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Citation of this paper:

Stahl, Matt, "Cultural Labor's "Democratic Deficits": Employment, Autonomy and Alienation in US Film Animation" (2010). *FIMS Publications*. 333.

<https://ir.lib.uwo.ca/fimspub/333>

Cultural Labor's "Democratic Deficits": Employment, Autonomy and Alienation in US Film Animation

Matt Stahl

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Cultural industries' reliance on streams of novel cultural material requires granting creative employees significant degrees of autonomy within firms. In Bill Ryan's formulation, "capitalists cannot manage artists like they can other categories of worker" (1992, p. 34). This article expands on these findings by focusing on key moments in the early history of cinematic animation and aspects of contemporary animation production. Drawing on political-theoretical analyses of employment to limn substantive limits to the autonomy of artists integrated into Hollywood production, it shows that the institution of employment enables cultural industry employers not only to dispossess artists of their creative work(s), but also, when they deem it expedient, to manage artists like other kinds of workers. It is a commonplace that control of intellectual property through copyright law is foundational to the cultural industries; this article argues that employment as a "mode of insertion of cultural labor into the general process of production" (Miège 1992, p. 25) is similarly foundational and worthy of explicit analysis. The problematization of employment illuminates lines of force in the cultural industry workplace and helps to specify the political dimensions of cultural work's characteristic autonomy. The article concludes by suggesting that what is conventionally read as an "art-commerce" contradiction in the relations of cultural production can and should also be understood to represent a deeply seated "democracy-employment" contradiction central to liberal society.

[T]ransfer of rights and control of labor become control of image property. (Gaines 1991, p. 145)

Introduction

Cultural industries' reliance on streams of novel cultural material requires granting creative employees significant degrees of autonomy within firms. In Bill Ryan's (1992, p. 34) formulation, "capitalists cannot manage artists like they can

other categories of worker". This article expands on these findings by focusing on key moments in the early history of animation and aspects of contemporary animation production. It draws on political-theoretical analyses of employment to illuminate substantive limits to the autonomy of artists integrated into Hollywood production. It shows that the institution of employment enables the alienation of creative workers along two crucial axes. Employment enables cultural industry employers not only to dispossess, but also, when they deem it expedient, to manage artists like other kinds of workers. This article suggests that consideration of employment's politics opens up new angles of inquiry for critical media scholarship.

While animation is distinct from other arenas of production (for example, live-action film, television, video games), it shares with many fields three institutional dependencies: on novelty and the zones of autonomy it requires; on the control of production through the power to hire, direct, and fire employees; and on the concentration of ownership of employee-created intellectual property enabled by copyright. Research in the "cultural industries" tradition has devoted much attention to the first of these dependencies, and to the de-alienating effects it has on creative work and workers; the latter two have received less attention. This article argues that cultural industry employers such as animation studios satisfy the latter two needs through the legal structures of employment and copyright law, but notes that, conversely, collective bargaining by unionized creative workers sets limits on employers' power to alienate along both axes.¹ Though they are distinct from other creative workers in many particulars, the status of animation workers as employee creators recommends them as exemplars of these institutional principles. Studios depend on their abilities to generate new material on a day-to-day basis; these workers must perform to the expectations of their supervisors or jeopardize their employment (within limits set by a union contract at signatory studios); and they have no authorial rights in the products to which they contribute. Exploration of the relations between animation studios and their employee creatives illustrates these principles in a major cultural industry.

This article understands employment as a "mode of insertion of cultural labor into the general process of production" (Miège 1989, p. 25). Other studies of cultural labor's insertion have different foci. For example, issues of subjectivity and flexibility, individualization and discrimination, precariousness and emotional labor feature in recent research from the United Kingdom (for example, Hesmondhalgh & Baker 2008; McRobbie 2002; Ursell 2000). Independent contracting or "freelance" work is an especially important mode of insertion in television production and is used extensively in the United Kingdom and Hollywood. Nevertheless, the engagement of creative workers as employees rather than independent contractors remains an important element in the organization of

1. 'Alienation' in the sense advocated by this article refers to the contractual alienability in liberal society of rights as bits of property, not the fragmentation of 'a transcendental subject whose autonomy resides only in that space not yet colonised by political economy' (Knights & Willmott, quoted in Ursell 2000, p. 809; see also Hesmondhalgh & Baker 2008, p. 116n7).

commercial cultural production in the USA. Research in the emerging "production studies" approach deals with workers as employees and independent contractors, and is exemplified by the book *Production Studies: Cultural Studies of Media Industries* (Mayer *et al.* 2009). Exemplary analyses focus on the gendered dimensions of media labor and the spuriousness of official distinctions between creative and technical labor (Banks 2009); the "management of alienation" by workers and firms co-constructing the "new realities" of television production (Mayer 2009, p. 22); and workers' and firms' critical and reflexive modes of meaning making about film and television "work worlds" (Caldwell 2009c). Putting to the side distinctions between "creative" and "non-creative" work, this article poses employment itself as a fulcrum of analysis. It proposes that critical media scholarship which aims to foreground cultural work qua work may broaden its democratic impetus by approaching employment explicitly, as a condition shared by employed artists as well as other categories of worker.

Employment and Creative Autonomy

Employment is a two-edged sword, and both edges are decisive for creative cultural workers. First, legal classification as employees under the Fair Labor Standards Act of 1938 gives US cultural workers access to statutory protections, on the basis of their presumed dependence on their employers, which are denied those who work as independent contractors. These include unemployment benefits, workers' compensation, collective bargaining rights, minimum wages and maximum hours, social security, pensions, occupational safety and health regulations, and anti-discrimination protection (Linder 1989, p. 5). Second, the obverse of protection/dependence is control/obedience. To be an employee is to accept a "diminution ... of autonomy and self-government" (Pateman 2002, p. 38) in a hierarchy where "one person", the employer, is "in a position to force another person to choose between labor and some more disagreeable alternative to the labor" (Steinfeld 2001, p. 19).² "Employers," writes Guy Davidov:

always retain a position of *power* over their employees; to one extent or another, they *control* them. The level of control varies from one employment relationship to another, from employees who do (almost) as they wish to those who are not very far from being slaves. But *some* control - an ability of capitalists and/or managers to obtain desired work behaviour from workers - is always present. (Davidov 2002, p. 381; original emphasis; citations omitted)

Nevertheless, despite its dominative politics, the employee rights and employer obligations attaching to employment make it a highly desirable legal status for those non-entrepreneurial individuals seeking security in work (Linder 1989).

