeles art world since 1970; one-third a chronicle of the psychodynamics of how people make it, or don't; and one-third art world gossip and stories... *The Beat and the Buzz* proves again that 'who you know' is a prime requisite for success. More specifically, the book demonstrates the importance of the people who will support you, who will 'lend their name' on your behalf, who at crucial junctures will promote you and your endeavors. (p. 1)

In over three hundred pages of interviews, I found just two references to artist assistants. Artist and critic Clayton Campbell describes moving to Vienna to become Ernst Fuchs' "apprentice." Fuchs directed Campbell's study for a number of years, while Campbell provided labor to Fuchs' first grinding pigments and later applying base layers to paintings. Campbell's apprenticeship, however, seems largely a quirk of history rather than some sort of institutionalized career path. Campbell was part way through earning a degree at the School of the Museum of Fine Arts in Boston when the Vietnam war was "raging and soon classes were disbanded because students decided they wanted to protest the war and design their own curriculum" (Hertz 2009 p.201). Campbell lost his college deferment status and found himself atop the draft list. He was advised to leave the country if he did not want to be drafted, so he did.

Only one other interviewee in *The Beat and the Buzz* mentions assisting. Artist Kathryn Andrews talks about interning for Rosalind Solomon, who eventually offered her a job printing her black and white images. None of the rest of the interviewees mentions working as assistants, hiring assistants, or otherwise interacting with assistants. These accounts belie assertions like Yablonsky that assisting provides a career stepping stone for emerging artists. Are the interviewees in Hertz's work

simply overlooking the role of assistants and assisting? Or is Yablonsky overstating the pervasiveness of assisting and exaggerating assisting's ability to propel an artist's career?

The increasing globalization of the art market provides a large and larger pool of consumers for fine art. Additionally, increased income inequality and specifically the concentration of income increases accruing to the top 1% and top .01% are highly correlated with increased art prices and sales (Goetzmann, Renneboog, & Spaenjers 2011). Increasingly art is not just commodified but financialized and securitized through investment portfolios and complex financial instruments (Taylor 2011). Global art stars like Murakami whose work is collected and invested in by the global .01% depend on dozens of assistants to produce their work, but the overall size and scale of the rapidly growing global art market has put pressure on smaller artists to produce work at increasing volume, or size, or scale, or complexity that requires input from more than just one set of hands. Beyond the global .01%, consumers at large are increasingly interested in products with high semiotic content like art, or other creative or cultural products. This shift in global demand causes, and is caused by, changing employment dynamics and firm management practices and a flexible workforce. Increasingly academics as well as practitioners are interested in investigating and developing policies oriented toward helping the creative economy grow. While we know quite a lot about creative industries generally and artists

specifically, there is little we know about the art studio as a place of employment and the job roles, career paths, and working conditions of artist assistants.

RESEARCH METHODS

CASE SELECTION AND DEFINITIONS

Why Los Angeles?

Every city and every regional economy is unique. The Los Angeles-Long Beach-Anaheim Metropolitan Statistical Area (MSA) is home to a particular mix of art firms, establishments, employees, independent contractors, consumers, and other

actors. Economic geographers like Allen Scott and Elizabeth Currid typically focus on the region as a unit of economic analysis since it is at this level that the mechanisms of agglomeration theory operate.

Production

Census Bureau industry data sorted by North American Industrial Classification (NAICS) codes offer a rough picture of art production in Los Angeles. According to Census Bureau data Los Angeles Metropolitan Statistical Area (MSA) firms in NAICS 7115 (Independent artists, writers, and performers) generated just over \$9 billion in revenue in 2007 (Census Bureau Economic Census 2007). This industry category is quite broad and includes visual artists, film actors, directors, and producers. It is impossible to extrapolate exactly how much of this revenue is attributable to visual artists. A Forbes Magazine estimate put the figure for film and TV actors' yearly earnings at over \$700 million for 2007 (Rose 2008). Adding in directors and producers further reduces the \$9 billion total. Still, visual art comprises a significant, if indecipherable portion of this sector. In 2007, that \$9 billion in revenue placed Los Angeles as the top MSA in independent artist establishment revenues, followed by New York at just over half the total of Los Angeles: \$4.67 billion. The next highest ranked MSA in the USA was San Francisco with just \$668 million.

The same data source reveals that there were over 17,000 employees at 7,795 establishments in the Los Angeles MSA accounting for over a third of all “independent artists,” (NAICS 7115) establishments and employees in *the whole United States*. That makes Los Angeles firms far and away the largest group of formal employers in this sector of any metropolitan area in the U.S. Again, New York followed behind with 5,775 employees and 2,664 firms, after which there is a precipitous drop to 968 employees at 294 firms in San Francisco.

Not surprisingly, however, many “independent artists” do not actually work as employees at firms. The vast majority of artists are recorded by the Census Bureau as “nonemployers” which they define as a business that: “has no paid employees, has annual business receipts of \$1,000 or more, and is subject to federal income taxes. Most nonemployers are self-employed individuals operating very small unincorporated businesses, which may or may not be the owner’s principal source of income.” (U.S. Census Bureau, 2013)

In 2007 there were 57,400 such firms in the Los Angeles MSA. The only MSA with more nonemployer independent artist firms was New York with 86,534; however, LA nonemployer establishments generated nearly as much revenues as New York establishments despite being so many fewer: \$2.34 billion to \$2.51 billion. Nationwide the total number of independent artist non-employer firms was 698,856. That means that over 8% of all nonemployers “independent artist” firms are located in Los

Angeles and over 12% in New York. From these data we can see clearly that Los Angeles has: (1) A large art economy as defined by NAICS codes (2) An enormously high proportion of all U.S. workers classified as employees at independent artist establishments (3) A significant portion of all U.S. nonemployer artists firms.

Looking at a different data set, the Bureau of Labor Statistics compiles estimates of workers by Standard Occupation Classification (SOC) codes through the Occupational Employment Statistics program. The program gathers data through surveys mailed to a sample of establishments. In May 2011, the Bureau estimated that there were 2,960 “Fine Artist” workers in the LA MSA according to SOC code. This number seems quite low, but it only counts reported employees extrapolated from a small number of surveyed firms and does not include the self-employed. While low, this number is still the highest concentration of such workers—almost triple that of New York where the estimate was just 1,050.

Another source of occupational data comes from the American Communities Survey (ACS) conducted by the Census Bureau. This data is gathered through surveys of households, rather than firms. Residents are asked to identify their occupation according to SOC codes based on where they derived the majority of their income over the previous year. The NEA compiled this data from the 2000 ACS and also found Los Angeles to be the MSA with the largest number of total art workers and

fine artists, 140,620 and 16,460 respectively. Again, the next closest MSA is New York, with 132,990 and 16,130 respectively.

These show a clear concentration of economic activity associated with art. In particular, these data show the highest concentration of establishments, employees, and revenues of any MSA in the nation. While New York is home to the most nonemployer independent artist establishments of any MSA, the establishments in Los Angeles generated nearly as much total revenue.

Distribution and Consumption

According to 2007 Economic Census data Los Angeles is home to 100 museums employing a little over 3,000 people. These museums generated just over half a billion dollars of revenue in 2007. The only MSA with a higher number of museums was New York, with 278 establishments employing over 10,000 workers and generating \$1.8 billion in revenue. While not all museums are art museums, this metric provides some indication of art consumption by museums and their visitors.

Perhaps a better indicator found in Census data is the data on galleries. According to the same data source there were 333 galleries with 1,112 employees generating half a billion dollars in revenue in the Los Angeles MSA in 2007. In the same year New York had over 800 establishments with more than 4,500 employees generating \$4.5 billion in revenue. After Los Angeles and New York, Chicago had the most

establishments, with 190, while San Francisco had the next highest number of employees (720) and revenues (\$237 million).

What is clear from looking at these data is that New York and Los Angeles are both art capitals in the U.S., but each has a distinct mix of production and consumption. Los Angeles has the largest art production sector in the nation, while New York has the largest share of distribution and consumption.

While these metrics may have their flaws they do point to an enormous concentration of art production in Los Angeles. Indeed, the boosters in this case have some justification for their crowing—Los Angeles is an art capital. As such, Los Angeles presents a particularly useful case study of a highly developed, rich, and complex art economy ripe for deep research.

Defining art and artists

In western society art is still commonly defined by its Enlightenment era conceptualization. According to philosophers like Hegel art is: (1) Brought about by human activity, (2) Made for human apprehension and drawn from the “sensuous field of apprehension by the senses” and (3) Is an end and aim in itself (Hegel 1975). Typically, these pursuits are more narrowly defined as “fine art” as opposed to “applied art.” Fine art breaks down further into: visual art, which includes activities such as painting, sculpture, photography, and conceptual art; music; architecture;

writing and poetry; and theatre and dance. Due to the relatively heterogeneous products, production, distribution, and consumption models that characterize the narrow definition of fine art I have further narrowed my inquiry specifically to visual art. Hereafter, references to art or artist relate exclusively to this definition.

The fine arts, and visual art more specifically, were originally defined in opposition to “applied arts” which were believed to have a more “functional” utility in everyday life. According to Hans Abbing, an artist and economist from the Netherlands, this myth of the separation of art from everyday life and the everyday economy is one of 26 myths that themselves act to make the economy of the arts exceptional, or separate (Abbing 2002). In other words, it is not some intrinsic nature of art that makes it exceptional from everyday life and the everyday economy, but it is the pervasive belief that it is exceptional that makes it so. The truth, as I see it, is that art is exceptional, and not, and much more. Art and artists certainly must eat and shelter themselves and require inputs like supplies and information to make their work. For the most part they do this through everyday market functions like the rest of us. Therefore they are most certainly participating in the economy in a most un-exceptional way. At the same time, reducing artists to simple economic actors ignores the profound and complex contributions that their work makes to society. Art provides a most interesting model for both creative industries and the wider economy. It both fits perfectly within the definition of creative industries but also transcends such a definition in ways that challenge western ideas of utility, function, and work.

Studying artists is fraught with numerous complications. First, defining art is a challenge. I've largely skirted this issue by adopting a narrow definition of art as "visual art" in the enlightenment tradition. This definition is problematically closed off to forms of art originating from people, traditions, and discourses outside of those that fell within the realm of fine-art at the time of the Enlightenment. This definition of art is highly contested by artists who have historically been excluded and by adopting the Enlightenment definition I realize that I perpetuate the marginalization of those people.

The second complication arises from the challenge of defining artists. Since artists, unlike other occupations, may not chiefly derive their income from their artwork, there are several different criteria researchers have used to identify artists for research. Donnell Butler (2000) surveyed studies of artists at the end of the 20th century and cataloged 8 commonly used methods:

1. Amount of time devoted to artistic work
2. Earnings from artistic work
3. Reputation among general public
4. Recognition among other artists
5. Quality of artistic work
6. Membership in professional organization
7. Professional qualifications (educational credentials)

8. Subjective self-identification as an artist

For the purposes of this research, I'm interested in workplaces where the output is fine art as recognized by other producers of fine art products—that is artists as recognized by other artists. I'm relying on participants to recommend both other artist assistants and employers.

RESEARCH DESIGN

Methodology

Research must begin with a set of assumptions. Yvonne Lincoln and Egon Guba (1985) outline the axioms of what they call post-positivist, or naturalist inquiry: (1) Realities are multiple and constructed; (2) The knower and known are inseparable; (3) Only time and context-bound working hypotheses are possible—that is working hypotheses that describe the individual case; (4) Entities are in a state of mutual and simultaneous shaping; (5) Inquiry is value bound.

Drawing from personal experiences and preliminary research, it seemed apparent to me that artist assistants are first and foremost workers. Secondly they share many traits with other informal, contingent, and precarious workers. There is little evidence

of consciousness of these conditions among workers, employers, or consumers. My initial impression was that artist assistants did not see themselves as workers and that this perception shaped the labor market as much as quantitative factors such as labor supply and demand, which had been explored in numerous previous studies.

Qualitative research offers an opportunity to investigate deeper questions of how artist labor markets function—to build a “thick description” (Geertz 1973) of this economy. This thick description, is, however, as Lincoln and Guba state, context bound.

