

“Cultural Labour in a Small City: Motivations, Rewards, and Social Dynamics”

**Draft Paper Very-Much-in-Progress
for Convening Cultural Commons, NYU
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13 September 2011**

I: Research Context

In 2007, with the collaboration of Kirsty Robertson and Sergio Sismondo, I convened a workshop titled “Copyright’s Counterparts: Alternative Economies of Creativity in Theory and Practice.”¹ The event was motivated by a desire to compare the three such counterparts of which I was most aware — academic research and its citation economy, Indigenous cultural property systems, and Open Source/copyleft — each of which seemed often to be considered *sui generis* and indeed whose values were/are often thought to be at odds. In particular we wanted to bring together scholars of Indigenous cultural property (Jane Anderson, Greg Young-Ing) with copyleft scholars (Biella Coleman). We also included scholars working on early US publishing (Meredith McGill), user communities for psychotropic drugs (Nicolas Langlitz), French magic (Graham Jones), the arts (Ashok Mathur, Kirsten Forkert), and even a couple of IP law scholars for good measure (Tina Piper, Sam Trosow).

A number of themes emerged from that very lively three days, one of which was the relation between norms or practices, IP, and community boundaries; another was the question of what made some norms more formal or explicit than others and what the advantages or disadvantages of that were for the respective communities. We were also interested in the varied ideas of value or goals of the various communities: what did they consider their ‘product’? was it about ‘product’ at all? And we wished to consider some ideological and cultural limitations of the free culture/copyleft movement in the light of the multiplicity of ways of ordering cultural

sharing. These are still questions I'm working on in a book project with Tina Piper (McGill, Law) and Kirsty Robertson (University of Western Ontario, Visual Art), titled (so far) *Putting Intellectual Property in its Place: Rights Discourses, Creative Labour, and the Everyday*. What is interesting to us is that while IP laws and cases are readily and freely available as primary sources of 'the law,' people actually *choose* to understand the law through information and opinion gathered from friends, strangers, coworkers, and the media. They choose to share, create, negotiate and dispute based on what seems fair, just, or necessary, in the context of how their group functions in that moment. And they often ignore legal mechanisms that might support or protect their practices such as exceptions within the law (fair use/dealing, ideas noncopyrightable, etc.) and workarounds like Creative Commons. The law is simply not primary. In claiming that IP is only ever experienced in a refracted way, we share with critical legal pluralism the view of the "nonexclusive, nonsystematic, nonunified and nonhierarchical ordering of normativity" (Kleinhans and MacDonald, 34). Thus rather than focussing on legal reform or access to the law, or pursuing traditional normative legal scholarship (as we and many of our colleagues do elsewhere), we define our object in this book as the everyday life of IP law — or in some cases its complete absence from everyday life.

The desire to study law as it is (or is not) in the world every day causes us to ground the project in qualitative analysis of social and experiential processes rather than in the law itself. My own case studies within the book include an investigation of exchange practices in antebellum US newspapers, and a study of citation and quotation practice in ordinary conversation. The present case study, of the ways artists in the town in which I live think about community and career, may be the farthest in findings and even in approach from the kind of commons research Madison, Frischmann, and Strandburg envision. For example, I'm not at all

convinced it demonstrates the existence of a commons, and it certainly doesn't show anything like rules. I am engaged with debates around "creative labour" that may seem quite distant from the central questions of this conference. I have not yet finished the interviewing and what you see here is not tailored to testing an Ostrom-derived model; I've had time for only a few remarks about that at the end. But Kathy wanted to hear about it, and I welcome the opportunity to present it here, in the hopes that even if it is an awkward fit, it it may make for some interesting comparisons.

A central hypothesis behind this interview-based study was that the main incentives and financial rewards for artistic activity in this small city did not derive from copyright law. I wanted to confirm this, and then find out where they did come from. If art often both begins and ends beyond "the art market" in "global cities," what is making it happen? I also sought to investigate collective, collaborative, community, or commons activity or thinking. While I did not think it likely that any formal "constructed cultural commons" was operating in this environment in the sense of "sharing and resource pooling arrangements for information and knowledge-based works" (M, F, & S abstract), I had observed many collective efforts, and was curious to hear how people thought about these: were they volunteer activities, or were they central to individual careers? What kind of artistic activities and products did people seem to find valuable; what behaviours did they consider ethical? How were boundaries drawn between amateur and professional, "in" and "out" of the "Kingston arts community"? It is in a broad sense of "cultural commons" that this project may speak to some of the goals M, F & S articulate: it does, after all, reveal some "other legal and social mechanisms for governing creativity and innovation in particular and information and knowledge production, conservation, and consumption generally." I did ask about encounters with copyright at the end of each

interview; the question was mostly answered in the negative but did garner a few stories, few of which were (as is typical in my past experience of interviews of this type) actually about copyright, but instead about ethical and professional practice; I will describe them briefly at the end of this paper and comment on norms or values they may manifest.

There are multiple scholarly contexts for the study. One is my own previous research on arts communities' norms about appropriation and circulation of ideas and expressions, and their ideas of value and belonging (Murray 2010). Also I'm in conversation with the work on "IP's negative domains" by scholars such as Raustiala & Sprigman, Schultz, Fauchart & von Hippel, and Loshin, which I won't go into here as participants in this conference will be familiar with it, except to say that I went into this knowing I would be unlikely to find anything as clear and discreet as many of those studies, but that I wanted to do it anyway, to explore in a sense the typical as opposed to the exceptional, to pursue my hunch that many domains operate without IP but also without a function-for-function equivalent. I might note that in my experience many "high-IP" industries such as music and literature do not, on the ground, show much engagement with IP: one does not need to look to outliers like fashion to find alternative practices. Another context is "creative economies" literature. In business and economic development circles of the postindustrial North, creativity and community have been 'discovered' as renewable resources to bolster the survival of capitalism. The term 'creative industries' first gained popularity in 1998, when the British Labour government's mapping paper called for the contraction of traditional manufacturing to be met through the expansion of sectors ranging from finance and advertising to the art and antiques market, and from the performing arts to computer services. The report projected that profits would be made through the exploitation of IP, and the arts were positioned front and center as important models for the development of a more flexible economy. Richard

Florida has since developed a North American version of these ideas in his work on the “creative class” and “creative economies,” positing creativity broadly defined as both a lure and a product of certain forms of urban redevelopment. Florida famously includes accountants and lawyers in his definition of the “creative class”; I wanted to focus on self-declared artists. While it is quite clear that art and community are a part of economic development, and can be effectively commodified or coopted to some extent, I wanted to see what things actually looked like to members of this community. Finally, I am working on this project very much in dialogue with Tina Piper’s work on independent music labels in Montreal (see Piper 2010), in which she has been finding ways to write about, in a sense, ‘negative results’: her interviewees, like mine, were just not very interested in either mobilizing *or* resisting copyright, and we are both seeking to make sense of this.