2. This perspective on control and obedience makes a different cut at the employment relation from that of labor process theory (Ursell 2000). The perspective offered here derives from democratic theory; control and obedience here reflect the fact that, as James Brown (2008) puts it, 'if you don't work, you can't eat', and that if you do not do what you are told, you will not be employed for long.

5 Considered in this light, the autonomy of creative cultural employees perceived by researchers in the cultural industries tradition is exceptional. The reliance of cultural industries on streams of new material, writes Hesmondhalgh (2007, p. 6), requires that "[o]wners and executives make concessions to symbol creators by granting them far more *autonomy* (self-determination) than they would to workers of equivalent status in other industries and to most workers historically" (original emphasis). While this autonomy is limited, argues Hesmondhalgh (2007, p. 71), it "allows people who work creatively ... to argue for more time, space and resources than they might otherwise get from their commercial paymasters".

10 In addition to addressing the requirement of novelty, the institutionalization of autonomy also serves a disciplinary function, enticing workers to discount their work and arrange themselves more attractively to capital. Bernard Miège (1989, p. 29) critiques creative workers' autonomy as an invaluable smokescreen behind which artists may be underpaid (see also Hesmondhalgh 2007, p. 208). However, cultural industries researchers argue that the dark side of autonomy does not necessarily cancel out the emancipatory potentials of creative work. No matter what depredations and indignities creative workers suffer *en route* to the creative workplace, firms' dependence on their innovation protects them from degrees of control routine in other workplaces. Mark Banks (2007, p. 102) writes that "an overt emphasis on art has often provided workers with a sphere of relative autonomy where they could experiment and explore often counter-rational and radical creative impulses".

20 Notwithstanding creative workers' significant relative autonomy, corporate authorship³ depends on a principle of consensual, contractual, employment-based alienation. Under what Davidov (2002, p. 380) calls employment's "democratic deficits", individuals, as employees, transfer certain rights to self-determination to their employers; under copyright's "work-for-hire" doctrine, rights to intellectual property are likewise transferred. Principles of control and appropriation are central to the production of major-studio film animation in the USA, a case that foregrounds contrasts between different forms and experiences of alienation, as well as aspects of their development over time.⁴

35 Creative Work in Animation

40 Because of its intertwining of relations and representations of production, commercial cinematic animation is a rich area for cultural labor research. The changing norms of representation of animation labor around and within animated films between 1900 and 1930 limn the historical course of employment's role in

3. Corporate authorship is commonly identified with the ability of a firm to direct, and concentrate ownership of, collectively produced intellectual property.

4. These principles are ambivalent; in streamlining corporate authorship they also create positions for creative workers in firms. As Sito (2006, p. 12) writes: "[t]he assembly-line system relieves artists of the burden of mastering business affairs', enabling them to show up and draw for a living.



the construction of animation labor and artists as alienated. A focus on "story-board artists" brings into relief interactions of employment, autonomy, and alienation in contemporary production.

Enchantment, Mastery and Representation

Prominent among the earliest animators were turn-of-the-century stage performers known as "lightning sketchers". These artists illustrated their story-telling with drawings (on chalkboards or large sheets of paper) that would change dramatically with their strokes of the chalk or pen. In the first decade of the twentieth century, some of these artists began to employ the new technology of stop-motion cinematography to "enchant" their drawings (Crafton 1982, pp. 44-57). Two such performers, James Stuart Blackton and Winsor McCay, carried their stage acts into the new medium of film. Their early films represent a technologically enhanced lightning sketch act in which sketches change and move independently of the artist. The transcription and alteration of live artistic performance as an originating moment of animation reverberates significantly into the present. The relationship between animation artists, their characters and stories, and their artistic/authorial work remain central themes, both literally and figuratively, within and around the cartoons themselves (Crafton 2003).

Blackton and McCay enacted their imagination, artistic skills, identity as autonomous authors, and their mastery of mysterious new technologies before the camera, performing both authority over and playful relationships with their characters and stories. In his *Enchanted Drawing* (1900), as with others of his films, Blackton draws and interacts with the character and props. Stop-motion technology allows the character's expression to change in response to Blackton's filmed actions, hiding some of the work of the lightning sketcher and "enchanting" both the image and the artist (see Figure 1). McCay bookended several of his films with live-action sequences that highlight the ingenuity, planning, skill, and effort it took to produce them. In the live-action preludes to *Little Nemo* (1911), *Gertie the Dinosaur* (1914), and *The Sinking of the Lusitania* (1918), title cards announce the number of drawings that go into each film (4000, 10,000, and 25,000, respectively). Moreover, McCay shows himself engaged in the arduous work of production (see Figure 2). McCay's stage and film performances were immensely influential on successive ranks of animation artists and studio heads.

From Artisanship to Division of Labor

In the wake of the popularity of McCay's first films, animation was revolutionized along the lines of modern mass production and its technologies patented and monopolized by John Randolph Bray, the "Henry Ford of animation" (Crafton 1982, p. 137). On the basis of his first film, *The Artist's Dream* (1913), Bray signed a distribution deal with Pathé that required a significant increase in his output.

