

# Autonomy or Disavowal of Socioeconomic Context

## *The Case of Law for Independent Cultural Workers in Slovenia*

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### Abstract

In the context of late capitalism, cultural producers have contributed to the process of precarisation by embracing ideas of autonomy, concomitantly contributing to neo-liberal policies and political-economy. I scrutinise the claim for the autonomy of the arts in Eastern Europe, a context that exemplifies the transition from socialism to the neoliberal era. The analysis foregrounds the precarious working conditions of cultural producers during the transition from self-managed socialism to the independent nation-state of Slovenia. In Slovenia, the precarisation of artists had already begun in the 1980s when the socialist government implemented the Law for the Independent Cultural Workers, still in place today. I demonstrate that cultural producers address their working conditions in ideological terms (autonomy), instead of approaching them in terms of class relations that govern cultural production (labour issues). Hence, the claim for autonomy is a strategically misguided response to the dismantling of the welfare state.

### Keywords

cultural labour – autonomy of the arts – cultural policy – socialism – precarious working conditions

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\* The author would like to thank Primož Krašovec for the critical comments and insights on the draft version of this article.

## 1 The Autonomy of Art – Concealment of Labour

Nobody – not even a practitioner of *Zukunftsmusik* – can live on the products of the future ...<sup>1</sup>

In the context of late capitalism, cultural producers play a part in the process of self-precarisation by embracing ideas of autonomy, concomitantly contributing to neoliberal policies and political-economy. The root of the problem seems to lie in the ways artistic or cultural labour<sup>2</sup> is usually understood as something different from other types of work under capitalist modes of production. Or, as Adorno has remarked, '[t]he work of art endorses the sentiment normally denied by ideology: work [as opposed to art] is degrading.'<sup>3</sup> Hence, artists' work is not considered work because it is a satisfying pursuit. Moreover, artistic labour supposedly enables artists to 'endow work and life with their own meanings' and by doing so, it helps to stage a situation where audiences can indulge either in the free play of ideas and symbols or in 'standardized breaking of the convention and taboo'.<sup>4</sup> Along Adorno's line of thinking come several other assumptions about artistic labour that have proliferated since the institution of art<sup>5</sup> emerged in the core capitalistic states during the eighteenth century. They have also largely led to the claims about the autonomy of art.<sup>6</sup> The fundamental assumption being that of German philosopher Immanuel Kant, who in the *Critique of the Power of Judgement* (1790) established a distinction between art and work by positing that if art wants to be free, it should not be subject to payment. In Kant's words,

... beautiful art must be free art in a double sense: it must not be a matter of remuneration, a labour whose magnitude can be judged, enforced, or paid for in accordance with a determinate standard; but also, while the mind is certainly occupied, it must feel itself to be satisfied and stimulated (independently of remuneration) without looking beyond to another end.<sup>7</sup>

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1 Marx 1990, p. 272.

2 Artistic or cultural labour in this discussion thus refers to the act of labour within the state funded non-profit sector of cultural production.

3 Adorno 1981, p. 84.

4 Stallabrass 2004, p. 3.

5 Bürger 1984, p. 22.

6 Bürger 1984, p. 24.

7 Kant 2000, pp. 198–9. See also Stipe Ćurković who takes Kant's logic concerning the autonomy of the aesthetics one step further by arguing that the autonomy of art is an emphatic

Or, another prevailing view among artists and economists is that artistic labour operates within the sphere of a gift economy and, therefore, has nothing to do with market and money. Such views contribute to the denial of the economic foundations of the arts, thus Hans Abbing argues that they contribute to the arts' 'exceptional economy'.<sup>8</sup> Nonetheless, it is highly questionable that the institution of art and cultural labour can be understood in the context of a gift economy. 'Art is economic', claims Dave Beech, however, 'art's economic exceptionalism' derives from its 'incomplete and paradoxical commodification'.<sup>9</sup> More importantly, Beech points out that 'art's exceptionalism is not an economic argument for art's autonomy'.<sup>10</sup> I argue that the institution of art is a relatively autonomous social sphere and a historical phenomenon specific to the capitalist mode of production.<sup>11</sup> Hence, I am discussing the claims for the autonomy of art in the context of, or better, as an effect of the dominant (capitalist) mode of production – where autonomy is seen as a structural condition of the institution of art<sup>12</sup> – and not in the context of philosophical or aesthetic discussion on artistic/aesthetic autonomy. In that respect, I understand the claims for the autonomy of art as discussed in the latter cases (philosophy, aesthetics) as a spontaneous ideology.<sup>13</sup>

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though disguised reaction to the domination of the logic of capital in society. (Ćurković 2011, pp. 42–6.)

8 Abbing 2002, pp. 34–51, 282–3.

9 Beech 2015, pp. 27, 25.

10 Beech 2015, p. 27.

11 Paul Mattick, for instance, also develops the view that art is an aspect of the capitalist mode of production. He maintains that '[a]rt developed along with the commercialized mode of production that became capitalism, and [that] it is only by understanding art as an aspect of this mode of production that the supposed antagonism between them (central to aesthetics) – and so the ideal of art's autonomy – can be understood.' (Mattick 2004, pp. 3–8.)