My adoption of post-positivist assumptions and qualitative research methods does not negate the utility of previous positivist and quantitative research; rather it is due to the relative exhaustion of the quantitative approaches in this area. Numerous high quality quantitative studies, which I cited in the previous section, have already contributed significantly to our understanding of artist working lives and artistic labor markets. What remain unknown are the myriad particulars of the lived experiences of art workers. Given the time and resources available for a master’s thesis, I could not hope to find anything as statistically robust and therefore as generalizable as the findings of studies like the Information on Artists series, the Urban Institute survey, The Economic Roundtable report or the numerous quantitative studies performed by Elizabeth Currid or Ann Markusen. Publicly available data on artists, like the data from the Census or BLS, is not available at the level of detail that would help answer the types of questions I seek to explore through this research. Further, the high

incidence of off the books and informal labor makes these data sources particularly insufficient.

Most quantitative studies in this area have used surveys to gather data and the results from NEA, IOA, and UI provide a wealth of information. Such a survey of artist studios would prove difficult or impossible. First, establishing the sample universe presents a problem in that there is no registry or membership list from which to establish the size of the pool from which to sample. Again, the government data does not capture the vast number of informal establishments and off the books workers, nor is there any trade association or union rolls whose memberships can be used to establish the sampling universe. Many artists and their galleries intentionally hide or obscure their use of studio assistants, often believing it helps keep sales prices up. Therefore, even if a universe could be established, creating a true random sample would be next to impossible.

Data Collection

My research design is based largely on the “Responsive Interviewing” model described by Herbert and Irene Rubin (2005). Rubin and Rubin emphasize a focus on depth of understanding; the importance of self-awareness, reflection and flexibility; and attention to the research relationship.

Depth of understanding

In order to create a thick description and foster a deep understanding of artist labor markets I conducted 20 interviews with participants selected for their experience, knowledge, and variety of perspectives (Rubin and Rubin 2005). These open ended interviews ranged from 45 minutes to almost 2 hours which gave us time to explore various overlapping or shared experiences, as well as those that were unique to each individual. I drew the first participants from my social network then used snowball sampling to gain recommendations for further participants. Through these recommendations I was able to select workers from a variety of different artist studios at different career stages and trajectories, but with similar career goals and aspirations. Through snowball sampling, the burden to define “artists” was removed from my hands and placed in those of my participants who served to certify both other participants and the studios in which they worked. This created a more cohesive definition based on their own expert opinions than I could have created as a researcher in urban planning.

Self-awareness, reflection, and design flexibility

My imbeddedness in the social network of my study’s participants was both an asset and a liability in conducting this research. It afforded me great access to initial interviewees and a certain level of credibility in recruiting subsequent participants. It did, however, pose a challenge in recruiting some participants and obtaining honest answers from them. I have given all participants and their employers pseudonyms for

their protection, but even with these precautions some workers were unwilling to speak to me for fear of negative repercussions for themselves or their employers. Some feared being labeled a troublemaker for betraying their employer's confidence, or for creating unwanted criticism or scrutiny of employers whom they respect or even admire as artists. I assured each participant that my goal was complete confidentiality, but to guarantee such a thing is impossible. Despite my assurances, it seemed to make some uncomfortable for me to know about their work situation and personal finances. Each interview required specific attention to these issues and careful structuring of interview questions and sequencing in order to elicit honest responses and also respect the participants' privacy.

I recorded audio of each interview and took notes while participants spoke. After each interview I reviewed my notes and the audio recording to confirm certain quotes, statements, or general sentiments on various topics. Throughout this process I also evaluated the effectiveness of questions asked, looked for new insights to investigate in future interviews, and assessed whether or not certain areas of investigation had reached saturation. This process then informed the interviews that followed, creating a more dynamic and responsive study that allowed for greater depth in exploration than using a standardized set of questions would have.

In my assessments between interviews I paused to reflect on my own role in the process and how my biases were shaping the research. As a graduate student of urban

planning whose partner is an artist, I have a very real and immediate interest in artist labor markets and earning potential. My own livelihood at the moment is partially dependent on my partner's earnings as an artist and sometime studio assistant. Therefore, I have a particular bias toward increasing incomes, improving working conditions, and creating career stability in the art economy. As a social science researcher, I am also inclined toward finding unexpected, surprising, contrarian, or even shocking results in my research. I realized early on that I was eager to highlight specific instances of bad working conditions, pay practices, or highly informal arrangements that in actuality were somewhat superficial and sometimes distracted me from digging deeper into the complexities of this economy.

Attention to Research Relationship

Qualitative research by its nature acknowledges the subjectivity of both the researcher and the researched. Not only does this both require and allow for the interviews themselves to be open ended and dialectical, but also for the larger research project to be so. It is not incumbent upon me as the researcher to simply "do no harm" to participants, but to actually reciprocate the gift to me of their time and expertise with my own time and expertise. On an individual level, I've given some participants my own expertise as a bookkeeper, former business owner, and employer on filing their own taxes. Many participants did not know about their rights as workers regarding wages and hours, or the full significance of being an independent contractor versus an

employee. I was happy to be able to offer advice and point participants toward resources and information on these important topics. I also shared my preliminary findings with a handful of participants, both to verify the accuracy of my interpretations and conclusions in their eyes and also to share with them my findings and to discuss the implications. My hope is that through having conversations with these individuals and producing this report I can help raise consciousness in this community around the positive and negative aspects of this labor.

FINDINGS

Almost everyone I spoke with described his or her place of employment as a “studio,” which is a curious term. According to Michael Cole and Mary Pardo (2005) the word “studio” comes from the Renaissance era Italian word for “study.” Architectural documents such as a floor-plan of Michelangelo’s residence and workspace show that accomplished and well endowed artists had a *studio* that was an architecturally distinct space from the *bottega*, or workshop, where assistants and apprentices worked. The studio was a private place for reflection and contemplation filled with

books and artifacts for research and inspiration. The distinction between the *studio* and the *bottega* became increasingly blurred by the high to late Renaissance.

According to Cole and Pardo: “The emphasis in the Renaissance artist’s work space was shifting from ‘production’ to ‘study’” (p.23). Thereafter the word ‘studio’ began to refer to the entire productive space and the physical separation between the two diminished. Christopher Wood, in the same volume, writes that “some painters and sculptors around 1500 literally chased the apprentices and assistants from their workshops because they preferred to study alone like scholars,” beginning the transition toward the modern ideal of the lone artist genius toiling in her studio.

Michelle Grabner (2010) traces the modern evolution thus:

the willed trope of the individual artist’s studio, commencing from Enlightenment values of self-determination, shifting its emphasis from reasoned humanism to inspired self-expression in the Romantic era, and becoming the critical measure of authenticity for the Abstract Expressionists, persists today both in popular culture and in artistic practice. (p.4)

Although a number of artists—indeed whole art movements—have presented critiques of this trope or myth, it has not disappeared from the art world and continues to shape art discourse and production today. Within the studio, this often manifests today through the denial, or, more frequently, the obscuring of the assistants within the studio, even among those who profess to reject the myth of the individual genius toiling alone. Indeed, the ubiquitous use of the term studio, when workshop, or even factory, may be a more accurate descriptor suggests this notion persists today. A

studio as defined by Cole and Pardo should not have any assistants in it at all. So, what are they doing there exactly?

The literature on artist assistants is rather thin. I have come across a few journalistic accounts of the role of studio assistants, as well as a number of off hand references to assistants, but nothing that comprehensively assesses the types of duties they perform and the skills that these workers must possess. Additionally, texts like the one assembled by Grabner that examine the role of the studio in art practice today, completely leave out the notion of the studio as a place of employment (a list of the book's sections in the table of contents: The Studio as Resource; The Studio as Set and Setting; The Studio as Stage; The Studio as Lived-In Space; The Studio as Space and Non-Space). One of the only references in the book to artist assistants, which typifies the genre, comes from John Baldessari: "I was getting more assistants and I said, 'I just want to be by myself.' So I said 'OK I'm going to turn that into an office so I can be by myself.' So that's now an office for all the employees I have working and I can just be by myself in this Venice studio" (Baldessari 2010 p.33). Baldessari gives us no idea what it is his assistants do for him—other than seemingly interrupt his creative process. By relegating them to the 'office' where typically bureaucratic and administrative functions take place, he cleaves them from the creative process and obscures their role in production. Later on in the book another artist speaks about working in her studio but does not mention assistants, even though at least two people whom I interviewed had worked for her.

My objective is first and foremost to highlight the role of the studio as a site of employment and to challenge those parties involved to reflect on this truth. My second objective is to contextualize this work not as an apprenticeship as it is sometimes described or presented, but rather as a workplace typical of the post-fordist economy: highly flexible, fluidly formal and informal, and highly dependent on human capital. This is not to say there are no aspects of assisting that are familial or reminiscent of apprenticing, but that the stories shared with me suggest that assisting is *primarily* structured by the same dynamics that shape much production in our current post-fordist economy. My third objective is to highlight the unique characteristics of artist assisting and how it shapes workers lives. Finally, through this analysis I pose a number of potential recommendations for improving working conditions and the lives of artist assistants.

SKILLS AND JOB ROLES

Among the people I interviewed the workplace studio sizes range from one employee to over one hundred. Most, however, worked in very small studios of one to three people. Among the smallest firms, with one to three workers, the artist may hire assistants to either manage the business administration or to help with production. This typically depends on the artists practice: the type of work they make and their

own personal desire for help in one area or the other. Both types of workers are typically referred to as “assistants,” but in workplaces with more than three workers there tends to emerge a clearer division of labor between the assistants who do office work and the assistants who do production. Both types of assistants may be part-time or full-time employees or temporary contract labor. Often times there is also a “studio manager” employed by the artist. Studio managers have a wide array of tasks. The title seemed to refer as much to the permanence of the relationship as to any “management” activity. Some managers are highly skilled crafts-people: “the studio manager is a model maker, an experienced fabricator. Sometimes she had more skills than [the artist] did, they were on more even field as fabricators” (Interviewee #6). One person who has worked a number of short term jobs for various artists described the dynamic this way: “When there’s more than a couple of assistants there’s usually a studio manager who organizes the schedule and does that kind of thing. Sometimes though, it’s just someone who has worked there for a long time and has earned the privilege to, like, show up whenever they want” (Interviewee #3). Some interviewees have worked as studio managers and others do various administrative duties in addition to production, however, for simplicity of research design the main focus of this study is their role in production.

Artist assistants perform a variety of tasks for artist-employers, depending on a number of variables including the type of work being made, the career stage and trajectory of the artist, how big the workshop is, and who is consuming the work.

While artists are increasingly interdisciplinary in their overall *métier*, the work that assistants do breaks down fairly neatly into traditional classifications of visual art: two dimensional work like painting and drawing (2D); three dimensional work like sculpture and installation (3D); and media such as photography, film, video, and audio recordings. While many artists' *métiers* may be interdisciplinary, they often hire assistants for their skill in a particular process or medium. For example, none of the artist employers whose assistants I interviewed make films or videos as a stand-alone final product, but they did hire assistants to create multi-media dimensions of their work.

Interviewees hired to do 2D work have very detailed understandings of materials and processes such as graphite, charcoal, colored pencils, ink, and paints as well as canvas, paper, wood, and other substrates. Art workers with these types of jobs need to know how to blend colors and strokes or marks to produce any number of effects from highly stylized and expressive gestures to photo-realistic images. These skills typically require extensive formal training and thousands of hours of practice.

Workers engaged in this type of labor are often as skilled, or even more skilled in the medium than those for whom they work. Their level of material mastery often must be so great that they can essentially make themselves invisible either by duplicating the artist-employer's own style or creating photo realistic work that is meant to de-emphasize the subjectivity and expressiveness of the author's hand. Artist-employers often have assistants perform less skilled tasks such as mixing colors, stretching

canvases, and preparing canvases. In these cases, the artist-employers paint or draw directly. In other instances, assistants prepare base layers, or add content under the direction of the artists. Some execute entire works themselves either from systems developed by the artist-employer or from sketches and oral instruction that range from clear and detailed to quite loose.

Assistants hired to do 3D work had a broader range of tasks, skills, and skill levels. Two people I spoke with do woodworking and construction jobs for artists as well as for non-artists in traditional construction settings. Others do mold-making and casting using resin, plastic, wax, concrete, and various metals. One assistant worked with fiberglass and resins, another cutting and sewing textiles. These assistants are all highly skilled craftspeople employed in the same way as those doing 2D work. There are, however, a number of 3D assistants employed less for their specific and detailed knowledge and craftsmanship and more for menial physical labor. For example, those who did carpentry and high-end construction work were sometimes employed to do low-skilled physical labor like hanging drywall and roughing out wooden structures. Types of 3D production ranged from building entire rooms, to casting plastic figures, to sculpting abstract fiberglass pieces.