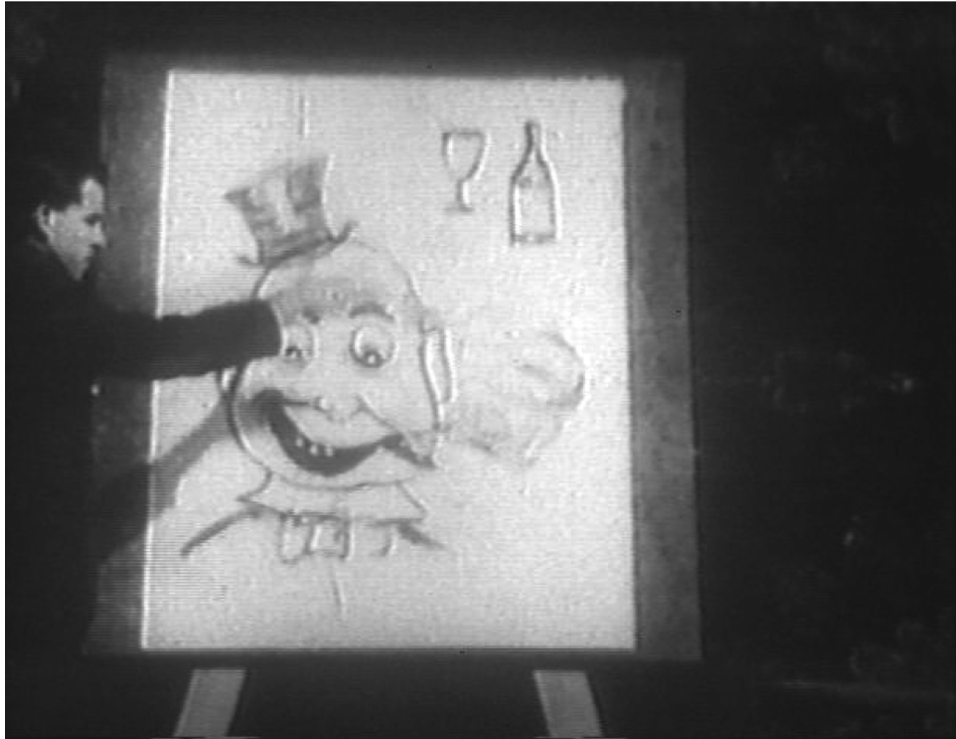


Figure 1 James Stuart Blackton, *Enchanted Drawing* (1900) (*Before Mickey: An Animated Anthology* 1988).

To fulfill the contract, Bray now had to “abandon individual control over production and mete out the work to assistants - in other words, establish division of labor”; he went so far as to move his studio to his upstate farm, boarding his artists there during the week to keep them from the distractions of the city (Crafton 1982, pp. 147-148). With this contract between Pathé and Bray, Crafton indicates, the transition from craft to industrial animation production was initiated. Bray moved from the position of artist/worker to that of owner/manager, confronting basic employer dilemmas: how to govern employees and labor processes so that outcomes could “be reckoned ... with precision and in advance” (Braverman 1998, p. 39); how to “obscure and secure surplus value”, such that production and accumulation could take place with a minimum of friction (Burawoy 1979, pp. 25-30).

AQ6

Authority and Ownership

As new relations between producers, distributors, theaters, and audiences shaped the growing film industry, two intertwined, emergent social institutions shaped production and property relations. The two institutions were F. W. Taylor’s principles of “scientific management” and copyright law’s new doctrine of “work for hire”.



Figure 2 Winsor McCay, live action prelude to *Little Nemo* (1911) (*Before Mickey: An Animated Anthology* 1988).

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Taylor's 1911 *Principles of Scientific Management* "epitomized the concept of assembly-line studio animation", providing a model for coordinating and controlling animation workers in commercial production (Crafton 1982, p. 163). Scientific management, or Taylorism, refers to the reconfiguring of work into separate phases of "conception" and "execution" through employers' gathering of knowledge about existing production processes and their application of that knowledge in breaking those processes down into simpler actions to be performed by less-skilled, cheaper, more replaceable employees.⁵ Two of the principle patents issued around this time — one of Bray's, the other of his competitor-cum-partner Earl Hurd — stress the efficiency gains associated with the Taylorist treatment of the animation labor process. These patents registered the capacity of new processes "to facilitate the rapid and inexpensive production of a large number of pictures of a series" and "to enable ... animated cartoons to be made with the minimum of effort and expense" (quoted in Crafton 1982, pp. 163-164). In 1920, an influential manual of commercial animation production pointed out that through this kind of division of labor, "the actual toil of repeating monotonous details falls upon the tracer. The animator does the first planning and that part of the subsequent work requiring artistic ability" (quoted in

5. In animation, the cheapest and most replaceable were often women and children.

Crafton 1982, p. 165). This hierarchical division of labor remains the guiding principle of animation production.

Second, the codification of work-for-hire doctrine in the 1909 US Copyright Act established the alienability of works of authorship from their employee creators. Prior to the last third of the nineteenth century, writes Catherine Fisk (2003a, p. 32), "no court recognized that an employer was entitled to copyright the works of its employees simply by virtue of the employment; indeed courts assumed just the opposite". Without a contract to the contrary, in other words, employee-authors enjoyed rights to works created in the workplace. However, over the course of the six decades preceding the 1909 Act, there took place a "massive transfer of autonomy from creative workers to their employers" (Fisk 2003b, p. 4), as courts oversaw in piecemeal fashion a 180-degree shift in the default rule of authorship. By 1910, in the USA, employers enjoyed initial copyright in employee works. This transformation of workplace property relations took place without the usual adversary process. Work-for-hire law remains foundational to cultural industry profitability through its facilitation and enforcement of employer appropriation of employees' and many independent contractors' creative work(s).⁶