II: The Nature of the Project

With a population of 150,000, Kingston, Ontario, is not a ‘world-class city.’ It has no tall towers, big banks, opera houses, or designer boutiques; its downtown is basically one street; its UNESCO World Heritage site is a minor nineteenth-century canal and a fort that never saw action; its population is markedly noncosmopolitan.² It is known for its public sector institutions — several prisons,³ two hospitals, two universities, a college, and a military base — for its quaint 1830s limestone buildings, and for its location at the eastern end of Lake Ontario, pleasant for summer sailing and equidistant to Montreal and Toronto.

This locale in other words might be seen to be somewhat removed or buffered from the forces of globalisation, major capital, and creative ferment. The bulk of the research on culture and creative labour in recent years has focused on so-called world or global cities,⁴ those that

serve as nodes of capital and communications, and on accelerating capital, material, and human flow, migration, and diaspora. The midsize city with low immigration and no money markets may seem “left behind” the twenty-first century and thus less significant as an object of study. Today’s predominant discourses of economic development might say such a city has grim prospects for growth. Certainly when it comes to the arts, the presumption on the part of artists and scholars alike is that the action happens in the big places. As one Kingston artist put it, “There’s no gallery here. There’s a lot of places where you can buy work to put on your walls. But there’s no galleries.”⁵ While the “scene” is lively in the sense that there are many events in many genres happening every week, not a great deal of money changes hands. An established artist and a potter characterized the visual art market in Kingston in strikingly similar ways: one described professionals with “no kids, fuckloads of money... you know you go their home and maybe they collect antiques but they’ve got posters on the wall,” and the other said, “the hard truth is, Kingston’s full of white collar workers who used to be grad students and still live like they’re grad students.”⁶ Beyond that bubble, Kingston also has a high proportion of poor people, but not the kind that tourists or home buyers usually consider picturesque or attractively edgy. In terms of physical infrastructure, all the old warehouses were replaced with parks or ugly hotels back in the 70s and 80s so the investment opportunities for developers of art/work condos are not immediately apparent.

Nonetheless, or therefore, if one wishes to understand creative process in general, it’s possible that “star” cities are the exception rather than the rule. The hipster urban global lifestyle of the “creative class,” however well represented in media, movies, and scholarship, is simply not the lifestyle of the majority of Canadians, even those who live in the large urban centres (the 2010 election of Rob Ford, openly hostile to arts & social justice perspectives, as Mayor of

Toronto, and of the Conservative Party with a majority at the federal level in spring of the same year, should demonstrate this quite bluntly). And it's certainly not the lifestyle of the majority of Canada's artists, again, even those who live in the large urban centres: they can't afford it. In terms of understanding what may be emerging as a kind of "culture wars" in Canada (as Conservative governments at various levels reduce cultural funding, change the funding they do maintain to a contract-for-deliverables model, and move IP to the centre of arts policy), and understanding what the life of culture looks like in general terms, it may be important to understand the unfashionable. Instead of art market, think studio tour. After all, the term "the art market" is strangely smug, claiming universality when the vast majority of artists do sell work in some market or other, even if, as one of our interview subjects put it, they "are not going to be the next Damien Hirst."⁷ Furthermore, the art market as a standard casually grants that market supremacy in determining value even though the cultural and economic value of art are widely known to be constructed by power and whim rather than intellect and aesthetic judgment.⁸ Surely it is not reasonable to presume that art cannot happen in places other than former industrial spaces in huge cities. With big city real estate prices becoming ever more rarefied (in some neighbourhoods riding on a wave of artist pregentrification), one wonders if the arts are at least as likely to inhabit smaller cities. Smaller cities may be able to support more varied ideas of value in artistic production. Since in Canada, 24% of those who live in cities live in medium-sized urban areas between 100,000 and 500,000 people, it seems important to understand the dynamics of the arts in what one of our interviewees called "smaller scenes."⁹ Finally, I knew on starting the project that some artists successful in "the art market" (not to mention "the music industry" and "the publishing industry") do live and work in Kingston. So I wanted to look into the cultural ecology of this place, connected and disconnected as it may be from the big leagues.

With this in mind, I set out to interview a range of artists and arts community leaders.¹⁰

So far, my research assistant and I have interviewed 18 people. Our initial approach has been to seek out people of a range of ages and career stages focussing on the visual arts and crafts. (Kingston is actually very well known for literature and music, the arts areas I also know best, so this was a bit perverse, but I started with visual arts out of curiosity, and because I felt that since I know fewer visual artists than writers and musicians I may have fewer presuppositions about this medium.) We also interviewed three people who having been important in the arts scene in Kingston, left for a larger city (Toronto is the big draw), and included in our pool was one city employee, two Arts Council employees, and one former curator, none of whom were artists. We can see already that Kingston's art scene is not importantly subdivided by medium or genre, but more by gathering place, demographic, political inclination, or aesthetic. But constraining our task by medium, at least to start, has actually allowed us a certain breadth that cuts across these categories. Each interview begins with questions about how the interviewee came to Kingston (most came as adults), and proceeds to questions about their artistic practice, their ideas about success, their ideas about community and sense of Kingston as a place for making art, and lastly to any experiences or thoughts they may have had about copyright or fair practice in appropriation. The interviews are not programmatic, and we allow the conversation to take different turns depending on the interests of the interviewee; interviews with curators and administrators feature variations on the general template.

One more point about methodology: after agonizing a little over whether I would interview amateurs as well as professionals, I decided to focus on professionals. Then I agonized a lot over how to define professional. Finally, I decided to interview those who *I thought of* as professionals: that is, roughly, people with a public profile, an ongoing commitment to develop

their work in new directions, and a plausible possibility of supporting themselves through their artistic practice. But I also made the question of terminology central to the interviews. When I asked whether interviewees considered themselves to be professional, almost all did, though they recognized it as a problematic term. A potter said that professionalism would be marked by a “duty of care,” referencing doctors and engineers who actually enforce norms in their community, and finding such professionalism absent among her colleagues. More than one person put the distinction between professional and amateur as a matter of risk or critical edge.¹¹ Most associated professionalism with being paid for one’s work, although they stopped short (usually laughing ruefully) of taking a living wage as a criterion. But money flowing out was also a sign of professionalism for one person who suggested that being willing to “invest in their practice” was a characteristic of professionals: “If somebody’s always thinking how can I make work without having to pay, you know, ... I don’t want to frame it or I don’t want to send an application to Vancouver because I don’t want to pay postage,” they would fall outside the category of professional.¹² Public recognition was also key, as one interviewee amusingly recalled:

I remember I was [staying with my father in Toronto] for an exhibition and he opened up his *Globe and Mail* on Saturday morning and there was an advert for my show... And suddenly the penny drops for him, like my son is not just some wanker after dropping out of grad school and staying at home with [his] kid.¹³

In our conversations about their careers, interviewees were very fluent in categorizing themselves and others with terms used in precise ways by funding bodies — such as “emerging artist” and “established artist.” And ultimately, the most commonly invoked definition came from the Canada Council for the Arts: to apply for a grant from that agency, one must

demonstrate formal training, recognition by peers, and a desire to pursue artistic practice full time. Presumably this definition arose from discussions with artists, but it in turn appears to have become hegemonic.¹⁴

III: Labour and Economics

So who pays artists in Kingston, Ontario, and by what mechanism? Most of our artist interviewees, in addition to their primary creative practice — say pottery, letterpress printing, sculpture, painting — were also engaged in other part-time paid work related to the arts — as gallery preparators or curators, teachers, employees of the city Arts Council, or commercial artists. Many had gotten or were applying for grants from federal, provincial or municipal governments. A few were art graduate students, including some mid-career artists who had gone back to school on the side; almost all had a postsecondary education. We were surprised to find that only one of our subjects currently has income from non-arts-related work (incidentally it was not a service job but rather high pay high prestige work drawing on her training as an engineer), though quite a few had partners contributing substantial amounts to the household income through non-arts, often professional work. We were less surprised to find that art sales alone supported only one of our interviewees, although even he had done some commercial projects and been a grant recipient.

In some ways, the fact that the vast majority of our artist interviewees did not make a living by their art production might be an instance of the phenomenon of ‘precarity’ described viscerally by Angela McRobbie, Ned Rossiter, and others. Artists often have to work insecure and low-paid jobs to get the freedom to prioritize their art practice.¹⁵ Even the arts-related jobs and grants are insecure and low-paid, by and large. And yet not only are the grants quite

substantial and influential as a body, but our interview subjects had very nice things to say about their jobs.

A feature of the environment that surprised us in its ubiquity (and will no doubt surprise US readers) was government grants — whether from a prestigious national body, a competitive provincial body, or a small new pool of funds for local artists, some more “emerging” or experimental. Even though at the federal and provincial level granting programs have been reduced in size since their heyday, many artists described developing projects in order to meet grant deadlines or opportunities. One artist, also the director of a small gallery, had recently gotten a grant to establish mentorship relationships, and although we didn’t plan it that way it turned out that several of our other interview subjects had been paid to participate in that project. Another, who started to be asked in the 80s to sit on juries for the Canada Council because as she put it, she was female, “regional,” and of colour and so fit three underrepresented groups, said she benefitted hugely compared to other Kingston artists from seeing the trends of work across the country. One artist had just won a substantial grant that would allow him to work in a whole new way:

although I might have frequently thought [about] larger work... I was never really able to pursue these ideas because ... I haven’t got the money to do those and I’m not going to mortgage my house to do it... a grant is different because ... suddenly it’s there precisely and I’m obliged to spend it for that, too, you know: I’m going to get audited so really it changes the way you think because now you can think differently... I’m conceiving of work now made of solid milled steel, it’s not cheap... and it could be 40 feet long.

The audit attached to the funding requires that this money go into new work, and is thus a productive constraint.

In a different and rather reverse psychology way, constraints of government funding provoked one of the major innovations in the Kingston arts scene over the past few years as well:

because of the funding model we [the Modern Fuel Gallery] had to project our programming years in advance [and] often you needed that time to plan anyway.

[But...] it was always happening on a weekly basis, young artists from the community or campus would come in and they would come into the office all excited about a project idea. Sometimes they had a proposal sometimes it was just something they wanted to talk about ... [and] they kind of – “what I gotta wait two years? I’m not even gonna be here in 2 years! Where’s the infrastructure?”

In a serendipitous coincidence, a local real estate developer’s son happened to come to a Modern Fuel Gallery event in an unused warehouse space owned by his father, and having “just come back from a trip to SoHo” he approached the gallery and proposed a live/work space deal in one of his father’s buildings. Thus emerged the “Artel,” a residence for artists which hosts concerts, art exhibits, book launches, and the like. While it doesn’t pay artists, it does provide affordable housing along with other infrastructure and community-building space. In the story of the Artel, we can see multiple incentives or enabling factors at play: existing institutions able to ground new projects, “push” from young artists, presence and constraints of government support, support from the business community, and, now that Artel is old news, desire to do something new and better. The market seems is present as a motivator (the real estate owner wanted property values to rise), but only in a fairly attenuated way. IP is really absent in any way I can

see. I think it's an interesting example with which to critique the presumed centrality of IP in fostering creativity.

The other finding that challenges a strong emphasis on precarity is that when asked if they would pursue their primary art practice full time if they could afford it, most interview subjects followed their "yes" closely with a "but": it was as if they knew they were "supposed" to say yes (according to the Canada Council definition of professional, if not more widely shared expectations of peers and mentors), they clearly saw the different kinds of work supporting each other. An artist who is also a gallery director spoke of how that work enabled her to stay current about artistic trends. A mid-career artist who works part-time as a preparator at the university art gallery said he did it for the money, but also reflected that

I know a lot of guys who work full time on their own stuff and their work looks tired so I think they spent too much time with it, they start copying themselves you know what I mean? They start repeating a formula because they know that it works, so I think it's good to step away from your work sometimes.¹⁶

A painter lamented the 'commercial art' she was obliged to produce as opposed to work with what she called 'critical content.' But another interviewee had actually moved from fine art to commercial art because of the greater satisfaction it gave him. He put it this way:

I had been working or practicing as an artist previously and I felt dissatisfied with that because even though my stuff was sort of community-based I thought that [it] was really a small circle of people who cared who were invested or who I could sort of point to as collaborators. Whereas in design there's at least one – there's at least one person who's completely invested. Who's absolutely in collaboration with me: and that's the client.¹⁷

A potter explicitly said she didn't teach for the money but because she enjoyed it and it allowed her to improve her own pottery:

So at one point I was teaching a lot more and I do enjoy that — it always gives me freedom because I have more kilns happening ... to fire the students' stuff, so it gives me a chance to explore other things a bit more so I can test them.¹⁸

One woman recalled how much she learned about both art and business from working at a high-level florist in Kingston in the 80s. Later she managed a craft cooperative, and through that became known to a man who hired her to start a commercial gallery. She now owns that gallery herself, having moved it to Toronto, and so it is that one of Toronto's top drawer fine arts galleries can be traced to a florist shop in Kingston. A mid-career artist, now also Toronto-based, said that before she went to art school and developed her own artistic practice she got early art training by going on buying trips with her boss, the owner of a Kingston craft shop.