The final group of workers assisted in the production of photographs, films, video, and audio recordings. Most of this work is now done digitally and workers typically possess a mastery of certain software. The artist assistants I interviewed spent most of

their time doing post-production work like editing, color correcting, adding visual or audio effects, and printing. Some did production work as well, from skilled tasks like setting up studio lighting, to the mundane jobs of scouting and securing locations or talent. Finally, many were involved in the more tedious tasks of filing and archiving images and other digital files associated with production.

Every single artist assistant I interviewed had a bachelor's degree and most had master's degrees in fine art. Artist assisting jobs usually consist at least partially of highly skilled work, for which these workers have the training, practice, and knowledge to complete. At the same time, almost all workers reported menial tasks they also performed. For example: "one artist has me clean up their studio and organize stuff. I also wrap work for transport or run errands--personal assistant type things. There's that stuff and then there's actual making work for people. The artist, they're the boss, you're the employee, you're doing what they want you to do" (Interviewee #4). Another worker complained about scrubbing toilets in addition to editorial work (Interviewee #13). A few workers were hired to do one very specific, highly skilled task and did this exclusively, but overall most workers did a range of tasks from cleaning floors to photo realistic rendering.

Curiously, the size of the firm did not seem to dictate the breadth of responsibilities demanded of assistants. One might think that a larger studio would have a greater division of labor—with toilet scrubbing separate from color correcting, but one of the

highest skilled workers I spoke to does exclusively photo realistic rendering in a studio with one to two other assistants, while other studios with more than ten workers had extremely fluid job roles. Many interviewees described their jobs as mostly, or largely consisting of menial tasks, which led them to say things like “sometimes I think anyone could do my job” (Interviewee #4). Obviously cleaning and organizing materials can be done by someone with minimal human capital and tasks like roughing out wood structures or stretching canvases require minimal training and knowledge. Why then, do artist-employers hire highly trained assistants to do menial and medium to low skilled work like hanging drywall?

There are a number of explanations for this. The first two were the most common suggestions offered by the study’s participants. First is the theory that artist-employers hire artists partly as a sort of patronage to young up-and-coming artists. The artist-employers provide employment as a way to help emerging artists make a living while they establish themselves as artists in their own right. This is an important dynamic, which we’ll set aside for now and return to in a later section.

The second explanation participants offered is that artists are disorganized managers and don’t necessarily allocate their resources efficiently. They’d rather hire someone they know, or just have someone who is already there do the work. This explanation has some basis in the economic literature. Perhaps the employers are indeed disorganized and a bit irrational in their choice to employ high human capital labor

for medium to low skilled tasks, but perhaps they are acting quite rationally. Economists like Oliver E. Williamson (1971)) suggest that there are high transaction costs to continually going into the market and selecting the most cost efficient person for each little task. If, then, there are just a few tasks that require highly skilled workers, it may actually be more cost effective for the employer to have a highly skilled worker, who is already physically present (and incorporated into the larger work structure through an existing contract or employment agreement), to perform lower skilled tasks, even at a significantly higher wage.

A third explanation, however, did emerge through more careful probing of the study participants. Technical proficiency in a particular craft and the ability to produce a good for the market is valuable, but is not necessarily what artist-employers are looking for:

Overall the skill they're after is having an eye for detail. It's a lot of grunt labor and arduous tasks but at the same time being your own quality control. Having your own understanding of what the artist is trying to get at. You are sort of at the same time manual laborer and middle manager all at once. They are almost schizophrenic in how they instruct you. You have to be able to understand their instructions. Often times they're telling you all about their grand vision for their work and then they're like 'ok, get to work' and you're like 'with what?!' You want it to be about this, or that? What am I doing first? What's the order of operations? (Interviewee #8)

This participant identifies two slightly distinct sets of skills: self-management and what I call *thinking like an artist*. Self-management is explicitly stated in the quote and relatively easy to grasp conceptually. It is a practical consideration of allocating

resources like materials and labor and holding oneself accountable for outcomes. Thinking like an artist is a bit more obscure. He describes “having *your own understanding* of what the artist is trying to get at” and “you want it to be about *this or that?*” Thinking like an artist itself has two components. First, *having your own understanding*, which involves the worker engaging his or her own subjectivity and creativity and adding it to the work. The second, *this or that*, is more closely related to self-management, but differs in that it is the assistant’s ability to make decisions based on their knowledge of art history and familiarity with the process of art-making. In other words, self-management has to do with general management skills, whereas *this or that* has to do with art specific project management. Another participant describes it this way:

It’s hard to point to why [not anybody off the street could do this work]. I mean he [the artist] could have a drywaller there, but I’m also helping him deal with more complex problems that maybe only a higher skill construction worker or contractor would know about. But then I’m also sensitive to the fact that its art and I know about art. A lot of the time when fabricators work with artists they often have a hard time understanding decisions. The artist will often want to do something a certain way and the fabricators don’t understand and don’t want to do it that way. They have a hard time not doing the thing how they always do it. As an artist working for another artist, you know that sometimes you don’t do things the most efficient way or you change what you want to do because its art. (Interviewee #7)

In this case, the worker discusses the *this or that* management skill as particularly distinct from managing the project as a contractor or skilled construction worker might. Management skills, whether general or art specific, become necessary because

of the impossibility of constructing complete contracts—especially in art and creative industries where outputs are non-standard (Caves 2000). Incomplete contracting literature builds off of Williams’ transaction cost ideas to suggest that the costs of writing in every contingency are infinite and therefore impossible and (Maskin & Tirole 1999). Employers can’t hire workers to complete a discrete and individual task, because the employer does not necessarily know all of the tasks that will need completing ahead of time. Therefore, employers hire workers to be flexible and self-manage. Incomplete contracts necessitate a level of trust between the employee or contractor and employer; a worker who is dissatisfied with changes in their job role or expectations can disrupt production by refusing to complete the job or contract. In typical firms, this translates into greater job security for these types of “core” workers because employees are more likely to renegotiate their contracts, job roles, or terms of employment when their relationship with their employer is ongoing (Belous 1995). At least, that is how it works according to some researchers like John Atkins (1985). How it works in reality for assistants is a more complex question I will return to later in the next section.

One interviewee did moderately skilled rendering work, mostly just coloring geometric shapes with colored pencil. In his opinion anyone could learn to do his this part of his job eventually; however, he also had compositional freedom within a prescribed set of rules. In this case, it was less a skill of process management and

more about engaging his own creativity and art education background to come up with interesting and aesthetically pleasing compositions. Additionally, he said

A big part of my job is talking to him about his work. He's often asks me to comment on his pieces—'what do you think? Is it done?' So I talk to him, we discuss his painting, my opinion of his painting. Its this critical process that happens. There is an expectation that I'm educated and know how to talk about art and my aesthetic opinion is part of the skills that are drawn from." (Interviewee #12)

Another artist who has worked for a number of artists largely doing rendering work found that while most of the time she was not asked to contribute creatively for one job

He told us what he wanted but there were 25 and we just made up all of the compositions. We were airbrushing with stencils and different things. He trusted us to arrange the objects on every page. It was up to us. (Interviewee #3)

These are the types of skills that *having your own understanding* encompass. They engage the worker's subjectivity in the production.

To my surprise, by and large the artist assistants I spoke with did not see *having your own understanding* as creative input. When we spoke generally about skills required in their work they sometimes shared experiences like those of interviewee #12 and #3 above, but when I specifically asked them if they felt their jobs were creative, or whether their employer engaged their creativity the answer was pretty much universally "no." One assistant said "because I'm an artist I don't tell him what his

art should be” (Interviewee #7). Another “that’s not what they hire me for. I bite my tongue...some people try to give input, sometimes it is appreciated but mostly not at all. I’ve seen it get shut down pretty quick” (Interviewee #6). One of the most intriguing responses came from an artist doing highly skilled rendering work who said that she was “not at all” involved in any creative aspects of the work “If I even have an off the cuff reaction, if its not what he wants to hear, which it mostly isn’t, he reacts [negatively]. That’s not what I’m there for. He wants to keep a neutral environment in creativity and concept” (Interviewee #11). Later on, however, she also said that “there is a feedback between what he’s interested in and my abilities. We’ve gone places that he wouldn’t necessarily have gone with a different person or by himself” (Interviewee #11). This statement points to a fundamental issue in the art world: who is the author of the work? Even though the assistant claims the important symbolic and semiotic content is worked out by the artist-employer, it is shaped and bounded by his skills and knowledge *as well as* by his assistant’s. To better grasp this dynamic, it is essential to understand the history of the creation of value in art.

Artists like those running these studios, are largely concerned with generating what sociologist Pierre Bourdieu calls ‘symbolic value.’ Symbolic value is that which cannot be measured in economic terms, or “ meaning and worth that goes beyond the object used to refer to it” (Graw 2009). In other words, an artwork’s value is not necessarily related just to the materials and labor that comprise it as most other commodities are. It has symbolic value relating to the concept the artist is

communicating and how critics, art historians, and curators receive it. That symbolic value may or may not relate to the economic value ascribed by consumers like collectors and museums.

For much of western art history between the Romantic period and the mid-twentieth century, a portion of symbolic value was created through a combination of an artist's technical skill, subjective eye, and hand. Therefore, only the artist's hand could create the object of symbolic value. For the most part, form and content were seen as inseparable. That began to change in the early 20th century when Marcel Duchamp attempted to place a urinal titled "Fountain" in an art exhibition. With this gesture, he added content of symbolic value to the urinal, a form created by another industrial hand. When critics reacted favorably (after its initial rejection by the exhibitions board) to that gesture, they added further symbolic value. Although Duchamp was explicitly critiquing the notion of authorship, he is recognized as the originator of the *concept*, or content, and therefore the co-creator of the symbolic value of the urinal. As a matter of fact, the form, the original urinal was of such low significance that the object itself was lost or destroyed. By and large, the artist-employers, artist assistants, and the wider art world of critics, historians, curators and collectors view artist assistant's role as similar to that of the factory workers who produced the urinals that Duchamp used. They assemble materials and help provide the form, but the symbolic value is still created by the artist alone. The idea, or concept, is seen as separate from the object itself and is solely authored by the artist. This new mode of authorship

became more pronounced after the 1960's with the rise of conceptual art, which placed "a new emphasis on transmission of ideas rather than objects" (Stimton 1999 p.xl).

This shift opened up immense opportunity for the use of assistants. No longer did a painter need to paint. They could create symbolic value simply by providing the important *concept*. Artists like Sol Lewitt created artworks that were sets of instructions to be carried out by whomever pleased. Despite the innumerable challenges to the ideals of authorship in the almost one hundred years since Duchamp's first readymade, the artist's role in the creation of symbolic value largely remains in tact. Even the assistants whom I interviewed for this were almost all adamant that they are not involved in the creation of symbolic value.

Italian sociologist Maurizio Lazzarato (1996) calls the labor that produces the informational and cultural content of a commodity *immaterial labor*. Lazzarato contends that the increasing importance of that cultural content in commodities (or the *concept* in art) is changing the way work is organized in society today. According to Lazzarato (1996), "manual labor is increasingly coming to involve procedures that could be defined as 'intellectual' ... The old dichotomy between 'mental and manual labor,' or between 'material labor and immaterial labor,' risks failing to grasp the new nature of productive activity, which takes this separation on board and transforms it" (p.133). This transformation takes place through new management practices:

What modern management techniques are looking for is for "the worker's soul to become part of the factory"... This transformation of working-class labor into a labor of control, of handling information, into a decision-making capacity that involves the investment of subjectivity, affects workers in varying ways according to their positions within the factory hierarchy, but it is nevertheless present as an irreversible process. Work can thus be defined as the capacity to activate and manage productive cooperation. In this phase, workers are expected to become "active subjects" in the coordination of the various functions of production, instead of being subjected to it as simple command. (Lazzarato 1996 p.134)

Within the artist studio workshop we see the dynamics Lazzarato describes as manifest in the transformation of "grunt labor and arduous tasks" into the self-management, *this or that*, and *having your own understanding*. Despite these assistants' contention that there remains a wall between the content, or concept, created by the artist, and the form created by the assistant, I believe this boundary is rather porous—at least more porous than they seem to acknowledge.