These changes in labor and property relations shaped a distribution of creative labor among hierarchical strata of workers now alienated from the kinds of autonomy and ownership with which the performative authorship of their predecessors had correlated.⁷ Through the legal fiction at the heart of work for hire – that the employee is essentially a claim-free instrument of the employer (Ellerman 1992) – the studio owner became the author and owner of animated characters, settings, and stories. The case of animator Otto Messmer and Felix the Cat is paradigmatic: studio owner Pat Sullivan publicized himself as author of, and claimed all the income from, the popular 1920s film series. According to Al Eugster, a co-worker of Messmer's, however, Sullivan's involvement was minimal: "I don't think Pat was involved creatively, Otto would make up the ideas ... I wasn't ever conscious of a script lying around the studio, everything just sort of came out of Otto's head" (quoted in *Otto Messmer and Felix the Cat* 2001). But even where studio owners did play creative roles, artists were required to draw the things. No matter how precise or vague the instructions and models they were given, early twentieth-century animation artists' abilities to

6. Copyright rules governing authorship and ownership of works produced under employment or freelance contract differ around the world. The US, United Kingdom, Japanese, and Australian systems generally vest the rights to employee work in employers, and have numerous provisions for the similar treatment of works made under freelance contracts. Freedom of contract allows for a wide variety of arrangements, but the relative market power of contracting parties intervenes to support general patterns of rights distribution. France, Germany, and China tend toward vesting rights in employee and independent contracting creators, but have numerous loopholes and provisions for the securing of rights by employers and commissioning parties. Freedom of contract has a narrower scope in these systems (Goldstein 2001; Sutherland *et al.* 2004).

7. Mark Langer's work in animation production history is exemplary in teasing out the power relations characteristic of pre-World War II animation studios. See especially his 'Institutional Power and the Fleischer Studios: The *Standard Production Reference*' (Langer 1991).

conceive and draw new forms presupposed and produced a form of work that could not, in fact, be divided into "conception" and "execution". All work is, to some degree, conceptual; the limiting case of creative workers dramatizes the fact that, in employment, "autonomy is both presupposed and denied"; that "capacities or labour power cannot be used without the worker using his will, his understanding and experience, to put them into effect" (Pateman 1988, pp. 47, 150-151). The patently conceptual work of employee artists would simply be recategorized and treated as execution.

"Hand of the Artist" and "Magical Creator"

As were ownership and control, so also was self-figuration restricted to capital, despite the de facto dispersal of conceptual labor; creative workers became increasingly obscured as they were further integrated into growing divisions of animation labor. Where the visual space formerly occupied by artistic workers was not totally eclipsed by the animated image, it became the site of new representational practices that would cloak the new relation while leaving the familiar generic convention of self-figuration in place. The "hand of the artist" and the "magical creator" (Crafton 1982, p. 173) were new ways of associating animated films with personal human creators. The "hand of the artist" evokes Eugene V. Debs' famous argument that "the working hand is what is needed for the capitalist's tool, and so the human must be reduced to a hand" (quoted in Montgomery 1979, p. 69). An anonymous hand takes the place of a recognizable artist, signifying increased anonymity in a division of labor obscured by the image (see Figure 3). In the case of "magical creators" like Max Fleischer and Walt Disney, the identifiable, named artist posited as essential by Bill Ryan (1992, p. 42) is subsumed by a celebrity cultural capitalist functioning essentially as a brand, literally standing in for a division of labor. He magically brings the animated figure to life, sometimes through an act of drawing, but often through other means such as Max Fleischer's infusion of life into Koko the Clown by means of blowing breath into a blob of ink (see Figure 4).

Autonomy and Alienation in Contemporary Creative Animation Work

By the early twenty-first century, major changes had reshaped the animation industry, introducing new formats and new technologies, speeding up production, and radically internationalizing the division of labor. Many major US studios are still signatories to contracts negotiated by the Animation Guild (an affiliate of the enormous International Alliance of Theatrical and Stage Employees, or IATSE, whose other members include grips, electricians, wardrobe personnel, production designers, make-up artists, and set builders and painters). New digital media specializations have now replaced much pencil,

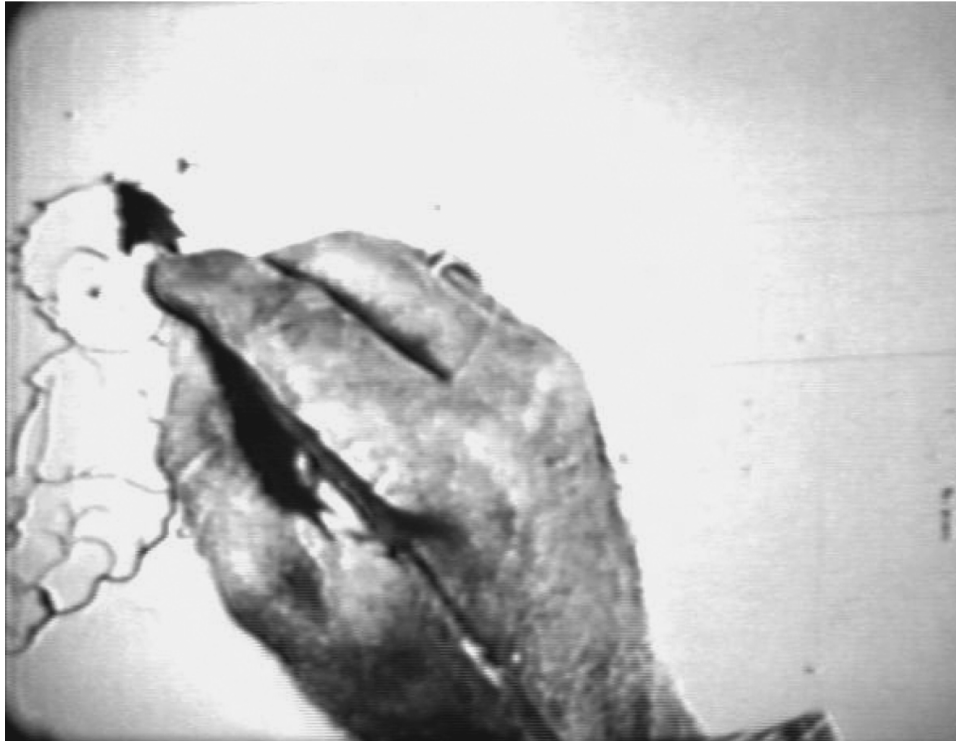


Figure 3 *Bobby Bumps Puts a Beanery on the Bum* (1918, Bray Studios, dir. Earl Hurd) (*Before Mickey: An Animated Anthology* 1988).