The sense of continuity between the day-job and arts practice even went beyond directly arts-related work. Several of our interviewees who had been practicing art in Kingston in the 70s and early 80s declared that working at a certain restaurant in that period had been a formative artistic experience for them. Owned by a former rock musician, the restaurant employed a number of aspiring artists, and had a regular clientele who bought their work. At present, a cooperatively-owned coffee shop serves as both employer and home for artists in the city: a musician we interviewed early on before our focus turned to visual arts said he became a musician because of people he met while working there. Now he is a major impresario and figure in the arts scene of the town. A letterpress printer described making connections through that shop that got him studio space and jobs. So in this way small businesses in the town support the arts by supporting artists both financially and in terms of social networks. And vice versa, of

course: the artists are (and here I agree with Richard Florida) signifiers of quality of life that draw bigger spenders to those businesses.

On the one hand, this finding breaks down the division between “gift” and “commodity,” “gift exchange” and “market exchange” hailed in some work about commons. On the other hand, it might be seen as a broader idea of commons, in which both market and gift relationships are possible or necessary. Many non-IP spaces exist, but surely few of them are “commons” in the sense of completely equal sharing of an entirely common resource. As the recent studies of standup comedy, magic, cuisine and so on have shown, they have their own logics of belonging, practice, and propriety. Not everything is freely shared. Indigenous instances as well may include exchange of money for stories or masks. Artists in this community sometimes pay for each other’s work, and sometimes get gifts from business owners. Discounts seem to be a common mode with all friendly parties, artists or not. To imagine a bifurcation between commons and market seems problematic, and makes me wonder if in fact the term “commons” is appropriate for discussing such spaces. For me, the phenomenon of shared public space and the intersection of small business and artistic practice is consonant with Will Straw’s definition of a “scene,” developed through his work on urban popular music circles that include clubs, restaurants, media outlets, fans, musicians, and even streets. Straw writes of

the term's efficiency as a default label for cultural unities whose precise boundaries are invisible and elastic. 'Scene' is usefully flexible and anti-essentializing, requiring of those who use it no more than that they observe a hazy coherence between sets of practices or affinities. For those who study popular music, 'scene' has the capacity to disengage phenomena from the more fixed and theoretically troubled unities of class or sub-culture (even when it holds out the

promise of their eventual rearticulation). At the same time, 'scene' seems able to evoke both the cozy intimacy of community and the fluid cosmopolitanism of urban life. To the former, it adds a sense of dynamism; to the latter, a recognition of the inner circles and weighty histories which give each seemingly fluid surface a secret order. 'Scene' is, arguably, the most flexible term in a social morphology that includes such categories as art world, simplex or subculture.¹⁹

A downside of the term “scene” is that it does not foreground the alternative economics that may be operational in these environments. It is also possibly too apolitical, with its emphasis on affinity. I look forward to further discussion of these terminological issues!

One further dimension of artistic labour not yet mentioned is work in volunteer community arts activities. Almost all our interview subjects participated quite extensively in this. Many occupied both organizational and artistic roles. A filmmaker had been director of a queer film & video festival; a musician founder of a music festival and label. An artist and curator together were putting out a zine and planning an art/essay book. Another artist had sat on the committee to design the new “big rink” downtown. A potter was an organizer of the “Arts and Letters Club”; another potter had been involved with the Kingston Association of Women Artists, the Potter’s Guild, and a now-privatized craft cooperative. Many of our interviewees spoke of benefitting from established volunteer ‘amateur’ organizations as they learned their craft: as she was starting out exploring the arts, one woman rented a loom from the Weavers’ and Spinners’ Guild, for example (for \$2 a month, she recalled!), and a printer learned early on from an accomplished hobbyist in town.²⁰ Beyond volunteerism, there was in general a strong ethos of helping the community thrive: a woman who had been employed at an artist-run gallery referred to Kingston as “rural” and said that unlike galleries in big cities,

Here we kind of had to or were choosing to present work from all the disciplines because we felt that that was our service to the community really, as a publicly funded organization.²¹

Even a graphic designer described himself as in service to the community, accepting low pay for work on behalf of the local queer film festival. And many people spoke about going out to “support” other artists: in this way, producers and audience are not discreet groups, and indeed as McRobbie has observed going out for a night on the town can actually be (expensive) work.

Some of the volunteer effort could be seen quite directly as self-interested: many had been involved in collective sales efforts, for example: studio tours, pottery sales, and even storefront coops. (The music scene manifests this collective behaviour even more.) Even though some complained about the unwillingness of the fine people of Kingston to part with their arts dollars, I didn’t see any sense of competition. The founder of the Artel said:

We’ll know we’re successful when other people start to do other things in the community who... don’t particularly feel the vibe of Artel so they are inspired to do something in their own way.... artists aren’t satisfied with following someone else’s lead. They shouldn’t be. And so if ... other people are inspired to take action and create in a way that is inspiring to them... it’s not competition, it’s help.²²

The curator of the university-based major public gallery of the city explained her activism in establishing the city-funded Kingston Community Arts Fund by saying,

We thought there’s a big problem here. Our whole context. It’s not just us that’s affected. It’s everybody. We have to work together and without a history of doing that it was tricky. But everyone was motivated. But they did form an advocacy committee. The last gasp of Kingston Arts Council at the time said we should

start a committee so we started a committee; here and there were a number of visual arts people involved probably naturally and we grew a group that spearheaded the drive for change with council and it was a political advocacy drive.²³

The participation of this curator in these efforts was in some ways surprising because she had more direct access to power than many other players and might have been able to leverage money for her institution independently; but she understands the city cultural environment to be a shared environment in which collective action is necessary for the thriving of the parts.

The willingness to do so much volunteer labour could be the mark of a backwater, or a kind of “hobbyist” or “amateur” environment, and indeed some interviewees saw something of that. One artist who had left Kingston cited a lack of engaging critical discussion about art as one of her reasons to move to a bigger city; the gallery curator quoted above suggested that “one of the things that I was observing at a certain point was that peoples’ supportiveness was sometimes translating into a lack of aspiration.”²⁴ One young painter was extremely frustrated at the lack of market and talent and was planning to move to a bigger city. However, the sheer number of arts-related jobs really impressed us: nobody was flipping burgers or pushing paper. And the same artist who left because of lack of rigorous discussion recalled being nourished in earlier years by the fact that “I could just make work that I wanted to make and there was no pressure to make work that looks like art or looks like the dominant style.”²⁵ The comfort could be the mark of an alternative vision of cultural labour, in which creativity is understood to manifest in various ways, and one of the hallmarks of being a ‘cultural worker’ is a lack of bright line or alienation threshold between work and community life.