In a similar vein to Lazzarato's, Richard Sennett (2008) explores the problematic border between art and craft in *The Craftsman*. Sennett criticizes the "fault lines dividing practice and theory, technique and expression, craftsman and artist, maker and user" (Sennett 2008 p.11). He argues that "all skills, even the most abstract, begin as bodily practices; [and] second, that technical understanding develops through the powers of imagination" (Sennett 2008 p.10). In the case of Interviewee #11, who described "going places he wouldn't have necessarily gone," we see an example of what Sennett calls the imagination of the craftsperson. Sennett argues that craft and the craftsman are underappreciated in modern concepts and theorizing of labor. In the

field of art, this has resulted in the undervaluation of the symbolic value added by assistants like Interviewee #11. The artist-employer who she works for receives all of the credit for the symbolic content creation, which adds to his symbolic capital and credibility as an artist. The assistant, however, collects no symbolic capital and only a small, under-the-table wage, while the artist sells his work for tens of thousands of dollars.

In the most extreme cases, the artist-employers actively hid their artist assistants, presumably to protect the integrity of their symbolic value. This seemed most common among artist-employers with primarily 2D practices. In this *métier* there seems to still be some symbolic value, but more economic value, tied to the authenticity of the artist's hand. To those in the know, the presence of assistants is widely recognized: "Some of the pieces I work on take 1000 man-hours to complete. If an artist is making 15 works a year then people are kidding themselves if they think its just one artist making that work " (Interviewee# 11). Yet, that same employer is very secretive about having assistants. He prohibits her from disclosing where she works and asks her to leave the studio before collectors or gallerists come by. As I pointed out in the introduction, even artists like John Baldessari, who famously commissioned sign painters to make paintings from photographs of his finger pointing at things (Commissioned Paintings 1969) and credited them in each work's title, is still somewhat circumspect about the role of assistants in his 2010 interview with Michelle Grabner. He relegates them to "the office" maintaining the purity of the

studio as a place for generating content, perhaps in order to preserve his symbolic capital and the symbolic value of his work. Artists who make 3D work that is so large in scale and scope that there can be no doubt of the collaborative effort of others, tend to be more transparent about the role of assistants, but many are still rather guarded according to many assistants I interviewed.

The separation of concept from hand, of mental labor from physical labor is illusory. Despite the challenges to authorship and authenticity that conceptual art has posed, in many cases it has retrenched the problems it critiqued within the content sphere of production. In other words, even moving the site of the artist's production of symbolic value from the form to the concept, does not completely or even partially disrupt the manner in which symbolic value accrues symbolic capital to the artist. Indeed, artists on the whole seem protective of their content authorship. Were they to admit the role of assistants, who have little to no symbolic capital of their own, in creating content, the artist-employer risks compromising their own symbolic capital and the symbolic value of the artwork. Therefore, the role of the assistant's subjectivity and creativity, their immaterial labor, is often suppressed. I call this dynamic *the myth of the lone genius*. Artists—and as I'll explore later, assistants too—are deeply invested in preserving the notion that they generate ideas and content alone.

The suppression of the assistant's role as an immaterial worker has two implications. First, the worker does not build their own symbolic capital through assisting, because their contribution to symbolic value is denied in part or whole. Second, I believe it depresses their accrual of economic capital because their skills in the form of *thinking like an artist* are not fairly compensated. Without recognition of the true value of *thinking like an artist*, assistants are often paid as if they are "grunt labor" and left feeling like "anyone" could do their job.

While the *myth of the lone genius* and its economic effects on assistants is a particular construction of the art market, the increasing importance of immaterial labor more generally has profound implications for workers in a broad set of industries and occupations. Where artist assistants are widely engaged in the co-creation of artistic content through engaging their own subjectivity, workers in the economy at large are increasingly asked to self-manage, to "express oneself" or "speak, communicate, cooperate and so forth" In this way, artist studios are very much like other work sites in contemporary capitalism. In the next section, I'll further explore how studios and art assisting embody the dynamics of economic restructuring as characterized by flexibility and contingent work, informality, and precariousness.

FLEXIBILITY, PAY, AND WORKPLACE REGULATION

According to the literature on artists, and creative industries more broadly, artist-employers face a number of challenges as employers. Primarily, the field of art is highly competitive due to a vast ‘oversupply’ of artists (Menger 1999). Demand for work from galleries, collectors, and non-profit institutions and museums is far lower than the supply of artworks produced. In addition, due in part to the infinite horizontal differentiation of goods, what Caves (2000) calls *infinite variety*, demand for artists’ products is highly uncertain. A number of superstar artists are able to sell everything they make, but for most it is a highly speculative, highly uncertain business. In response to this uncertainty, artist-employers adopt a number of strategies to cut costs and externalize their risks. Two main strategies affect the artist assistants. First, artist-employers use flexible management strategies and independent contractors. Second, they often employ workers informally, or misclassify workers as independent contractors when they should be employees.

Flexible Management Strategies

The literature on post-fordist restructuring highlights the role of flexibility in the new economy (Piore & Sabel 1984). Employers use flexibility to reduce costs by either having workers cover multiple job roles (functional flexibility), or by nimbly adjusting the number of employees in accordance with production requirements and

product demand (numerical flexibility) (Atkinson 1985). According to Atkinson, employers require functional flexibility from “core” workers, with whom they maintain long-term relationships. In the previous section I discussed this type of flexibility—the numerous types of menial, skilled, and managerial tasks that assistants perform.

Artist-employers also use numerical flexibility to minimize production costs. Most assistants described their work as “project based” and “contingent.” Economist Audrey Freedman is often credited with defining the term “contingent labor” as “a management technique of employing workers only when there is an immediate demand for their labor (Polivka 1996). Atkinson calls these contingent workers “peripheral” workers and notes that “firms do not want such numerical flexibility from its core workers” (Atkinson & Gregory 1986). Core workers have an implicit long-term contract with their employers that includes advancement potential and fringe benefits. Contingent workers, on the other hand, are not part of the corporate family and have neither long-term attachment nor real job stability (Belous 1995). Most artist assistants work when and where there is work available and see their hours reduced or contracts terminated when artist-employers finish work for a particular project or show. Their employment is contingent. Yet, many of these same assistants were also given management duties and a wide range of tasks to complete, a signature of functional flexibility.

One potential and partial explanation for this breakdown of the core-periphery model is that a large reason employers offer core workers advancement potential and fringe benefits is to maintain a long-term relationship in the interest of reconciling incomplete contract issues discussed earlier. For an employer to use functionally flexible management methods, employees have to be willing to accept changing terms in order for production to proceed in a timely manner. In the case of artist assistants, most employers and employees are enmeshed in a tight web of social relations, which may create a greater sense of trust between the parties, which may obviate the need for employers to offer incentives to employees to renegotiate incomplete contracts.

Further complicating the flexibility picture is that some assistants actively choose work hour flexibility themselves. “Working as an assistant is much more flexible and that’s something I really appreciate. I like juggling not so steady jobs to give me free time to work on my shit“ (Interviewee #8). A few had highly desirable longer term commitments, where they worked intensively and then could take time off at their discretion to attend a residency or work in their own studio while knowing their job would be there upon their return. So, the issue of employer flexibility is sometimes conflated with, or confounded, by worker initiated flexibility, or situations of mutual benefit from flexibility.

Whatever the reasons, I observed very little difference in career advancement potential and fringe benefits between workers based on their functional flexibility.

Almost all workers I interviewed are functionally flexible workers and most were contingent workers. A portion of contingent workers actively choose contingency in general, but are not particularly in control of the timing and duration of their employment.

While some of the assistants I interviewed want flexibility in their work hours and are willing to make a substantial trade in earnings, they would like some modicum of security. The trade off between flexibility and security often appears to be zero-sum, but it need not be. I heard this type of thing again and again:

I'd like to have a consistent thing, like I have with one artist. Everything else is up in the air; I'd like to have 3 days a week scheduled. I don't want to have to worry about being broke. It's so imminent all the time. For like a year. Even having one day a week of work has slightly grounded me. It has been really beneficial... This week I worked four days in a row, all at different places. Two of those days, were day-of calls, and I just came in. I'm broke and I have to say yes. One day is in my schedule. The others were scheduled a couple days or a week ahead. Scheduling is helpful, mainly so you don't have to think about it. There's so much else to think about. Thinking about where money is coming from hurts your own art... I've put myself in a position where I am like somewhat ok with instability. Working 9-5 is debilitating. I need something in between. I'm trying to figure it out. Its only falling into place a little bit now, but maybe I won't work anywhere else for a few weeks and then I am totally fucked. It's precarious, and that's hard. I hope I'll be able to just maintain.
(Interviewee #4)

I'd rather have something scheduled consistently, like just have two people to work for for a year. Right now it's very erratic, one person one day a week is the most consistent. Then I have to pick and choose when other projects come along. I can't always tell if it's going to be a 2 hour day or 10 hour day. I'm tracking time for five different people, which is a real pain. (Interviewee #3)

Four days a week 8-5, that would be ideal, any type of stability. I can't produce my work if I don't have stable income to base production from. (Interviewee #5)

Power relationships between employees and employers are rarely symmetrical. This is particularly true in today's economy with unemployment rates over 10% in Los Angeles County (U.S. Bureau of Labor Statistics, 2013). While assistants are generally interested in flexibility, they are certainly not in a position to negotiate for that benefit. Rather, they accept the terms offered by artist-employers. Employers are generating savings by hiring workers only when needed and that is the primary motivation behind the flexible arrangement. Belous found that contingent workers are often paid far less than full time workers—not just in absolute terms, as contingent workers typically work fewer hours, but actually at a lower rate (Belous 1995).

If done correctly, employing contingent labor can save employers money on production, but not if projects are not managed efficiently. “Most work for artist is project based. I'm not sure how it works out. In my experience, they are worried about money and so at last minute need to hire 8 people and everyone works 60 hours. It doesn't really pencil out... the project could have worked out better if it was just 2 people working full time for a few months” (Interviewee #3). Returning to the previous section, sometimes there are unforeseen transaction costs to hiring contingent labor. Artist-employers are not always the best at evaluating these costs.

This flexible, contingent labor force is made possible largely thanks to the agglomeration economies created through labor pool sharing and matching mechanisms (Duranton & Puga 2004). The high number of artist-employers allows workers to pick up work frequently enough to survive even though each contract may be short-term. The high number of aspiring artists willing to work as assistants makes it easy for employers to let skilled workers go at the end of a project, because they know they'll be able to find a skilled worker to replace them when the next project rolls around.

Worker Pay, Worker Misclassification, Informality

Artist assistant pay ranged from \$15 per hour to \$25 per hour. Some workers worked as full-time employees with comprehensive benefits packages, while others earned \$15 off-the-books. For the most part, pay and level of formality had to do with the size and scale of the artist-employer's studio. The artist-employers with higher revenues and more employees tended to pay more and pay on-the-books according to the assistants I interviewed. There were, however, notable exceptions. It is also important to note that employer revenues are related to sales price and may not have any relationship to volume. In other words, larger studios don't necessarily generate higher revenues and vice versa. Some artists generate enormous revenues by themselves, or with one or two assistants. Others employ massive teams of workers but generate less revenue because of the market price for their work.

A 2005 report on visual artists by the RAND Corporation used a three tier model to describe stratification among artists based on income (McCarthy, Ondaatje, Brooks, & Szanto 2005). The first tier is comprised of a few “superstar” artists whose work sells internationally for hundreds of thousands or millions of dollars. The second tier is “best-seller” artists who are represented by galleries or dealers and generate significant income from their artwork. The bottom tier is the “majority of visual artists who struggle to make a living from the sale of their work.” The RAND Corporation doesn’t deign to give this bottom tier of artists a catchy name, so we’ll call this tier “the rest.” I interviewed artist assistants who have worked for artists at all three of these levels, even those struggling to sell work and make a living. What I found from talking to subjects is that the issue of predictability and volume is intertwined with these sales tiers. Sales price is important, especially when creating 3D works created using elaborate industrial processes, but what interviewees brought up time and again was not sales price, but predictability of sales. In the following pages I examine the intersection of worker pay and experiences of misclassification and informality with sales predictability, volume, and price.

Worker Pay

The largest studio that I heard about from interviewees was a “superstar’s” studio that employs 50 or so people, but grows often to over 100 during peak production times (Interviewee #10). At this establishment there are numerous administrative staff, and

different workshops for different materials and processes, each with a manager and assisting staff. The 50 or so regular workers are all paid as W-2 employees. The person I interviewed is paid \$24 per hour and receiving comprehensive health benefits and a 401K plan, for working as an assistant in one of the workshops.