ink, and paintbrush work, but conceptual labor – in the form of what I have called “non-proprietary authorship” (Stahl 2005) – is still widely distributed. The field is still characterized by a hierarchical, even Taylorist structure in which, especially in production for television, management shifts as much work as possible onto lower-paid workers, many of whom work as independent contractors and/or are located in Asia, Eastern Europe, or other regions offering labor savings (Lent 2001; see also DeLisle 2005; Scott 1988, 2005). Moreover, alienation remains ironclad: employee artists, like other employees, trade rights to self-determination and rights in their creative work(s) for access to employment.⁸ In this section, a focus on storyboard artists highlights some of the interactions of employment, autonomy, and alienation in contemporary animation production.

Storyboard Artists

In the words of one veteran, animation artists are “hired for their ability to take something roughly defined and make it more specific” (quoted in Stahl

8. For further consideration of this idea, see Macpherson (1973, p. 9).



Figure 4 *Perpetual Motion* (1920, Bray Studios, dir. Max Fleischer) (*Before Mickey: An Animated Anthology* 1988).

2005, p. 96).⁹ This principle characterizes many stages of the process (for a detailed analysis, see Winder & Dowlatabadi 2001). A project team of producer(s), director(s), and writer(s) assigns a "sequence" to the storyboard artist. In assignment meetings, members of the project team explain what they want and usually provide a provisional script. The artist, typically over a week or so, develops the sequence into a series of drawn panels in which characters' dialogue, positions, and interactions with each other, as well as props and other visual features, are specified and blocked out. The artist pins these panels to corkboards, as if they were panels in a comic strip, to be reviewed by superiors.

After an initial meeting with a director and/or other members of the project team (known in one studio as a "drive-by"), the artist reworks the sequence as necessary and then hangs the corkboards on the wall of a conference room. Using a pointer to guide his/her audience's eyes, the artist then "pitches" his/her boards back to the project team and other "story people". In feature-film storyboarding, this process is much like the kinds of pitching that take place in other

9. The namelessness of the interview subjects is not meant to further reinforce their public anonymity (in contrast with directors and star voice actors as well as with their forebears). The interviews conducted for this research were undertaken anonymously in accordance with university 'human subjects' research protocols.

production contexts: a creator attempts to “sell” decision makers on his/her creation (Beiman 2007). The most successful storyboard pitching involves approximating sound effects, voices and perspectives of characters, and gesturing – acting out the sequence with body and voice as well as drawings (Beiman 2007, p. 236) (see Figure 5).

Following the pitch is a discussion between the members of the project team about what “works” and what does not in the sequence. If changes are called for, a new pitch may or may not be required. The sequence, once approved, becomes a story element now existing primarily in relation to other elements, rather than to the artist. Sometimes different artists are called in to rework the sequence or to alter it to fit later changes to the story. This can be distressing to some storyboard artists, while others do not experience this alienation negatively: “Your ideas are still there, they’re just redrawn for staging purposes. [T]hat’s what I love about it: coming up with the concept and then seeing what people do with it” (quoted in Neuwirth 2003, p. 106).

The work of storyboard artists figures prominently in the supplemental material packaged with animation DVDs. Often they are portrayed as creative, energetic, funny, and sensitive artists. But it would be a mistake to understand the reappearance of the animation worker in such “making of” documentary features as representing much in the way of organizational change, or perhaps anything other than a new dimension of marketing (Sullivan 2007). Should this kind of exposure accrue into individual star value for creative workers in animation, a former Animation Guild union officer told me, “the producers are going to have to abandon them and try and find somebody else who’s brand new” to do the job at the customary rate (quoted in Stahl 2005, p. 103).



Figure 5 *Shrek* (2001) DVD special features.

Autonomy and the Management of Alienation

Alienation, when not dismissed by cultural industries researchers altogether as a naive or misleading critical category (for example, Miège 1989, p. 70), is most often conceived in a social-psychological manner. In his 2007 book *The Politics of Cultural Work*, Mark Banks generally appears to decry the use of the concept of alienation through his critique of the critical theory approach to cultural labor. Banks (2007, p. 94) suggests that this analytical approach simplistically perceives cultural workers "to be deprived of autonomy and bereft of meaningful identity as a consequence of their increased alienation from the conditions of production". However, he finds that even the most strident of the critical theorists now back-pedal from their formerly more Manichean conceptions, conceding that creative work cannot be "wholly alienated" because of the "spiritual, emotional, or artistic" connections artists have with their work (p. 29). These connections are part of a broader pattern of embeddedness (of social relations of cultural work, for example [p. 26]) and subjectivity (p. 40) that obviates, or at least cuts powerfully against, previous scholars' macro-level, apparently theory-driven findings of alienation.

The assumptions about alienation at the root of its apparent supersession as a critical category in cultural industries research echo a definition articulated by sociologist Robert Blauner in his influential 1964 book *Alienation and Freedom*. Drawing on the earlier work of Melvin Seeman (1959; see also 1983) as well as Marx's *Economic and Philosophical Manuscripts*, Blauner (1964) wrote that while "the industrial system distributes [it] unevenly" (p. 5),

[a]lienation is a general syndrome made up of a number of different objective conditions and subjective feeling-states which emerge from certain relationships between workers and the sociotechnical settings of employment. Alienation exists when workers are unable to control their immediate work processes, to develop a sense of purpose and function which connects their jobs to the overall organization of production, to belong to integrated industrial communities, and when they fail to become involved in the activity of work as a mode of personal self-expression. (Blauner 1964, p. 15)

If this explicitly social-psychological definition of alienation "as a quality of personal experience" (Blauner 1964, p. 15) is implicitly accepted as the limit of alienation (as Banks, for example, appears to do), then the autonomous, expressive, meaningful, embedded situations of creative cultural workers — such as those of storyboard artists in major film animation studios — appear to obviate alienation as a useful critical category.