In their observations about the commodification of “affective labour,” in which workers are expected not only to make and do but to think and feel for pay, Hardt and Negri show how the market is enclosing ever more dimensions of human experience. In this context the “do it yourself movement,” which in many cases seems the best way of describing the mentality of even professional artists in Kingston, may have some potential to circumvent the commercial manufacture of affect. Such an ethos blurs the line between creator and audience, and makes the event and material circumstances the ultimate outcome instead of some commodifiable product.²⁶ And yet, as the following sections indicate, the community is vulnerable to self-enclosure and commodification both.

IV: Social Factors

Despite the sincere sense among artists in Kingston that they are the makers of their own community, there is evidence that this is not quite the case. The sudden success of lobbying for more municipal arts funding came was produced not only by the skill and efforts of local artists and supporters. It also happened that at this time, the city had agreed to build a huge hockey rink downtown, as part of an economic development agenda. The project was enormously controversial. (It has now been built, and is losing money hand over fist.) In an election year, candidates could not be seen to refuse a small amount of funding for the arts when Council had spent billions on this facility and another new sportsplex in the suburbs. But another context was that the Ontario government had mandated that all municipalities develop a “cultural plan.” This came in the wake of Richard Florida’s consultancy with the province, which had convinced smaller municipalities of the multiplying economic effect of the arts.²⁷ Suddenly every county and town was hiring a cultural development officer and scouting out winery and gallery

locations. They weren't going to hire artists; they were just going to throw a little bit of money their way, apparently, and community radiance and big spenders would follow. So suddenly Kingston's City Hall had an ear open to artists, and handed them the victory of an arts fund to disburse \$500,000 per year. (Most of this goes to the large 'anchor' organizations such as the Kingston Symphony and Cantabile Choirs; I will have to do further digging to see what sort of investment it represents compared to other city expenditures.)

In "Ontario in the Creative Age," the report prepared for the Ontario government by Roger Martin and Florida in 2009, the examples of creative labourers are hotel workers and lawyers.²⁸ The arts are not once mentioned, though Florida pays lip service to them in his *Creative Class* books. Surely a conception of "creative labour" that includes about 30% of the workforce²⁹ proves either too indeterminate or overdetermined to be of value for thoughtful public discourse. Defined in the negative, Florida's "creative labour" includes everyone except what Martha Rosler acerbically identifies as those "operating as backdrop and raw material, and finally as necessary support, as service workers."³⁰ A spinoff report initiated by the Economic Development Officer of Prince Edward County, an emerging wine and cheese region near Kingston, does mention the arts, in a backhanded way: "the creative economy is as much about architects as it is about artists, programmers as it is about potters," it observes. Later it gets obscenely effusive: "Creative economy offers more self employment opportunities, self-sufficiency and a great degree of happiness in local people. This could inspire individuals to take control of their lives and be creative!"³¹ (Exclamation point in original.) Angela McRobbie's skepticism is certainly in order here: "no matter how important the culture industries are for growth, this is a sector with low capital returns and while employment, in particular self-employment, may be buoyant, it is also a low pay sector" (189).

And yet some of our interview subjects sounded as boosterish as the Floridian consultants. One of the administrators of the City of Kingston Arts Fund (admittedly a professor's husband with a very nice house, though he has long history of social justice activism) brought Florida up, saying

I think he's got great arguments. I mean I felt that way before he came to town. I felt it was important that in terms of a society that we want to build, we go out there and see how we can build it. If you support various things there's different steps you can make to get there. We can certainly grow, a better community, a better place to live...so that's why I'm involved in it. Great fun.³²

Kingston artists have in recent years been remarkably successful in getting city commitments to ongoing arts funding through the new City of Kingston Arts Fund and the Cultural Plan. You can see a little from that quote about how they did it.

But one of the questions for Kingston is whether it can expand its cultural efforts in less convenient and commodifiable ways. Otherwise, there is a real risk that the arts in Kingston will be like those famous limestone buildings: quaint and all, but private property and not a lot of light gets in. With 20% of Kingston residents living below the poverty line,³³ fostering the arts beyond the downtown and tourist locales is both pressing and challenging. In their lobbying for more cultural funding from the city, arts advocates once showed up to an all-candidates' meeting wearing bingo vests and pointed out that patrons of the bingo halls were bigger patrons of the arts than the city.³⁴ (In Ontario, bingo halls all have to give a portion of their take to charity in order to be licensed, and this money is a major source of income for various community organizations and even public schools.) This may have been the only access those bingo players,

many of them low on income and formal education, had to the arts. As two of our Arts Council respondents said:

Right now, for somebody say living in the North end who hasn't gone to galleries, to go down to [the Agnes or the Union Gallery at] Queen's [University]...it's totally impossible, right?...You gotta afford the bus...you gotta get over your anxiety about walking onto campus...that's something that a lot of people in this city don't feel comfortable doing and that's not *just* 'cause they're poor!³⁵

This awareness is welcome, although it struck me that when the access issue is raised, people tend to talk about poor and less-educated people only as consumers of art, and never even begin to imagine them as producers. Turning once again to Straw's idea of the "scene," we may notice that its intimacy depends to some extent on exclusivity:

Scenes are, much of the time, lived as effervescence, but they also create the grooves to which practices and affinities become fixed. Chance encounters on a street or in bars often require, to be smooth and successful, the resuscitation of connections or mutual interests.... In such encounters, and in their repetition, knowledges are reinvigorated and the peripheries of our social networks renewed.

This kind of experience was very evident to us even in the coffee shops in which we held our interviews; once we got to an interview realizing we didn't know what our interviewee looked like, and as we chatted about that, a guy at the next table leaned over and said, "oh, I'll tell you when Lenny comes in," and a woman at the table over from that laughed and said that as she was facing the door she'd keep an eye out too. Although this sense of social connection was clearly a keen source of pleasure and a foundation for sharing everything from studio space to event invitations, it made us question whether the arts "scene" in Kingston was, then, exclusionary.

What about people in the suburbs? What about people who didn't have time to sit in a cafe?

What about people who found that cafe's aesthetic to be unattractive?