“Where I work is a very special place,” she said “ people really like it. I’ve been there three years and that’s like nothing. Lots of people have been there for decades” (Interview #10). What allows this employer to operate at such a scale, with such high costs is that he is able to sell works for a high price, but also that “it all sells eventually” (Interview #10). In other words, sales prices are high and predictable. The worker I spoke with also divulged that “sometimes I think he makes up stuff for us to do. He doesn’t panic if there is a lull. Other artists would be appalled that an artist would make something just for the sake of it, but its great for us to have steady work.” The artist also does individual pieces as well as editions, which creates a more steady production regimen. Steady production of saleable work is a necessary, but not sufficient condition for the steady sale of work. Art business writer Felix Salmon (2012) has speculated that there may often be an inverse (from the standard) relationship between supply and demand for artwork. He suggests that some artists who produce more work sell more because collectors see that other collectors are purchasing the work. Steady sale of work seems to exert a large influence on worker pay and employment status forming a sort of feedback loop: steady workers create work steadily, which creates steady sales, which creates steady work for workers. This is purely speculative, but seems plausible and worthy of further investigation.

Another of the large studios I encountered employs about 15 workers continuously. The interviewee reported a larger portion of the workers were employed in various managerial, administrative, and personal assisting work. Only about a third of the workers, including the assistant I interviewed, were engaged in production. The interviewee earns \$22 per hour as an employee, with comprehensive health benefits and a 401K plan. Like the previous example, the artist-employer creates unique works but also does serial work with semi-standardized processes that allows for steady production and employment. Both of these are examples of superstar artists who not only sell works at a high price, but have built production (and thus to some degree sales) stability into their practice.

A superstar artist who hires workers does not always pay high wages, nor do they necessarily employ workers formally in accordance with the law. Conversely, lower selling artists at the bottom end of the “bestseller range” or even in the third tier don’t necessarily pay low wages or pay informally.

One interviewee worked as a project coordinator and studio manager for a “superstar” artist who employs 15-30 people at a time. The studio, however, only operates on a project basis. For each of the artist’s projects, the assistant I spoke with finds a studio space and hires workers for the duration. When the project is complete the whole operation closes down. Workers are all paid under-the-table in cash. Some work a few days or weeks, with the longest sticking around for a few months. The workers at

this studio earn closer to \$15 per hour. The studio has no liability insurance, no workers compensation insurance, nor unemployment insurance. The artist offers no additional pay for hours worked above 8 in a day or 40 in a week (Interviewee #2).

On the other hand, another employer at the bottom end of the “bestseller” spectrum pays his 2-3 part-time workers as employees at rates more toward the \$18-22 range. The assistant I interviewed said she was paid as a contractor, but was later moved to a regular employee status

I suspect he just realized that we were employees. We were working more regularly... I think most people would love to be good employers. It's a question of what they can afford. It's fickle even for people who make money. There is a lot of weird stuff that goes on in the art economy. A lot of it is people don't know what to do. I don't always know what my rights are. (Interviewee #1)

Indeed, further on in the conversation I discovered that she did not receive overtime pay for hours worked over 8 in a day, because neither she nor her employer were aware of this requirement of California labor law.

Independent Contracting and Misclassification

A number of interviewees believed that being paid as an independent contractor saved them money, despite the fact that independent contractors should be paying “self-employment tax” on net earnings. The self-employment tax is roughly equivalent to the employee *and employer* portions of payroll tax for Social Security and Medicare.

Using figures from 2010 (a temporary tax relief measure passed in 2010 reduced rates for the 2011 and 2012 tax years) the total tax withheld from employees for Social Security and Medicare taxes was 7.65% with employers contributing an additional 7.65%. The tax rate for self-employed workers that year was 15.3%. Therefore, a worker paid as an employee would see \$1,530 deducted from their pay over the year, leaving them with an income of \$18,470; however, a worker operating as an independent contractor paid at the same rate would see their income fall to \$16,940.

The reality is that most of the people I spoke with did not pay this much tax. Many reduced their on the books income by not declaring all or part of the income they received from artists who did not issue them a 1099. Since most people worked for numerous employers throughout the year, there were often one or two employers who didn't issue 1099's. Others reported less than their 1099 form showed they earned. Finally, most, if not all, were able to deduct expenses from their work as artists in their own right, in order to reduce their net-income such that their overall tax burden is indeed lower for them as an independent contractor. If an artist assistant with his or her own art practice spends the equivalent of half or more of their reported earnings on their own studio rent, materials, tools, storage, documentation, promotion, etc. then they often do end up paying less in taxes as independent contractors. The key, however, is that they have significant expenditures to plausibly expense. This may be yet another reason why artists are hired as artist assistants even when the work does not necessarily require skills or training in fine art. These workers have incentives to

classify themselves as independent contractors to save money themselves, a position amenable to employers looking to reduce both costs and risks as well.

This co-beneficial dynamic, though, depends on artists having their own practice and their own expenses from that practice because they generally have little to no expenses from their work as artist assistants. This is a key indicator that they are, in fact, misclassified in their designation of independent contractors rather than employees. One of the most commonly used standards for identifying worker classification is the common law test developed in the courts and used by the IRS. The IRS uses an open-ended 20 point questionnaire to determine employment status. The main three categories of factors they weigh are:

1. Behavioral: Does the company control or have the right to control what the worker does and how the worker does his or her job?
2. Financial: Are the business aspects of the worker's job controlled by the payer? (these include things like how worker is paid, whether expenses are reimbursed, who provides tools/supplies, etc.)
3. Type of Relationship: Are there written contracts or employee type benefits (i.e. pension plan, insurance, vacation pay, etc.)? Will the relationship continue and is the work performed a key aspect of the business? (Internal Revenue Service 2013)

The main financial question is whether or not the worker has room to maximize profit from their job beyond simply collecting a fee for hours worked. In other words, can they control their time or other inputs costs like materials and equipment such that the net income they receive grows or shrinks depending on their own management of resources?

For everyone I spoke with, the answer to this question was most definitely no. They all physically worked at a location designated by the artist, using the artist's tools and supplies. Therefore, they had no real mechanism to maximize the profitability of their labor beyond collecting a fee for hours worked. They had no costs associated with this part of their "business." So, again, it is a happy marriage for the employer to find someone with legitimate, or semi-legitimate business deductions, which in fact have no relation to the "business" of being an independent contractor to artists. This is just one of many quirks of the particular and peculiar construction of our tax code; it serves as a small tax subsidy to struggling artists at the beginning of their career and a slightly larger subsidy to established artists; an arrangement of backward, and minimal logic.

Returning to the issue of worker classification, the major financial question indicates that these workers are not actually independent contractors. As explored in earlier sections on skills and work-flow the artist assistants don't tend to exert much control over what they do and how they do it: "you just do whatever they want you to do" as

one interviewee (#4) put it. The final question is the only one to which responses indicated an independent contractor relationship. The first part of the question posed by the IRS is a tautology: if the person is paid in the manner of a contractor then they are a contractor. The second question contains two clauses: 1) Will the relationship continue, and 2) is the work performed a key aspect of the business. The people I spoke with were all engaged in the production of artwork, which is certainly a key aspect of the business. The duration of the relationship, however, is the one area where assistants indicated an independent contractor relationship. The contingent nature of their employment in many cases often justified, in their eyes, their designation of independent contractor: “I just wasn’t there very long” (Interviewee #3), or “I don’t go in everyday” (Interviewee #4) or “I only worked for her a couple of days total” (Interviewee #5) were common responses to why workers weren’t hired as employees. Many of the people I talked to worked for multiple employers simultaneously or in succession, but most had one or two artists whom they assisted consistently, if irregularly, for much of the previous year or two. In other words, while hours worked per week was highly variable, the *relationship* was ongoing and relatively stable. Therefore, it appears that almost everyone I spoke with had at some point been misclassified, according to the IRS criteria, for they did not meet a single criterion for classification as a contractor except for being paid as such.

Many don’t understand how working as an independent contractor undermines their own personal security and the institutions that make up our social safety net. For

example, few understand the connection between unemployment insurance and employment status, until it becomes an issue for them:

I had been 1099 for a year and a half [before they laid me off], so I applied for unemployment. And they were like, 'no you can't' so I filed a complaint. I mean, you're there at the unemployment office filling out the paperwork and you're like, 'why can't I get unemployment' and they said, 'you were 1099.' And I was like, 'I showed up to this place everyday, here's how you define employment and I did all of these things so it's not really on me.' I am happy to do it either way. At the end of the day the person who gets in trouble is the business. So that's why I was like, why did you try to save whatever small amount of taxes and risk getting in trouble like this? I liked that job, but I realized I was 1099 for a year and a half and I realized I wasn't at all protected by workers comp or any of that stuff and you are doing really dangerous stuff. I can't not have any of these protections. I didn't have health insurance at the time. And we were working with toxic things... It worked out fine though. (Interviewee #10)

Interviewee #10 became aware of these problems only after suffering personally from the lack of protection afforded to independent contractors. Worker misclassification is increasingly common and highly problematic for both the growing number of workers who experience it and also for society at large. Estimates from 2000 suggest that between 10 and 30% of employers in the U.S. misclassify workers (Planmatics 2000). Workers who are independent contractors operate outside of most workplace regulations like those that govern wages, and are left outside the protection of social safety programs. A 2004 Report by Elaine Bernard and Robert Herrick on worker misclassification in the Massachusetts construction industry lists the challenges that misclassification presents:

Misclassified workers lose access to unemployment insurance and to appropriate levels of worker compensation insurance. Also, they are liable for the full Social Security tab. They lose access to employer based benefits as well. For employers the practice of misclassification creates an uneven playing field. Employers who classify workers appropriately have higher costs and can get underbid by employers who engage in misclassification. The collection of Unemployment Insurance tax, and to some degree that of the income tax, are adversely affected by misclassification. Worker Compensation insurers experience a loss of premiums. (p.1)

Artist assistants, other workers, and society as a whole would greatly benefit from revisions to labor laws that expanded labor law protections and social safety net programs to all workers.

Informal Work

Informal labor is typically defined as “income generation...unregulated by the institutions of society, in a legal and social environment in which similar activities are regulated” (Castells & Portes 1989). While I contend that misclassified workers are, to some extent, informal workers in that they are working outside regulations meant to cover them, informal labor usually refers to off-the-books work. Almost everyone I spoke to had worked at some point “off-the-books” or “under-the-table.” Most saw this as a good thing, simply because they avoided income taxes and didn’t have to pay payroll taxes to fund Social Security and Medicare. I asked them if they felt this was problematic, but most expressed doubt over the benefits of playing by the rules, “I’m willing to work for X amount of money, if its straight up that much, but if there’s funds extracted for a social safety net that I’m not sure I’m going to ever see, then

maybe I'd require a higher amount of money" (Interviewee #8). Among interviewees, faith in the social safety net and workplace regulations was pretty low:

I'm always above and below. I make too much money for social services, but not enough that I can afford to pay into stuff...I've always been freelancer even when I was working for just one client. I know I pay less into social services but who knows where that's all going. I'm not into paying into government when its all just going for the military. I mean, I'm not getting anything out of paying in. If I got health insurance or something I'd be more willing to pay in. I don't make enough money for Social Security to make a difference for me, so I might as well just have that little extra money now. Whatever little money I'd get from Social Security when I'm older is so little its not going to sustain me anyway. So, I believe in Social Security but it doesn't apply to me. (Interviewee #2)

This sentiment was vocalized by a number of people I spoke to but was by no means how everyone felt. Still, I was surprised to find so many artist assistants felt this way. Only one person told me that they thought being paid off the books was a negative thing:

When I was first hired being paid under the table was a selling point, but now its shitty. I've declared part of my pay, in order to have some tax records and not be weird, but I was tempted to and did under-declare my income because I didn't want to pay all of the taxes on what was supposed to be such a great pay rate because I didn't have to pay taxes on it. When I look back now on my tax returns and I think about trying to buy a house in LA some time in the next fucking decade its like not going to happen because it looks like I make \$12,000 per year. It's probably not a huge handicap because I can't afford to buy a house either way...(Interviewee #11)

After this initial year working off the books, this assistant was told she would be paid as an independent contractor the following year and receive a 1099 tax form. The

employer offered no additional pay meaning she would have to pay self-employment taxes on the income effectively taking a 15-20% pay cut. Even with this more formal arrangement, she is still not covered by safety net programs like unemployment insurance and workers compensation—never mind qualifying for employer based healthcare, retirement, or other benefits like sick days or vacation.