But this is not all there is to it. Alienation also has a *material-legal* meaning: it describes the transference of a thing from one person to another. In classical liberal thought, rights are reified, conceived as alienable bits of property. In liberalism's signal relationship, employment, "people alienate the right of self-determination over their worktime ... to the employer" (Ellerman 1992, p. 112). In employment, people also alienate their rights to the products of their labor;

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absent an agreement to the contrary, "normal day-to-day production is a site of appropriation" (Ellerman 1992, p. 20). Animation studios' insertion of creative workers into the process of production as employees instantiates and rests on this transfer of rights to governance and property: it codifies the burden of obedience and streamlines corporate concentration of ownership, simplifying production and marketing. As Jane Gaines (1991, p. 154) writes, the entertainment industry employment contract is "magical ... in its capacity to transform and transfer the labor, rights, and property that society holds to be inalienable".

However, the effects of studios' power to alienate along these lines may be mitigated in two primary ways, although each has its limits. On the one hand, as cultural industries researchers make clear, firms' requirements for new, marketable cultural material, as well as the cultural discourses of art and creativity that still attach to creative work and workers, combine to open spaces of social-psychological de-alienation that enable creative workers to enjoy the "internal rewards" of cultural work (Banks 2007, pp. 108-113). While these spaces serve to seduce creative workers into offering discounted creative work on unfavorable terms, Banks argues that they also hold out some progressive political promise (see, for example, Banks 2007, pp. 184-185, 198n9). On the other hand, the collective bargaining rights available to organized workers enable those workers to maintain significant degrees of control over their labor and its products, which are often strongly associated with improved social mobility and economic security for qualifying workers.

First, both studios and creative animation workers are dependent on creative work that both is and feels largely autonomous and conceptual – relatively unalienated in social-psychological terms. Meaningful degrees of creative autonomy both allow the creation of new intellectual property in excess of the imaginings (but not of the requirements) of supervisory production teams and give the storyboard artists the time and space to invest themselves in rewarding, expressive work. However, cracks appear when the creative work on which studios and artistic identities depend is routinely carried out by workers who are officially categorized as mere executants of the conceptual work of others.¹⁰

One storyboard artist at a major Hollywood studio, accustomed to performing satisfying but unrecognized (*de facto* but not *de jure*) authorship, phrased the problem precisely in terms of a mismatch between job description and job content:

We're doing more than storyboarding, we're sort of getting to know the characters and sometimes we'll add dialogue in, so then it starts getting into the gray area, like with [a blockbuster animated feature film] and a lot of the artists, the storyboard artists, came up with the gags that made people laugh, but at the same point then the writers are being paid a lot of money and it's their name, so

10. Production studies researchers draw attention to the unrecognized creativity of 'below-the-line' 'technical' labor (for example, Banks 2009, p. 91; Landman 2009, p. 146; see also Hesmondhalgh 2007, pp. 64-69).



CULTURAL LABOR'S "DEMOCRATIC DEFICITS" 285

people think that the writers wrote all these gags and funny stuff. (quoted in Stahl 2005, p. 100)

Storyboard artists like the one quoted above express themselves in the performance of their work; for them, drawing is

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very much a part of who you are and your identity and what you're good at and very intertwined with your whole emotional self ... [i]t's not just about, you know, a job; it's not just about doing a, b, c, you know, and it's done. (quoted in Stahl 2005, p. 102)

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The same emotional investments that make the work meaningful can contribute to stress and dissatisfaction when artists are reminded of their official status as technical workers and of the attending forms of control and ownership to which they are subject. When conception and execution are intermingled, the politics of production become more apparent and consent is at risk (Burawoy 1985, p. 49).¹¹ But as long as the unrecognized, uncompensated conceptual work rewards those emotional investments, this risk is minimized (Ursell 2000, p. 821). For the most part, the relative autonomy with which storyboard artists do their work (along with their embeddedness in occupational communities, sometimes very high pay, union benefits, and the professional prestige available to them) makes up for their routine alienation from the kinds of credit and compensation reserved for officially recognized conceptual workers (for example, writers under the jurisdiction of the Writers Guild of America).

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Because of this general buffering, employer command and appropriation can seem exceptionally harsh when it exceeds or obtrudes into the normal routine. In animation storyboarding, the linkage of employment and alienation becomes starker when supervisors close up the space of rewarding, relatively autonomous artistry and require artists to do what in other work worlds would have a very different meaning as "work to rule". In such a situation, storyboard artists can experience a degree of alienation that can approach the insupportable. One artist offers a provocative metaphor:

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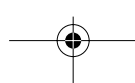
Sometimes you do feel like a wrist, you know, you really do feel like a wrist. It's like, my friends say, they're on a film and they're not happy and it's like [members of the project team] don't want to listen to anything you say. "They just shoot [down] whatever ideas we have; we're just wrists." Basically, you're just drawing pictures, you're not giving anything, they're not asking your opinion, just like "draw it, so we can get it up and see what it looks like". (quoted in Stahl 2005, p. 101; see also Sito 2006, p. 30)

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11. Dan Lund and Tony West's documentary film *Dream on Silly Dreamer* (2004) exemplifies Burawoy's proposition. The film presents the reflections of a number of Disney Studios' 'traditional' animation artists (pencil, not computer users) following their mass firing in 2002 as part of Disney's transition to computer animation production. The sophistication of their analyses of their positions with respect to surplus is striking.