V: Intellectual Property and Other Norms

From my prior work, I'm interested in the widespread "allergy" to formal norms in artistic communities. Tina Piper has written about how people running indie music labels know vaguely about Creative Commons and yet rarely actually use it. (The same appears to be the case among academics.) I remember on one occasion going to great effort to line up a lawyer to help me develop some protocols for and with the Independent Media Arts Alliance. I'd been to several meetings at which video artists talked about the bad fit between their practice and the law, and encouraged by the Supreme Court of Canada's comment that the "practice of a trade or industry" ought to inform where courts draw the line between fair dealing and infringement, I thought it would be a service to work with IMAA to come up with a description of what they considered to be fair or ordinary practice around sampling, mashups, parody and so on. However, ultimately, nobody in the organization had the interest to pursue it. They did not even want to approach codification of their norms. It's not that they had none; clearly there were "ok" and "not ok" appropriations, and I'd heard people confidently categorize them. However, they resisted writing them down. I think the reason was something like the whole "if you have to ask..." scenario: those who knew, were part of the community, and knowing was one way the community defined itself. It had an interest in not spelling it out. The community was also invested in process and uncertainty: that's part of a dominant aesthetic in art.³⁶

So since past interview-based research and volunteer consulting with artists had suggested to me that I would not find this group either to be intimately acquainted with copyright

law, or to have articulated alternative norms, I focussed this research project on *other* factors that seemed to incentivize or otherwise influence their practice. I have found that when I start interviews out on the subject of copyright, my interview subjects get nervous: they are aware that they don't know as much as they "should" in the presence of an "expert." I thought that if there were informal norms and practices, a "constructed cultural commons," it might be better to get there elliptically. Indeed, the most interesting tidbits of information I elicited here on that topic (and they really are only tidbits) came out rather accidentally in the midst of discussion about community and professionalism.

Upon direct questioning, which I did get to at the tail end of the interviews if the subject hadn't come up, people tended to say things like "[copyright does] not [enter into my working life] much. If I were a photographer or a printmaker it might be more of an issue. Or if I was a bigger player on the on the world stage."³⁷ Some were aware of the exhibition right, which guarantees artist fees to those who exhibit in public galleries, but most who mentioned it didn't know it was part of the Copyright Act or were very dissatisfied. Thus when I asked one who had acknowledged that she had benefitted from the exhibition right, "are you aware of income that has come to you via the mechanism of copyright?," she answered, "yeah, that would be zero."³⁸ She also suggested, interestingly, that given the limited resources of most galleries, there is a tendency to pay the required artist fee and to ask the artist to allow images to be used for promotion or postcards for free: the existence of the exhibition right seemed to cancel out a prior habit of paying for those ancillary rights. Another said, "If CARFAC [Canadian Artists' Representation, active on issues like 'droit de suite' and Status of the Artist legislation] was really for all artists then people like myself wouldn't have to like worry — if I got a show it'd be

like “Whew! I can pay my rent,” thank god. But now I get a show and it’s like “Okay, how much is it gonna cost me?”³⁹

One artist had had work appropriated by a corporation, VISA, who used it in advertising beyond the terms of their original agreement. But, he said, “copyright is only as good as your pockets are deep... I don’t know very many artists out there that fight within the courts when someone actually does something... So copyright is bullshit. It really is.”⁴⁰ For others, the possibility seemed more hypothetical. I asked them what they would think if they saw their work on a Tshirt. Most of them, emerging artists, could hardly imagine it. But one said, “I’d be like “Awesome! Can I get one?”... I don’t have the wherewithal to... figure out how to get my ducks in line to actually make a case to sue somebody...it sounds like a nightmare to me...”⁴¹ Another thought he would be upset, but then he pondered that as he works with type that he doesn’t in fact make himself, his claim would be somehow “thin” to that work. He had interesting things to say about the use of typefaces amongst designers: usually the rights are not cleared, unless the client is big. He felt that it was normal to behave in this way, perhaps as it is now socially acceptable to download music for free. When I asked what the difference was between copying an image and copying a typeface, he said, “it’s almost like we own our words and... these are the vehicles of expression for those and that – so ... don’t we kind of own that too?” There might be interesting issues to pursue here in a comparison with fashion design’s idea of fusion of utility and design.⁴²

As for evidence of anything resembling norms for sharing or appropriation, I did not find a great deal of evidence for it. (I should note that I think among media artists, as I mentioned above, there do exist strong norms.) Clearly as I have indicated, artists in this community share a great deal in terms of resources (studio space, event organizing etc.), and do develop

collaborative projects (mainly events, partly prompted by the fact that the Kingston Arts Fund does not fund individuals). There is some history of artist coops in the city. And artists often share or trade work, as this anecdote reveals:

[Another artist and I] did an exchange and I gave a really nice piece; we were in a show together and I had this piece. And anyway he was doing really well, his career's really shot up and he had a reproduction of this work in a catalogue or some kind and had a collector approach him saying he'd like to buy it, acquire this work. And this guy wasn't aware it was in somebody else's collection. [He] approached me to take the work and make the casting of it so he could make a copy and he ... went so far as to tell me he was going to sell it for 25,000. And I thought, hang on here, this is a unique piece! I mean I don't begrudge the guy making some money but he didn't even offer me anything, you'd think he'd at least give me a bottle of scotch or something. You know. Nothing.

My interviewee refused the request, and the two are still friends. The anecdote demonstrates not only a practice of sharing, but a sense of its permanence. The recipient doesn't own copyright, but he is not just a caretaker either: he owns the piece and cares about its value. He's choosing to act as a purchaser, outside the arts community, rather than behaving like a pal. In any case, however, as I did not find a lot of collaborative or appropriation art being practiced in this community, there was not a lot of evidence of norms such as others have found amongst comedians, chefs, and so on.

I do think that one could do a study of "constructed cultural commons" amongst potters, and perhaps this is something I could pursue further in future. Potters have an interesting dual perspective, quite different from visual artists on the whole, being very devoted to the idea of

apprenticeship and community, but also unapologetically devoted to making a living (this would probably be the case with other craftspeople as well — it was a glassblower who first made me aware of it). I have only interviewed two so far, but things they said indicated the existence of interesting norms, even though neither of them acted on those in a situation of dissatisfaction. The first was troubled that a former apprentice does not give her credit for the glazes she taught her. I asked what form such an attribution ought to take, and it seemed very informal, but very important: she just wanted the woman to say, when complimented on her glazes, that she learned them from my informant. She went on to say:

I think the problem is not really financial. The problem has to do with lack of accreditation [I think she means ‘credit’ or ‘attribution’]... if you ask me about how I learned pottery, I’ll tell you about my apprenticeship opportunity, where I went to school, the clubs that I’ve been involved with and how they’ve, you know, been of service to me and ... I talk about Marney. Marney and I shared a studio. I’ll talk about the people that are formative around me. and I think that’s to me, that’s part of copyright. I know that’s not clearly part of copyright..... people come to me and they say your mugs are really thin. I make thin mugs. That’s my calling card. I make thin light mugs. And when people ask me I’m like yeah, I apprenticed with Tim, he’s the one who taught me to throw thin. And my work doesn’t look like Tim’s at all really. But the characteristic I think people are valuing out of them, you know, I’m not the first person on the planet to throw thin, there’s me and about a billion Chinese guys who are now dead who used to do it. So I think in craft it’s really difficult I come out with what I think are brilliant ideas for forms and then I take a look at my coffee table book and damn

didn't some Chinaman 20,000 years ago do the exact same thing. So when it comes to copyright I think it's really difficult for art.