According to the ERT report, “the most compelling reason for workers to accept informal jobs is economic desperation.” Every single interviewee expressed a feeling of financial desperation or shared stories that illustrated a precarious existence:

I have felt, very uncertain at times mostly when I didn't know what was coming in the future and didn't have enough saved up. I've written some rent checks a few days late because I couldn't get them in on time. That's par for the course. (Interviewee #1)

I would describe myself as financially desperate. More and more financially desperate. Repeatedly. (Interviewee #2)

...Crippling student loans, high cost of living...I think I'm one stumble away from poverty...if your boss forgets to hand you the paycheck on time then there are bills that don't get paid and you have to work around it. Some months you can't pay this bill, you can't pay that...(Interview #3)

I have no savings, none. It's literally check to check. I'm getting 150 checks to combine to pay rent, bills, gas, food and that's it. (interviewee #4)

I'm always so worried about money. One Gallery didn't pay me for so long, I literally did not eat for 4 days. (Interviewee #5)

And so on. The individuals I interviewed expressed a feeling of economic desperation, but also felt this desperation was to some degree a choice for them, unlike many other precarious and informal workers. They said things like “When I decided to be an artist I knew I was choosing probably poverty” (Interviewee #1).

Certainly people with bachelors and masters degrees have many more opportunities open to them than say, an undocumented immigrant without a high school education. Still, those opportunities seemed out of reach for many of the study’s participants. Two people I interviewed had extensive experience working in construction as well, but were struggling to find work in that field. One is taking on projects involving high-end finish carpentry for less than half of what he made doing the same work as a carpenter in the Midwest. I asked him why he didn’t find a job like that here and he replied:

Here’s the thing, where do I get that job? I don’t know. All the construction jobs I’ve found here have all been through artists. I can’t find them. I’ve found day labor jobs for waaaay less than that, but I can’t do that. People like my mom ask me, ‘why don’t you just get a job?’ and I’m like, what? I’m looking for a job all the time, if it was so easy I’d have a job. I work every day! I’d love to just have a job...any kind of stability. (Interviewee #5)

While it would be easy to characterize these workers as choosing this lifestyle, it is not that simple. Many are genuinely struggling to make ends meet and are attempting to deploy their skills and substantial human capital in any way they can to earn a

living. Since their social networks are mostly comprised of artists, that is often the only way for them to find work in a time (and place) of high unemployment.

Abel Valenzuela drawing on Ivan Light and Carolyn Rosenstein (1995) describes day laborers as “survivalist entrepreneurs,” a descriptor that seems applicable to many assistants whom I interviewed. Light and Rosenstein (1995) define two types of survivalist entrepreneurs: value entrepreneurs and disadvantaged workers. Value entrepreneurs

choose self-employment rather than low-wage jobs for a number of reasons having in part to do with values such as flexibility, independence or autonomy, and the social status of being one’s own worker...On the other hand, disadvantaged entrepreneurs undertake self-employment (e.g. day labor) because, as a result of labor market disadvantage, they earn higher returns on their human capital in self-employment than in wage and salary employment or because they have no other options. (Valenzuela 2001 p.339)

Valenzuela argues against the commonly held view that day laborers are relegated to this work solely because of disadvantage. According to his research “a large number of day laborers partake in the market because it affords them certain freedoms, levels of flexibility, a modicum of living standards, and the ability to negotiate a wage.” Similarly, it is easy to see many artist assistants as value entrepreneurs because of their preference for flexible work. However, from the information I gathered it was also clear that many undertake their work in whole or in part due to lack of other options.

While I believe there are significant similarities between artist assistants and other informal workers, there are obvious and major differences. Although Valenzuela found that “a significant number [of day laborers] are relatively well educated and have been in the United States for many years” (Valenzuela 2001 p.340) most research (Valenzuela’s included) on informal workers in the U.S. and L.A. has found them to be largely poorly educated and either undocumented or recent immigrants, or both. The ERT report relies heavily on undocumented and recent immigrant populations to measure informality, and an early study of the LA informal economy by Enrico Marcelli, Manuel Pastor, and Pascale Jossart (1999) used foreign born Mexicans as a proxy for estimating informal economic activity. Undocumented workers are driven to the informal economy primarily because immigration regulations exclude them from the formal economy, but racism and lack of appropriate social capital play roles as well. None of the artist assistants I interviewed were undocumented. Their experiences were substantially and significantly different from other pools of informal workers.

When I asked workers why they thought they were paid off the books or as contractors instead of employees they cited the low duration of employment (as explored earlier), but also the high cost pressures artists face. Works created for a museum show or non-profit gallery usually have a fixed, pre-determined budget. Other pieces, created on speculation, are constrained by market demand. One worker estimated that the cost of a piece she worked on for a gallery show was over

\$100,000: “He’s paying 4 people \$17 per hour full time plus studio rent is about \$3,000 per month. Then there are materials and tools and stuff.” Galleries will take half of the sales price, which means this piece must sell for over \$200,000 in order for the artist to break even. It’s a large bet for them to make, on a good for which demand is very uncertain (Caves 2000). Again, cultural economists have documented these dynamics that artists face, but little research has been done on how this dynamic affects workers in the studio. I found that artist-employers respond to cost pressures by hiring independent contractors instead of employees, paying workers under the table, and using flexible management practices.

Sometimes, however, misclassification and informal employment arises in part due to simple ignorance of employment law. Interviewee #1 noted that “there is a degree of nonsense” about her employment situation. Her employer hired another artist with no employment law knowledge to be the office manager and bookkeeper. A few of the people I spoke to worked for artists from Europe, who came to LA to work and hire production labor. These employers had little knowledge of local, state, and federal labor laws and tended to conduct their businesses highly informally. Another interviewee put it this way: “Some artists seem like infants, they can’t really—I hate this characterization of artists that makes them look like idiot savants who like can’t even tie their own shoes—but there are artists who don’t know what to do with a checkbook” (Interviewee #3). In her case, she was paid directly by the artist-employer’s gallery for her work, because they handle all the artist’s finances.

Galleries could offer a mechanism to supervise, educate, or enforce workplace standards, but for the most part have not. The assistants I asked about it were dubious of this potential: “Gallerist and collectors don't give a shit about whether or not they are good employers” (Interviewee #1).

Health and Safety

Misclassified and off-the-books workers bear enormous risks regarding their own safety and health. One assistant I spoke with reported being injured at a job where he was misclassified as an independent contractor. He has no healthcare personally and is not covered by worker's compensation insurance: “It's been physical. Its tough on my body. It's pretty crazy. My first week I threw my back out. It hurt when I walked. I went to a chiropractor. I didn't say anything, I just dealt with it. First week on a job you're not trying to complain” (Interviewee #14). Others I spoke to reported eye strain or repetitive motion injuries that required physical therapy at their own expense. Many worked for artists in garages or other non-standard workplaces where inadequate ventilation and cleaning equipment presented hazards. Even assistants who working in highly formal establishments that follow government safety regulations and offer industry standard equipment and practices faced significant hazards on the job.

It's a toxic job. It's physically demanding and you are exposed to lots of shitty materials. They are good about providing the best ways of

protecting but 100% safety is impossible. Fiberglass, resins, you can't always wear a respirator. We have Tyvex suits, you could be in all day, but there are just these in-between exposures. Shops are hard to keep clean. On a good day there's lots of shitty dust. Like clay, which seems not bad for you but it is. Then there's dust from grinding fiberglass...(Interview #10)

In *Health Hazards Manual for Artists* authors Michael McCann and Angela Babin (2007) cite a 1981 National Cancer Institute study that found statistically significantly higher cancer rates in artists as compared to the population as a whole. The evidence from this study of artists' health and safety is alarming, but artists take on risks themselves in order to further their own careers as artists. Artist assistants are put at risk for the furtherance of the artist-employer's career.

While many workers worked in studios well-suited for the materials and processes employed, some worked in less ideal facilities. Working outside of permitted facilities is another example of informal economic activity. Several interviewees reported working in houses or garages of their employers.

[Artist X] works in his garage, its pretty rudimentary. We rolled up the garage door, because there was no ventilation for fixative spraying or graphite, or airbrushing. It would get really fummy. We also just rinsed stuff out with hose outside. For his drawings we would be standing up or crouched down on the floor. If you are standing for 6-8 hours on concrete floor your back and stuff start to hurt.” (Interviewee #2)

Working in non-commercial facilities can create negative health and environmental impacts like those experienced by this worker. Additionally the aggregate impacts of

thousands of these types of worksites in LA have serious environmental implications for the region.

Many studies have chronicled the challenges artists face regarding healthcare, (Jeffri & Greenblatt, 1998; NEA 2008; Jackson & Boris 2003), but artist assistants have their own unique set of unique challenges. Since most are paid as contractors or off-the-books they have to find their own healthcare. Although the Affordable Care Act is supposed to make finding healthcare easier, the people I spoke with were dubious that it would become more affordable for them--affordability being perhaps their greatest barrier to comprehensive healthcare. A number of people I spoke to were either not covered or received coverage from parents. "My mom pays for our healthcare, so that's where that comes from" remarked one interviewee who is 37 years old (Interviewee #6). Another artist assistant reported "My mom is paying my healthcare, but it expires in May. She gave me a 1099 for it" (Interviewee #2). Decoupling healthcare insurance access from formal employment status is a crucial step, but affordability is still a huge challenge, even for workers with relatively high hourly rates.

PECULIAR FEATURES OF THE ARTIST ASSISTANT LABOR MARKET

The art economy is not exceptional, but it is peculiar. Like any industry, it is largely shaped by the same economic forces and dynamics that shape the economy as a whole, but it does have unique features. First is the heightened role of personal relationships with gifts, favors, and patronage. Second, the *myth of the lone genius* and its affects not just on employers' decisions but employees'. Last is the strange culture of secrecy that surrounds the art economy generally and how that specifically affects assisting.

Personal Connections, Favors, and Patronage

Personal Connections

Finding assisting work is largely a haphazard process. Interviewees relied heavily on word of mouth job referrals. "These jobs aren't posted, they're not readily available. It's all very socially oriented, everyone I'm working for I'm connected to in multiple ways" (Interviewee #4). Many found jobs with or through former teachers at the college or graduate institutions they attended in the area. Finding work in this manner can have a number of repercussions. First, it can create issues of accessibility for those outside of established social networks. In particular, it seems that getting into the right undergrad and graduate programs is important not just to receive a top notch

education, but to have access to networks of successful artists who will hire assistants and provide work during the years while artists try to establish themselves. Another effect of being highly dependent on word of mouth is that personal reputation and personal relationships become very important “You’re always trying to do the best you can because the next job might depend on this. Every job I’ve got has been through word of mouth. Applying to jobs doesn’t work, so you’ve got to keep a good relationship with strangers.”(Interview #5) Without more formal employer/employee matching mechanisms, desperate jobs seekers can become beholden to their employers. The contingent, project based nature of this work means that assistants are moving frequently from job to job. They depend more frequently and more heavily on referrals than workers with more steady employment.

Artist assistants, like many workers at small firms, are very much at the mercy of their employer. Numerous interviewees spoke of being yelled at or reprimanded for what they perceived as trivial or non-existent infractions. One worker described being fired for a very minor miscommunication regarding receipts related to a small amount of money. “She was really trusting in me, but then we had a weird falling out...She flipped out on me and I never worked for her again. I made this one little mistake. It was weird, she was very temperamental” (Interviewee #16). What makes this dynamic distinct from other small firm work is the way in which these employee/er relationships are embedded in vital social networks. As mentioned earlier, many of these workers found work through previous teachers or other social connections. A

falling out can jeopardize not only the artist assistant's reputation as an assistant, but can have negative impacts on their careers—especially if their employers is a particularly connected and important figure. Artist-employers may sit on panels for important juried shows and review grant applications. These are drawbacks of job markets where social networks play an outsized role, as is the case with many creative industries (Currid 2009). These relationships can be assets, but may also flip quickly to being liabilities in situations like this.

Lack of boundaries was another common complaint I heard from study participants. “Because it was so unorganized, we’d work, then I’d come over for dinner. Where work started and stopped was hazy. Then I’d be over at her house and she’d ask me to do things and I’m like ‘Is she paying me in food?’” (Interviewee #14). Since employees often had very personal relationships with their employers they wound up in all sorts of situations like this one, where they were not sure whether they were working or hanging out. To a degree, many enjoyed this type of relationship, including this individual who went on to say “Its all very familial, like you are part of a family unit. One person I worked for, we were just walking around in the forest and it was very playful, never so rigid” (Interviewee #14). He was ultimately ambivalent about whether or not this type of management informality—a lack of clear border between work and life—was a positive or negative thing. Many perceived this type of informality positively. The ability to dress how they wanted and to speak candidly was greater than they perceived possible in a ‘more professional’ setting. Others,

however, brought up the frustrations of being perpetually on call, or perpetually at work. In other words, some experienced the blurring of the boundary as the colonization of work by life, while others experienced it as the colonization of life by work. Informal management, experienced as a blurring of this boundary, does not result automatically in one or the other, but opens up the possibility of both.