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5 The imperative outlined here is to become a drawing instrument or jeopardize
 your employment. Carole Pateman (1988, p. 151) writes: "The employment
 contract, necessarily, gives the employer political right to compel the worker to
 use his capacities in a given manner, or the right to the worker's obedience." The
 10 alienation or transfer of rights by way of employment enables directors and
 producers to exercise the right to deprive the storyboard artists of their custom-
 ary freedom to work expressively, beyond the limits of their job description as
 mere transcribers. This political right might not seem to define the day-to-day
 subjective experience of the relatively autonomous creative employee, but it is
 15 never out of the picture (Davidov 2002, p. 381). In the major Hollywood anima-
 tion studios, the employers' exercise of political right along these lines disrupts
 what are otherwise self-actualizing, expressive work experiences, reducing
 creative workers to their baseline legal status as employees, "servants in the
 technical sense of the word" (Ellerman 1992, p. 103).

Collective Bargaining and Limits to Alienation

20 An artist's encounter with the employer's right to govern evinces both forms of
 alienation: a "personal experience" of powerlessness and the fact of having to
 choose in that instant between obedience/expropriation and jeopardizing the
 employment. However, the unionization of the US animation industry in the mid
 twentieth century secured significant rights and benefits for animation workers
 at signatory studios that set limits on their material-legal alienation.¹² Despite
 25 their vulnerability to genuinely distressing forms of alienation, those artists who
 are members of the Animation Guild, working at signatory studios, enjoy certain
 collectively bargained degrees of control over their labor and quasi-proprietary
 rights to industry profits.

30 The Animation Guild's Collective Bargaining Agreement (CBA; Animation Guild
 2009) limits the power of the signatory studio to dictate the terms of employ-
 ment to individuals. Signatory studios are restrained in their ability to absorb and
 expel workers; lay-offs, firings, and technological displacement are governed by
 passages in the contract that maintain forms of friction beneficial to employees,
 adding measures of stability to their otherwise less stable careers. The CBA sets
 35 out rates of severance pay for legitimate dismissals and governs overtime pay,
 setting a lower threshold than that provided by state law. The agreement also
 sets wage minimums, and decrees that employment by the day requires a daily
 minimum of four hours and is paid at around 118% of standard hourly wages, to
 account for holiday and vacation pay that would accrue under normal circum-
 40 stances. These rights protect member workers in signatory studios from forms of
 force, supporting their meaningful right to say no to certain arrangements with-
 out jeopardizing their employment.

45 12. For accounts of this series of complex and acrimonious struggles, see Deneroff (1987), Denning
 (1997, pp. 403-422), Sito (2006, chs 3-5), and Watts (1997, pp. 203-227).

Collective bargaining has also enabled cultural industry workers to make claims on industry profits in the form of what are known in the USA as "residuals" or "reuse payments". These were initially established on the basis that the reuse of existing work (a song or television program, or cartoon or advertisement, for example) reduced the overall demand for creative labor (Paul & Kleingartner 1994, 1996; Stahl 2009). Residuals function like a payment for a compulsory license: in most cases, the creative worker has no right or opportunity to refuse the reuse, but he/she must be paid if his/her recorded performance in a song, cartoon, advertisement, film, or television show is to be reused beyond its initial use or run. Residual income is collected and distributed by entertainment unions and guilds. Animation artists are entitled through their Basic Agreement to collective residuals (in contrast to the individual payments to which "above-the-line" or "creative" employee members of the Writers or Screen Actors Guilds are entitled, for example). These amounts are figured as a percentage of annual "supplemental markets" income (profits on DVD and videocassette sales), paid by producers into the IATSE "health and welfare" fund.¹³

The power of collective bargaining to limit the degrees of material-legal alienation of employees is significant not only because of its long-term impacts on workers' social security and mobility. It also proliferates into the social-psychological dimensions of work. As an artist working in a non-signatory major film animation studio told me:

The [studio] campus is kind of like, remember the old *Time Machine* with the Eloi and the Morlocks? It's like the Eloi are walking around on the surface and they're wearing togas and they're all blond and beautiful, eating fruit off the trees, and then one of the Eloi drowns, and they just watch him sort of drown, without helping him. And then you have the Morlocks, and the Morlocks are sort of a metaphor of that paranoia. Get all the free soda that you want, and you get stock and you get great benefits [while you're working there] and if you have a kid, you know there's daycare for your kid, but you've got to watch your ass, you really gotta watch your ass. (Author interview, North Hollywood, CA, 20 January 2004)

You "gotta watch your ass" because, under the "at-will" employment form that governs non-unionized employment, the studio can fire you with minimal friction. "At my studio," this artist continued, "you gotta drink the Kool-Aid. I'm serious man, you gotta make the producer happy and you gotta make your directors happy and you gotta make your art directors happy"; otherwise you may be fired *tout de suite*. The "paranoia" of creative workers in this industry is reduced where a CBA sets the terms on which individuals can be fired or laid off; where

13. While limiting their material-legal alienation from the products on which they work in a general way, and contributing significantly to their pension and health benefits, these collective residuals paradoxically reinforce animation workers' sense of alienation from the specific products to which they have made contributions. Because they do not receive the individual, 'pocket' residuals to which officially creative cultural workers are accustomed, many animation artists believe they get no residuals at all. 'It's not fair,' wrote an anonymous respondent to a union survey, 'that animation has some of longest lasting product in all of entertainment, yet its principal creators don't even get a token benefit of hundreds of repeats' ('Animation Writers' Survey' 1999).

5 residuals-supported, union-managed health and pension plans provide significant forms of social security; and where the forms of alienation codified in the liberal employment relation are restricted not only by cultural discourses of art and artistic creativity, but by legally binding arrangements that offset employer power (while they nevertheless ironically reinforce its legitimacy).

10 As long as such rights are not statutorily inalienable but achieved through bargaining, the power of workers collectively to demand them may be undermined by changing political-economic conditions. The Animation Guild's power (like that of most other US unions) has waned since the 1970s, as the offshoring of many aspects of animation production put many artists out of work and knocked the wage floor out from under many others (Sito 2006, pp. 251-284), and as other political-economic changes conspired to shift the balance of power between workers and studios. Few young animation artists will be able to look forward to the kinds of careers (and retirements) of those who established themselves in the 1990s and earlier.