I think this is quite a nuanced norm invoked here: on the one hand, one ought to acknowledge the proximate source of a practice, while on the other, one acknowledges that this source is only part of a longer chain. It reminds me of norms I have encountered in Indigenous communities. It is interesting, though, that this potter didn't actually confront the person who she thought was departing from the behaviour she expected. She had indeed been confronted herself once by another potter who accused her of inappropriately mimicking work she was doing. She defended herself in that incident by saying a) that her work was not entirely similar, b) that she hadn't seen the other person's work, and c) that in any case the style in question (putting rice inside clay) was — again — an ancient Chinese art. Those defences are quite close to IP defences.

The other potter I interviewed mentioned a similar situation — she had had a student who starting making pots with mixed colours of clay, something she considered a key part of her style — but here we depart further from how IP would handle the situation:

I find this a difficult issue because one could take the view that to copy somebody is a compliment or flattery kind of thing. And also it's part of a learning process. You know, we have somebody come and they do a demonstration at the potter's guild and they have pressed particular objects into the sides of their pots, say. You can bet your bottom dollar that at the next guild sale there will be a bunch of these at different people's tables because they've tried it. And people don't necessarily stick with it but some people might. So you can see how that works. I think sometimes it feels — I don't know how to say this — within the context of the potter's guild it feels like there's a lot of people there who really want to sell. And

I'm not saying they don't like doing pottery but they really are there to make their money. And I think that they sometimes are happy - if you take a new idea there, I think anybody feels they can do it. So I feel like it isn't respected there. Don't say I said that, okay!.... And my view of it is, if somebody at the potter's guild does something that I really like and I might want to try it, I think oh that's a neat idea, I would not take it into that context to sell it. So I wouldn't personally.... I'd do it and have it here [in her own studio] where people are not actually with the other person's thing.⁴³

I suppose I should not reproduce this, because of her request, but I hope we're far away from home that it's OK. I think it's important to show that she has this strong sense of being wronged, but she doesn't feel that she can assert it. And yet it's not a unique concern. It interests me, and I'd like to think further about what it means that people may share norms but each person feels that they shouldn't say or do anything to enforce them. Is it dysfunctional, or is there some purpose to this perversity? (It seems rather Canadian I must say, but I'm sure there's more to be said about it.) One factor is of course the "small town": this woman has to get along with others who she will likely run into in the grocery store or at a concert any day of the week. In any case, the claim of infringing someone's style is awkward in and out of the law. Of the mixed-clay technique that her student had taken up, this potter said

I think it's my thing but I don't own it so... I don't know that I have any right to say they shouldn't do it but I felt very like they were really treading on my toes and to actually go ahead and do that when there's lots else one could do when I was established in that for much longer... I think if people come to the, if I happen to be say at the Women's Art Festival thing, and they see my striking

mugs, they're like "Ohhh, I bought mugs from you at the Potter's Guild" you know?

The idea here is that they actually bought mugs from the other woman: here we have "consumer confusion" taking us more into the realm of trademark. It's interesting that there seems to be a ready solution: don't sell in the same market. I haven't worked out the comparison to IP yet, but I'm sure it could be developed.

VI: Conclusions So Far

If, according to Rosler, "Second tier cities tend to glorify the accumulation of amenities as a means of salvation from an undistinguished history" then in copying the metropolises, they just as often reproduce the "banality of Florida's city vision, its undialectical quality and its erasure of difference in favor of tranquility and predictability as it instantiates as policy the infantile dream of perpetually creating oneself anew."⁴⁴ I remain hopeful that Kingston, a deeply historical city in its own right, has the potential for a kind of cultural growth which allows the mundane, without propagating the banal. There is clearly a sense of common purpose in the arts community and, unlike the situation ten years ago, a strong youth presence, an emerging awareness of accessibility issues, and communication between the large aesthetically conservative arts organizations and more experimental or ephemeral efforts. But there are many challenges as I have described above.

In terms of whether this research is pertinent to the kind of "cultural commons" imagined by Madison, Frischmann, and Strandburg, I'm not quite sure. I look forward to discussion. In terms of problems that might be solved by group norms, I do not think there is an "overfishing" problem in this community, but rather the opposite: more arts activity will beget more arts

activity. Yes, there is a limited population to which to sell, but my impression is that none of my interviewees perceived themselves to be in competition with each other. As for community boundaries, I don't see them clearly. Many artists used the term "arts community" to include audiences, and many audience members are fellow artists. I need to think about this more. M, F & S list "rules pertaining to membership criteria, contribution and use of pooled resources, internal licensing conditions, management of external relationships, and institutional forms, along with the degree of collaboration among members, sharing of human capital, degrees of integration among participants, and whether there is a specified purpose to the arrangement" to be key phenomena. I did not find (or pursue at length) arrangements for works in my environment of the level of law-likeness that other scholars have found, though some of these listed phenomena are present. However, I wonder whether the focus on sharing of works in some of the literature on "IP's negative domains" does not foreclose broader questions about how functions usually ascribed to IP — incentivization for example — might be achieved by a collective or communal sensibility and process, government funding, or other collective mechanisms. It may be that I am simply chasing other fish than the "IP's negative domain" scholars. But I think if we are to understand the commons in a wider sense, it would not only be about outputs/works/products, but also about inputs/practices/processes. I found a very large degree of community feeling, and many of the interviewees were deeply and consistently involved with efforts to fortify the entire arts community. This is perhaps not commons, but in the sense that an individual's success is not individual but rather is dependent on the success of the group, it seems related somehow.