Favors and Patronage

Given the history of art and its links to Medieval craft, I was curious about how much these jobs might reflect the old guild model of production, with assistants today working as apprentices once did. For the most part, my interviewees rejected the notion of this work being an apprenticeship. However, they did note a number of favors their employers extended that indicated a personal and paternalistic system.

Many assistants speculated that artists hire early career artists as assistants to help them make a living while they try to get their own career off the ground.

I do genuinely think my boss in particular, more than anyone else I've worked for, is super respectful of the fact that you are an artist. In fact I think he's really into it. The artists who work for him are his weird step-children. We're the least productive, the least dependable, the least invested, because its not our job its just what we do for money; whereas the managers there, its their job and their career. He takes on artists as sort of paying it forward, or charity. He doesn't need to have any artists on staff...I think he recognizes that he's been lucky, not many artists ever get to a point in their career where he got.
(Interviewee #10)

Art workers like this one seemed to view employment itself as a favor bestowed upon them by more successful artists, rather than a function of labor market supply and demand. In this way, the relationship has a paternalistic dimension that resembles an apprenticeship; however, most people I spoke with did not characterize their relationship as such because both the assistants and their employer's commitments to each other were so tenuous. Assistants often have advanced degrees and therefore have already had significant training and mentorship from a formal education. These assistants weren't really seeking further education and guidance; they were ready to begin their own careers.

Instead of seeing this relationship as one of an apprenticeship or a mentorship, it is much more of a typical employer-employee relationship with additional, or particular, patronage features. Patronage in this field generally takes the form of two types of favors that artist-employers frequently extend to assistants: career and mentorship favors, and workplace favors. Workplace favors include the favor of employment; allowing workers to take time off for their own career development; finding work and odd jobs for assistants during fallow periods; and providing meals at work. Career and mentorship favors involve things like teaching workers about materials or processes; taking time to discuss and critique assistants' own art practices; introducing workers to gallerists, collectors, curators, and other influential art world figures; providing recommendations for grants and residencies; offering career advice; and even attending their assistants' own art shows and events.

One assistant catalogued a number of favors performed by a handful of different employers she's had over the years. One artist told her "I can't pay you very much but I'm going to make sure you learn about new materials.' He wanted to show me new things and did." Another employer nominated her for a prestigious residency, which she hadn't expected to get, but did. "I don't think an artist at my level would get that without a nomination." Finally, a third employer "forwarded me a posting for a fabrication job. He's alerted me to other income opportunities and grants. Hopefully some of it will come to fruition" (Interviewee #1). Sometimes these favors are offered as a way to supplement low pay. Other times they are simply favors extended in the spirit of mutual aid and community. For the most part, assistants perceived this patronage as an act of goodwill and support by their employers.

Sometimes, however, this dynamic winds up being problematic for the employee: "The people who think they are doing me a favor, are least doing me a favor" said one interviewee who had negatively experienced this dynamic. In her opinion it is sometimes a manipulative tactic employers use to elicit empathy or submissiveness in employees, and can lead to an erosion of pay rates or work roles and worker misclassification.

They'll buy you lunch, or they'll ask you about your work or come see your show or think that by talking to you about the substance of their work they are doing you a favor, so its not merely technical job, you are really part of this whole [art] world and a part of the creativity. But then that boundary is unsteady and its led to times where I'm literally cleaning the toilet of the artist because he was too lazy to do it and

there's a visitor coming and that's not part of my job, not what I signed up for. (Interviewee #13)

In this situation, and others I heard about, the informal favors that employers performed created the perception by assistants' that their employers expected their favors be returned. Often the return favor from the employee is reduction of their hourly wage, not asking for overtime, or willingly performing the duties of an employee as an independent contractor. Another particularly revealing anecdote came from an assistant whose boss "always made sandwiches at lunch. A few times the bread was moldy and he just said 'its good for you just eat it'" (Interviewee #5). Sometimes a favor isn't a favor at all, yet still presented as such and it can still create—reasonably or not—an expectation of a return. In this way, these favors act as gifts as described by Marcel Mauss, Claude Levi-Strauss, and Pierre Bourdieu. Bourdieu describes how personal loyalty, gifts, and debts are the most "economical mode of dominion" where overt violence is likely to provoke the destruction of the very relationship that was to be exploited (Bourdieu 1990). The gift giving, or favors, performed by employers can become a mode of coercion especially where power is so asymmetrical.

Bourdieu describes the potentially coercive nature of gifts and debt, but also trust, obligation, and personal loyalty. A number of people I interviewed talked about empathizing with their employers. This empathy can cause the employee to not act in a self-interested way. This further tips the balance of power in the favor of the

employer. For example, one interviewee reported that she found out a co-worker was recording fewer hours than she actually worked because she felt she “draws slowly” (Interviewee #1). “There’s a certain amount of empathizing because you are aware of how much you are costing someone,” the interviewee explained. Another called his work “much more of a relationship than a job. Its personal, the way I work. If I care about the result, the work is going to be better. Everyone is going to be happier. I’m willing to stay later. I’m down to help” (Interviewee #4). Indeed, such an attitude is quite ideal for employers who are looking to maximize the returns of their labor costs. On the other hand, this worker claimed he was genuinely happier working in this type of setting.

Another surprising, and tangentially related dynamic I heard about was the way in which getting paid below one’s ideal rate actually created incentives to work even harder.

I’m more invested in the piece than they are. Sometimes I’m arguing, that I’m going to finish it how it needs to be finished... I’m already making much less than I should make, so I’d rather just do it correctly. I want to see the project through and do it correctly, my time is already a loss at the wage I’m making.” (Interviewee #5)

This counter-intuitive reasoning also results in additional returns on investment for the employer, who somehow manages to get more than they paid for.

I hesitate to describe these mechanisms of gifts and empathy as intentional management techniques deployed by the artist-employers. Offering favors in exchange for reduced pay is certainly a management technique, but to use it as a mechanism to intentionally reduce workers' power does not comport with most of what I heard from interviewees. The employers' intent was often to empower the worker by giving them a source of income and job flexibility. Still, the effects of employers' favors, empathy, and the development of workers' personal investment in the work all result in additional monetary and power-based benefits accruing to the employer. The workers I spoke to perceived these dynamics as being normalized within this field, perhaps because of a legacy of these types of practices within the industry—an inherited tradition. This creates a situation where workers' power, agency, and pay as a class is diminished overall.

Return of the Myth of the Lone Genius

Earlier I examined the ways in which the persistent trope of the lone genius, the exclusive source of the *concept* in the artwork and thus its symbolic value, causes artist-employers to distance themselves from their assistants and disregard their creative input. It turns out, however, that artist assistants are susceptible to the power of this myth as well. Assistants were very wary of being closely associated with their employer: “For me personally I don’t want to be known as X’s assistant because then people think I’m getting shown for doing that...I want to stand on my own”

(Interviewee #16). A number of assistants talked specifically about not wanting to work for someone whose work was similar to their own both to avoid giving creative content and ideas to their employer, and to keep from being obscured by the shadow of their better known boss. Rather than being a credential to burnish, assisting a successful artist was something workers themselves seemed to want to hide in order to protect their own art practiced from being judged as unduly influenced by their boss.

Another effect of this dissociation between worker and employer is the lack of career ladders within the industry. Workers who assisted one artist-employer for a long period of time were often referred to somewhat derisively as “stuck.” Many assistants I interviewed were scared of becoming stuck themselves. They hoped to successfully establish their own art practice and there was no room within the firm for that. An assistant can’t work her way up to ‘partner’ or eventually take over the practice. This is perhaps part of the reason why interns are relatively scarce in these workplaces, especially compared to other creative industries, or even other parts of the art industry. One assistant I interviewed worked in a studio where there were unpaid interns who were students of the artist-employer at a local college. She was taken aback by their presence, which revealed a perception that this practice is unusual.

Elsewhere in the art economy interns are more common, and it may become more so for assisting as well. One interviewee who has done significant work as an assistant

and is starting to have some success in his own career was preparing for a big show and looked for interns. “Galleries have interns. It was weird. My gallery in New York was really into getting me an intern, but then they couldn’t really find anyone. So I just talked to people who knew people and eventually found some. They were very informal internships. They just kind of came in and helped out maybe 2-3 days for a few weeks (Interviewee #14). He did not pay the interns, but did introduce them to processes and techniques that he uses and felt that both parties were satisfied with what they got in the end. When I asked another artist assistant about internships he explained it this way:

In those worlds with unpaid internships, they can lead to a stable job. Whereas there never is that in art production. In the gallery world there are unpaid internships. If you work for a gallery it can be a real career...Lots of interns in that world, it’s more of an office culture. Art fabrication is more like construction, you work a day and get paid at end of week. (Interviewee #8)

This is a highly plausible explanation. Assisting generally is not considered to be a career. Still, there is plenty that young artists can learn from interning with successful artists. Even the artist assistants whom I interviewed talked about the usefulness of being in the studio with the artist-employer and seeing how they worked, how they managed projects and budgets, how they generate ideas and found inspiration. This was one of the most commonly cited reasons why artist assistants enjoyed this type of work.

Secrecy

One final factor that seems to play a large role in structuring this labor market and working conditions is a pervasive culture of secrecy. There are four types of secrecy pressure that conspire to create a wider culture of secrecy among people who work in studios. First is the myth of the lone genius. Some workers, one interviewee explained earlier, are purposefully hidden by their employers and prohibited from speaking about their work and employer in order to maintain the image that all their work is made by the employers own hand. Second, many signed non-disclosure agreements regarding the specifics of work in the studio. Most artist-employers use the agreements to protect their intellectual property and trade secrets like special techniques or processes as well as project budget details. Third, the gallery world is rife with secrecy regarding everything from artwork prices to artist news and gossip—where artists have upcoming shows, or that artists are looking for new galleries and vice versa. Finally, knowledge is valuable currency within emerging artist networks. Because there are so many more aspiring artists than grants and teaching jobs (the most coveted wage job among artists not able to make a living solely off of work), artists are often reluctant to share information regarding these types of opportunities with each other for fear of further saturating already competitive applicant pools.

Together these dynamics create a culture of secrecy within the arts in general and among artist assistants in particular.

It feels like a taboo to talk about who I work for. Some of my friends who work for artists just say 'I work for an artist.' Who is not supposed to talk about this? Is it because you want your work to be separate from them, or is it because the employer doesn't want you to say? There's so much secrecy even around how much people get paid. When I was negotiating my wage with my employer I asked friends of mine how much they made and no one would tell me... people don't even share that information with each other...you feel like you are giving away a secret or a lead. (Interviewee #13)

The secrecy in the art world, and among artist assistants in particular seems to be interfering with the proper functioning of the market. Workers cannot establish the optimal price for their labor without knowing what other workers are charging. According to neoclassical economics, perfect information is necessary among and between workers and employers for the market to reach maximum efficiency. The culture of secrecy in the fine-art world may contribute to conditions where employers are able to take advantage of their employees because of the lack of information flow among worker.

CONCLUSION

At the end of each interview, I asked artist assistants if and how they would change and improve their conditions of employment. Unsurprisingly, the most common desire was to increase pay and stability or reliability of work hours. They also brought up the issues of access to affordable healthcare, retirement security, and better coverage by unemployment insurance programs. A couple participants were interested in receiving some sort of recognition or credit for their contributions to their artist employer's work. This could come in the form of remuneration, but most

seemed primarily interested in the type of acknowledgement they could cite in their exhibition history or CV. One participant thought job access was an issue. Since jobs are not typically posted online, or anywhere for that matter, they can be difficult to find and access is often restricted to certain privileged groups. In this conclusion, I present a number of potential solutions to these issues framed by the institutions or actors who can potentially carry out these reforms.