"Force" and the "Forces of Art"

20 Jane Gaines (1991, p. 155) argues that "it is the transferability of rights that is the basis of the mass marketing of the human image and the human voice in the communications industries". In cultural industries large and small, this transferability – this *alienability* – is often achieved through employment. Engaging the critical categories of employment and alienation brings new angles of inquiry to cultural industries research. For example, David Hesmondhalgh writes:

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30 However rewarding they find their work, nearly all symbol creators seem at some point to experience the constraints imposed on them in the name of profit accumulation as stressful and/or oppressive and/or disrespectful. Many are forced to do "creative" work that they hardly experience as creative at all. (Hesmondhalgh 2007, p. 70)

35 Hesmondhalgh's evocation of coercive pressure is consistent with a concern for the often perilous conditions of creative workers. However, the specificities of "force" pass largely without elaboration in a work aimed at least in part to "assess the degree to which cultural production is organized in a socially just manner" (Hesmondhalgh 2007, p. 37). An understanding of social power as coercion, writes Hesmondhalgh (2007, p. 207), might not appear equal to the task of explaining why creative workers are willing to give up "financial reward and security for creative autonomy", but that should not mean that we reject such a model outright. Without a critique of employment as an alienating mode of insertion of creative workers, as well as other kinds of workers, into the process of production, we are inhibited from asking on what basis, why, or by whom "symbol creators" may be "forced" to do anything whatsoever.

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45 Probing this issue of force necessitates throwing common-sense conceptions of voluntarism, autonomy, and coercion into question. Indeed, to the degree that

"democracy" is understood to depend on adult members' inalienable rights to participate in governing and inalienable responsibilities for their own conscious actions, probing the issue of force requires that we treat the relationship of liberalism and democracy as antagonistic. Numerous scholars have argued that employer governance and appropriation are neither socially just nor consistent with democratic principles (for example, Davidov 2002; Linder 1989; Macpherson 1977; Pateman 2002; Steinfeld 2001). Many deploy their critiques as part of social-democratic political projects, including, for example Pateman's involvement with the burgeoning "basic income" movement.

The potential dissolution of some of the analytical boundaries between cultural and other forms of work may appear to lead down an analytical rabbit hole. What is distinctive about cultural industry labor if, as I argue, it can or should be considered in the context of structures and institutions that condition all employment? Of what use is such an analysis without clear boundaries? I pose an answer to these questions in the form of another question. Mark Banks (2007, p. 8) writes that "[t]he creative cultural worker exists at the very axis point of political struggle between the forces of art and commerce". My question is this: Are "the forces of art and commerce" really commensurable? Commerce has had forces in the fields for centuries. Buoyed by aggressive intellectual movements like classical political economy, contractarianism, and neo-liberal philosophy, capitalists certainly compete, but they also combine to precipitate social, political, cultural, and legal conditions favorable to their shared goals of growth and profit. It is a contradiction of questionable validity, but not because art is autonomous from commerce. Could the notion of "forces of art" perhaps suggest something other than an artistic "equivalent" of the forces of commerce? Could "forces of art" be a stand-in for a democratizing impulse that dare not speak its name?

Questions of self-government – framed in terms of autonomy and self-determination – are at the center of the cultural industries perspective's labor research agenda. I am suggesting, in other words, that cultural industries researchers' explicit linkage of the "art" aspect of the binary to "autonomy" correlates to an implicit linkage of "commerce" to *domination*. Further, I am suggesting that this dual articulation can and should lead us to understand the art-capital contradiction in an additional way, as a metonymic emanation in liberal-market society of a deeply seated *democracy-employment* contradiction.

Cultural industries researchers are compelled by artistic autonomy, I hypothesize, at least in part because it tantalizes us politically. Banks (2007, pp. 184-185) argues that "creative cultural production remains imbued with utopian promise", and that it is in creative workers' "institutionalized permission to rebel that we can identify the key radical potential of cultural work". Specifying as many of the determinants, lineaments, and limits of this utopian promise and radical potential as possible will not only help us understand the politics of creative cultural work more fully. Such an inquiry, I believe, will also help us to see the possibilities for the fuller realization of creative cultural workers' extraordinary and durable privileges, and the proliferation of those privileges into other worlds of work.

Conclusion

5 Cultural industries' dependence on novelty requires granting creative workers (varying and limited but) significant degrees of autonomy. Such workers derive substantial social-psychological benefits from this arrangement and thus seem less or unalienated in comparison to those in other sectors, even where their working lives might be more unpredictable. When workers are integrated into enterprises by way of employment (as opposed to independent contracting), the principle of institutionalized autonomy operates in conjunction with two other principles less studied by cultural industries researchers: the employment relation and employer appropriation of intellectual property. This article has borrowed analytical tools from political theory to distinguish employment as a "mode of insertion of cultural labor into the general process of production" (Miège 1992, p. 25) . In this perspective, the employment relation constitutes a political framework around employers and employees in which the latter transfer rights to self-governance and property to the former in exchange for access to the means of making a living. However autonomous the routine of a given creative workplace, employers or their agents retain the right to the employee's obedience and property in his/her creative work(s). Approaching employment in this way enables the reconception of the "art-commerce contradiction" as an emanation in market society of a "democracy-employment contradiction", linking the particular lots of creative cultural workers to a broader set of problems confronted by working people (and democratic theorists) on a regular basis.

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Acknowledgements

I would like to thank the editors of this special issue for inviting my contribution; David Hesmondhalgh for relentlessly provocative conversation; an anonymous reviewer for extraordinarily helpful critiques; and Labor: Studies in Working-Class History of the Americas for permission to republish portions of a prior work here.

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CULTURAL LABOR'S "DEMOCRATIC DEFICITS" 291

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