I would also say that I think the interview methodology is a very productive one. My impression is that almost all the "IP's negative domains" work so far has used information

mainly from media, court cases, or questionnaires. I think it's really important to talk to people, and to keep the interviews open. It takes a long time, this quasi-ethnographic approach, and may not produce "proveable" results, but I think it makes one aware of larger contexts of creative labour without which IP-focussed work becomes arid and perhaps unusable in any practical context. It opens up investigation to implied commons, inherited commons, and barely visible norms and practices that while operating according to non-property logics may not even aspire to the ideal of the commons. I have included the words of my informants in large quantities in this paper. That's partly because my analysis is still in the early stages so I wanted to show my evidence for your input and insight. But it's partly because for me the research is about, and is motivated by, people's experience, and I like to keep that front and centre rather than allowing myself to stray too far into abstraction. As Julie Cohen puts it, "because creative practice involves physical action by embodied human beings, it is shaped not only by the patterns of knowledge and discourse that crystallize around content in the abstract, but also the patterns of behavior and discourse that crystallize around artifacts, raw materials, and social spaces" (2007, 1189). This is what I have tried to capture.

¹ The somewhat skeletal website remains up: http://www.copyrightscounterparts.ca/html/00_main.htm. I had first developed the idea of "copyright's counterparts" in Laura J. Murray & Samuel E. Trosow, *Canadian Copyright: A Citizen's Guide* (Toronto: Between the Lines, 2007).

² According to the 2006 census, Kingston was 94% Caucasian (compared to Toronto, 53%).

³ There are seven prisons in Kingston proper; nine including those in the immediate region.

⁴ See: Doreen Massey, *World City*, Cambridge: Polity Press, 2007; Saskia Sassen, *The Global City* (1991) New Jersey: Princeton University Press, 2001. "World class city" is perhaps an older term used by urban boosters more than scholars, and usually refers to the city's attractiveness to international tourists (see: Jim Byers, "Toronto's Finally a World Class City," *The Toronto Star Online*, January 28, 2011, <http://www.thestar.com/news/article/929679--toronto-s-finally-a-world-class-city>, accessed May 16, 2011).

Kingston, while a "tourist town" in the summertime, fits none of these definitions.

⁵ Shayne Dark, interview with Sharday Mosurinjohn, April 16, 2011.

⁶ Scott Wallis, Jane Thelwell.

⁷ Claire Grady-Smith, interview with Laura Murray and Sharday Mosurinjohn, March 15, 2011.

⁸ See: Olav Velthuis, *Talking Prices: Symbolic Meanings of the Prices on the Market for Contemporary Art*, New Jersey: Princeton University Press, 2005.

⁹ Canada has 9 cities over 500,000 people (total population 17,898,200), and 24 cities between 100,000 and 500,000 (total population 5,675,800). *Statistics Canada*, “Population of Census Metropolitan Areas,” Census 2006. (See: <http://www40.statcan.ca/101/cst01/DEMO05A-eng.htm>, accessed 18 May 2011.)

¹⁰ Indeed, this project started as an inquiry into alternatives to intellectual property in terms of regulating and incentivizing the circulation of creative works; although in a direct way this issue has vanished in our results (our interviewees had little to say about copyright or alternatives to it), it remains implicit in our concern with motivation and enabling of artistic production beyond market mechanisms.

¹¹ Claire Grady-Smith, interview with Laura Murray and Sharday Mosurinjohn, March 15, 2011.

¹² Dhaliwal

¹³ Scott Wallis, interview with Laura Murray, April 1, 2011.

¹⁴ I plan to develop further a discussion of the relation between amateur and professional creative work in Kingston. It’s a bit “amateur” town as some of the discussion of the Potters’ Guild indicates. Another example would be the very large number of choirs, most of which have paid conductors but volunteer singers, and some of which are very high quality. So the amateur/professional divide is less clear here than I think it may be elsewhere or may generally be assumed to be, but nonetheless there is (of course) tension to some extent... Thelwell in particular has interesting things to say about this and it might be something to be pursued with respect to potters in particular.

¹⁵ One of our interviewees worked at the CBC and was given regular work and also time off when she needed it in exchange for the understanding that she would never ask to go permanent full-time.

¹⁶ Wallis

¹⁷ Vincent Perez, interview with Laura Murray and Sharday Mosurinjohn, March 22, 2011.

¹⁸ Lyon

¹⁹ *Public*, no. 22/23 (2002), pp. 245-257.

²⁰ Dhaliwal, Perez.

²¹ Snider

²² Snider

²³ Allen

²⁴ Jan Allen

²⁵ Dhaliwal.

²⁶ See: Michael Hardt, “Affective Labour,” *boundary 2*, Vol. 26, No. 2, (Summer 1999), pp.89-100. “A focus on the production of affects in our labor and our social practices has often served as a useful ground for anticapitalist projects, in the context of discourses for instance on desire or on use-value” (p. 89).

²⁷ Trenchant remarks about the absurdity of this can be found at <http://noclexington.com/?p=477> and http://3quarksdaily.blogs.com/3quarksdaily/2007/06/grab_bag_follow.html

²⁸ Martin Prosperity Institute, “Ontario in the Creative Age,” 2009, p. 15.

²⁹ Martha Rosler, “Culture Class: Art, Creativity, Urbanism, Part II,” *e-flux* 23, (March 2011), p. 6.

³⁰ Rosler, p. 7.

³¹ Canada’s Creative Corridor: Connecting Creative Urban and Rural Economies within Eastern Ontario and the Mega Region (second subtitle: Capitalizing on Creative Industries Growth and Wealth Creation for Eastern Ontario). 2009. No author or date but prepared by millierdickinsonblais, AuthentiCity inc. & initiated by Dan Taylor; pp. 4, 26.

³² Ted Worth, interview with Laura Murray and Sharday Mosurinjohn, March 21, 2011.

³³ City of Kingston Cultural Services Department, “Kingston Culture Plan,” 2010, p.19.

³⁴ Jaffer/Worth

³⁵ Sayyida Jaffer and Ted Worth, interview with Laura Murray and Sharday Mosurinjohn, March 21, 2011.

³⁶ In *Creative and Culture in Copyright Theory* (40 U.C. Davis LR 2007), Julie Cohen has some really interesting things to say about what she calls the “*not knowing* that creative individuals self-report to be an indispensable element of the creative process” (1183) — I have not yet had time to digest it but I do think it underlies a great deal of the incompatibility of IP law and arts practice.

³⁷ Ristvedt

³⁸ Purdy

³⁹ Grady-Smith

⁴⁰ Darke

⁴¹ Grady-Smith

⁴² See Jacqueline D. Lipton, “To (C) or Not to (C)? Copyright and Innovation in the Digital Typeface Industry” (January 1, 2009). UC Davis Law Review, Forthcoming; Case Legal Studies Research Paper No. 09-1. Available at SSRN: <http://ssrn.com/abstract=1311402>

⁴³ Lyon

⁴⁴ Rosler, p.8.