POLICYMAKERS

One obvious step that policymakers can take to improve the work lives of artist assistants is to reform employment laws such that misclassification is no longer an issue for workers like artist assistants. Addressing misclassification can help more of these workers access affordable healthcare, unemployment insurance, and workers compensation insurance. Katherine Stone (2006) points to European and Canadian employment laws that recognize “an intermediate category between ‘employee’ and ‘independent contractor’ that would give atypical workers some of the employment protections available to standard workers.” Artist assistants are one small constituency that would benefit greatly from such a change. Stone estimates that perhaps one third of all independent contractors in the U.S. would qualify for this new category of worker, extending protection not just to artist assistants but to millions of

workers—largely low wage, low skill workers in construction, agriculture, manufacturing or transportation related occupations. Enacting reforms at the federal level would create coverage for more workers under the Fair Labor Standards Act (FLSA) gaining them minimum wage and overtime pay protection. Additionally, it would shift part of the payroll tax burden and responsibility for income tax withholding to the employer.

State and federal agencies could make smaller changes to enforcement strategies of existing law. In 2011 the Department of Labor (DOL) received “an additional \$25 million budget for a Misclassification Initiative to target misclassification with 100 additional enforcement personnel and competitive grants to boost states’ incentives and capacity to address this problem” (U.S. Department of Labor 2010) Stepped up enforcement makes a big difference for workers, but can be fleeting. A change in the administration, or changes in congressional budget priorities can quickly reverse this trend. Still, the most common sense and politically expedient remedy that policymakers can enact is to simply devote resources to ensure all labor laws are followed in all workplaces.

More radical reforms to the social safety net based on German or Nordic models would, of course, be of great benefit both to artist assistants and to working people at large. Increased public funding for the arts would also greatly improve incomes or

bargaining power of artist assistants. The political infeasibility of these policy reforms makes these suggestions worth mentioning only in passing.

Enacting reforms at the federal level could come through legislative or executive action, but would take an immense and well-organized campaign waged by a broad coalition of worker advocates. This is the type of collective action Andrew Ross sees possible through the development of a broad based precarious class consciousness.

Finally, artist assistants could benefit from legislators enacting *droit de suite* laws. *Droit de suite* laws grant artists the right to collect fees, or royalties from the resale of their work. California enacted a *droit de suite* law in 1976, the California Resale and Royalty Act, but it was recently struck down in court for violating the U.S. Constitution's commerce clause. Resale royalties could increase assistants' incomes through trickling down from their employers. More significantly, would be for assistants to receive partial payments themselves for their contributions—similar to residuals paid to screenwriters in the motion pictures and television industry. This would require radically deconstructing the myth of the lone genius and creating new institutions within the art world to assign credit for partial authorship.

UNIONS

Artist assistants cannot rely on government alone to improve worker pay and stability of work. The employment laws that protect workers today, like wage and hours laws, were won through political battles in the 19th and 20th century. Traditionally, workers have organized collective action for change through guilds and unions. Private sector unionization in the United States has declined precipitously in the past several decades in part due to the vertical disintegration of firms and flexible management practices. This has led to an increasingly fragmented workforce in formerly industrialized sectors. Union organization in the twentieth century became successful in part because unions could organize thousands of workers at a single plant or working for a single company. Western art has developed rather in opposition to industrialization. Therefore, as unions grapple with organizing an increasingly fragmented workforce there may be lessons for the art world.

The film and television industries often serve as a model of post-fordist, flexible management. Film and TV also offer insights into how traditional labor organizing can adapt to the new economic landscape. The Writers Guild of America, for example, grew from 800 to 8,000 members from the 1970s to the 1980s (Christopherson & Storper 1989) and currently boasts over 12,000 members (Writers Guild of America, West, 2013). The union provides members with four main benefits: 1) Negotiates contracts 2) Monitors and maintains royalties and residuals

system 3) Provides portable health and retirement benefits plan 4) Assists in the registration of copyrights. It also offers a mentorship program for young writers, particularly writers of color who have historically been excluded from participation in the film industry. Through membership, it also provides credentialing and gate-keeping within the industry. Artist assistants would benefit from all of these services, but it is difficult to imagine a union model succeeding in the art world.

The film industry, while fragmented is still quite consolidated. Christopherson calls it *virtually integrated* in that over 70% of distribution is controlled by 6 major companies (Christopherson 2002). Further, those 6 major companies negotiate one common contract with unions like the WGA through an industry association. This not only covers the vast majority of work in the industry, but helps set prevailing wages and other benefits and conditions. One could perhaps imagine a role for a union to negotiate contracts in the art world, but it is a bit difficult to sort out for whom and with whom. Artist-employers are tremendously fragmented, there are thousands if not tens of thousands of them here in Los Angeles. It would not be feasible for the union to negotiate with each individually. Many projects are funded through galleries and museums, so perhaps a union could negotiate artist contracts with major galleries and museums with provisions for assistant wages and other benefits. Still, a union or guild doesn't seem like a particularly feasible model for improving conditions for artist assistants.

ALTERNATIVE WORKER ORGANIZATIONS

Unions possess certain powers and protections under the National Labor Relations Act that enable them to represent workers in collective bargaining and to fund themselves through the collection of dues paid through wages. The rest of what unions do, can largely be accomplished through different types of organizations—what Alan Hyde (2005) calls Alternative Worker Organizations (AWOs). One, or multiple AWOs could provide artist assistants with vehicles or mechanisms to achieve workplace reforms. AWOs include membership organizations like worker centers and the Freelancer’s Union as well as non-member organizations such as advocacy and legal aid non-profits. Hyde also identifies a role for spontaneous protest and limited formal organizations, for which artists and artist assistants are particularly well suited.

Saru Jayaraman of the Restaurant Opportunities Center (ROC) remarked that there is little advantage in being classified as a statutory labor organization (Hyde 2005). Indeed, of the benefits that the Writers Guild provides its members, all except representing workers in collective bargaining agreements can be done by AWO’s. ROC has even negotiated contracts, which are not enforceable as collective bargaining agreements but simply as contracts under state law (Hyde 2005).

A worker center could address a number of issues for artist assistants. First, worker centers often provide resources and case management for workers dealing with wage and hour or other employment law violation issues. They can provide aid to misclassified and informal workers who want to challenge their status or access benefits and social safety net programs to which they are entitled but excluded due to their employment status. This is often a core service provided by worker centers like the Garment Worker Center (GWC) and ROC (Narro 2005). Second, a worker center could help facilitate matching available labor with employment opportunities. In Los Angeles the worker centers Institute of Popular Education of Southern California (IDEPSCA) and Coalition for Humane Immigrant Rights Los Angeles (CHIRLA) have partnered with the City of Los Angeles to operate day labor centers for construction workers. Employers who hire through the center can be held to wage standards and could decrease the rate of misclassification and off the books employment. It also offers the opportunity for workers who are outside of elite social networks to access jobs as assistants. A worker center can also provide important educational materials and workshops to help workers gain knowledge of employment law and their rights, improve their skills, and networking opportunities with other artists. Through a worker center, artist assistants could organize issue advocacy campaigns or raise awareness of art and labor issues among the broader public.

One important feature of most worker centers is that they often serve populations facing multiple oppressions. Worker centers are often a resource not just for working

people, or as craftspeople plying a particular trade, but for immigrants or people of color who face discrimination and marginalization on numerous fronts. This further shared identity provides for greater cohesion, but also creates a broader coalition of potential members and ties the workers' plight to larger structural issues in powerful ways. Core group cohesion and broader coalition building has been a key component of worker center success. Artist assistants typically don't face issues of racial and documentation status discrimination or oppression, so may find it difficult to organize a worker center.

Perhaps the most applicable existing model of a membership based organization is Working Today and the Freelancer's Union in New York. Working Today provides resources to freelancers like help creating contracts and invoices as well as a feedback forum for rating clients. The organization also conducts research and coordinates advocacy campaigns to reform employment law. The main function of the organization, however, is providing members with health insurance through the Freelancer's Union. The Affordable Care Act requirement that insurance companies offer coverage to all individuals and the creation of state insurance exchanges may obviate the necessity of an organization primarily constructed to deliver healthcare coverage, but there may continue to be advantages to receiving coverage as a group. Regardless, the model has been successful in gaining members and bringing attention to issues freelancers face. The Freelancer's Union currently boasts over 200,000 members (Freelancers Union 2013).

Non-membership based AWO's can also provide services to workers as well as conduct research and advocacy campaigns. Working Artists for the Greater Economy (WAGE) is a new 501(c)3 charitable non-profit organization in New York conducting research and engaging in advocacy for working artists. Their focus is "on regulating the payment of artist fees by nonprofit art institutions, and establishing a sustainable model for best practices between cultural producers and the institutions that contract their labor" (Working Artists for a Greater Economy 2013).

WAGE conducted a survey last year that found that 58.4% of their survey's 731 respondents did not receive any compensation or reimbursement for participation in exhibitions at non-profit art institutions (WAGE 2013). WAGE has also created a certification program to recognize non-profit art institutions that follow the organization's 'best practices' model. Through their research and advocacy WAGE is attempting to build public pressure on non-profit art institutions to adopt policies ensuring artists are paid for their labor. Either working with WAGE or as a separate organization artist assistants and allies can build public pressure in a similar manner for galleries and museums to take a greater role in ensuring better conditions for artist assistants who help create the work they exhibit. Similarly, such an organization could put pressure on non-profits that issue grants to artists to incorporate labor standards and enforcement mechanisms into the grants process.

Today, WAGE has some presence in Los Angeles, but has focused its research and advocacy on New York City. The Arts & Labor working group, an offshoot of the Occupy Wall Street movement, is another New York based advocacy organization. Artists affiliated with Arts & Labor have organized art shows and events highlighting the issues of artist fee payments that WAGE is engaged with. They have also coordinated artist participation in a variety of protests and actions relating to issues of labor and social justice within and outside the arts community. In particular the Arts & Labor group has been involved with the struggles of art handlers in New York, first supporting and publicizing the union art handlers who were locked out of Sotheby's auction house for ten months in 2012 and more recently protesting Frieze Art Fair's use of non-union labor in May of 2013. Los Angeles' artist assistants interested in fighting for better pay, working conditions, and payment practices have natural allies in art handlers, with whom they often work installing shows at galleries and museums. There is definitely potential for building a broader coalition with art handlers and also for connecting to the wider labor movement through engaging the unions that represent art handlers at auction houses and museums in New York City.

ART WORLD DISCOURSE

The Arts & Labor working group is not a formal organization and therefore is perhaps better characterized with Hyde's AWO typology as a loosely organized or spontaneous protest group. Loosely organized and spontaneous protest groups have a long and rich history of affecting change within the art world. Art is fundamentally a practice concerned with communication, therefore artists are particularly well equipped to communicate problems such as those facing artist assistants. In the past half-century coalitions of artists, artist collectives, as well as individuals have used their platform as artists to fight for a variety of changes in art world practice. The Guerilla Girls, Asco, and the Black Emergency Cultural Coalition have been instrumental in drawing attention to the lack of female, Chicano, and African American representation in museums and the broader fine art world through protests and interventions both inside and outside art institutions. The Art Workers Coalition, which began in 1969 and dissolved just three years later, staged a number of interventions like the Art Workers Strike to protest the war, repression, racism, and sexism. Their members' rhetoric also served to reorient the discussion of art as a form of labor—an economic activity—rather than a separate and pure resistance to the modern industrial economy. The AWC began discussions within the art world that have led to changes in conventions and practices regarding artistic control of artwork display, even after sale of a work.

While short-lived, the AWC was an important part of a wider discourse known as “institutional critique” that artists continue to engage in and use to shape practices and conventions within the art world. For example, at the 2013 Frieze Art Fair artist Andrea Fraser hung a letter to “Art Fair Leadership, Gallerists, Artists, and Patrons” next to her artwork excoriating organizers for hiring non-union laborers to set up the fair and install artwork. Her action quickly brought attention to this issue within the art world through extensive media coverage by both progressive and establishment art news sources like Artinfo.com (Sutton 2013).

Another way in which artists themselves can work to improve working conditions for assistants is through challenging the myth of the lone genius. This can be achieved through expanding collaborative practices. Gregory Scholette (2011) catalogues numerous artist collectives that confront the notion of authorship and the commodification of art. Even less radical or directly confrontational collaborations can work to erode the trope that art is created by a lone artist in their private study.

In 2012 Andrea Fraser’s contribution to the Whitney Biennial was an essay, examining research showing a correlation between growth in income inequality and growth in the art market. Growing U.S. inequality, decades of neoliberal reforms and an increasingly globalized art market, indicate that art production in Los Angeles will continue to grow. It is important to search for solutions to systematic problems, but also to develop a better understanding of the challenges that artists and their assistants

face . This can enrich our models of the new working patterns, increasingly prevalent across industries, at the same time creating tools to improve working conditions for an essential labor force in the growing fine art industry.

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