12 Bourdieu 1996; Bürger 1984.

13 Althusser 1990, pp. 69–166. Spontaneous ideology is an attitude and position that intellectuals in the sciences as well as the arts adopt toward their own practice; it is both the representation of and the relationship to their practice without an accurate perception of the position that they occupy in society as intellectuals, or in other words, without being aware of the dominant ideological system of society. As Althusser puts it: '... [intellectuals'] practice, which they carry out in a framework defined by laws that they do not control, thus spontaneously produces an ideology which they live without having any reason to break out of it. But matters do not end here. Their own ideology, the spontaneous ideology of their practice ... does not depend solely on their own practice: it depends mainly and in the last instance on the dominant ideological system of the society in which they live.' (Althusser 1990, p. 95.)

Situating this analysis within a geopolitical context that illustrates the transition from socialism to capitalism, I scrutinise the claims for the autonomy of the arts in the former Yugoslavia and their effects on the emergence of precarious working conditions of cultural producers such as artists and other arts professionals during the transition from self-managed socialist Yugoslavia in the 1980s to the independent nation-state of Slovenia in the 1990s.<sup>14</sup> This period marks the dismantling of the welfare-state regime<sup>15</sup> and the ascent of neoliberal governmentality<sup>16</sup> in the socialist and post-socialist geopolitical contexts.

My argument revolves around labour and autonomy in the field of arts because it produces a formidable paradox. Or, as Adorno chose to phrase it, '[a] contradiction of autonomous art is the concealment of the labour that went into it.'<sup>17</sup> The concealment of labour or disavowal of socioeconomic context, as I interpret it, will be further discussed in relation to formal subsumption<sup>18</sup> of cultural labour under capital in conjunction with the rise of neoliberal rationality. This paper demonstrates how the spontaneous ideology of the autonomy of the arts has obscured the *indirect formal subsumption* of cultural labour under capital via cultural-policy regulation in Slovenia since the 1990s political and economic transition to the post-socialist era. Notably,

14 Socialist Yugoslavia (1945–92) consisted of six republics (Bosnia and Herzegovina, Croatia, Macedonia, Montenegro, Slovenia, Serbia) and two autonomous provinces (Kosovo, Vojvodina). After the violent breakup of the multinational federation, numerous wars followed in the 1990s and 2000s that resulted in the rise of independent nation states: Slovenia (1991), Croatia (1991), Bosnia and Herzegovina (1992), Macedonia (1991), Serbia (2006), Montenegro (2006), and Kosovo (2008).

15 Esping-Andersen 1989, p. 10. Danish sociologist Gøsta Esping-Andersen offers one of the most prominent definitions of the welfare state that relies on the principles of social citizenship. 'Welfare-state regimes' pertains to a specific form of government activities that aim to institute social rights in order to reduce social injustice by means of 'a de-commodification of status of individuals vis-à-vis the market.' (Ibid.) Yet it is also important to add another layer to the notion of the welfare state, as pointed out by Michael Heinrich, who argues that the welfare-measures 'originate in the capital accumulation process, regardless of whether these measures are financed by social insurance contributions or taxes.' (Heinrich 2012, p. 207.) The welfare state makes life easier for the simple worker but the mechanism as such is not against the interests of capital accumulation.

16 Dardot and Laval 2013. Neoliberal governmentality is a 'set of discourses, practices and apparatuses that determine a new mode of government of human beings in accordance with the universal principle of competition'. Neoliberalism is thus not only a response to 'a crisis of accumulation: it responds to a crisis of governmentality.' (Dardot and Laval 2013, pp. 15, 27.)

17 Adorno 1981, p. 83.

18 Marx 1990, pp. 1019–49.

this discussion is not concerned with the real subsumption of art (in general), rather it examines formal subsumption in relation to artistic labour. I corroborate this by analysing a specific piece of cultural-policy legislation, the Law for the Independent Cultural Workers (LICW, or 'the Law'), which concerns regulation of cultural labour as well as its changes and effects, from the 1980s to the present. This paper, while critically rethinking the claims for autonomy in terms of spontaneous ideology, does not contend that the claims for autonomy are a form of false consciousness. Though the claim for artistic autonomy can function as an emancipatory tactic, it becomes problematic as a political strategy due to a lack of consideration of artistic labour and its function within the capitalist mode of production. Thus, the issue here is not that of collective delusions on the part of cultural producers; rather the issue is related to the structural pressure of wage labour in capitalism: not only cultural production but the majority of production in capitalism is organised as wage labour.

## 2 Capitalist Tendencies in the Socialist Welfare State of Yugoslavia

The liquidation of Yugoslavia was a direct effect of the disposing of socialism and of the new ruling coalition's orientation towards a non-mediated integration into neo-liberal capitalism.<sup>19</sup>

Even before the 1980s, liberal tendencies in political economy were already present in socialist Yugoslavia. Slovene sociologist Rastko Močnik suggests that beginning with the 1965 economic reform, the 'techno-liberal' fraction of the League of Communists established the socialist market in the Yugoslav political economy.<sup>20</sup> The transition to a capitalist mode of production had thus already started during a period of self-management.<sup>21</sup> Hence, it is not surprising that although Slovenia was part of a socialist federation, the process of precarisation of cultural producers had already begun in the 1980s when the socialist government – which officially still proclaimed self-management as the

<sup>19</sup> Močnik 2010, p. 227.

<sup>20</sup> Močnik 2012.

<sup>21</sup> Samary 1993, pp. 10–13. Yugoslav self-management was never a homogenous model of economic and social regulation. It went through several stages of development, where economic governance and implemented decision-making processes were often in conflict. Samary distinguishes three periods of Yugoslav self-management – 1953–64: self-management subordinated to the central plan; 1965–71: market socialism; 1971–88: disintegration of the system of self-management (*ibid.*).

dominant ideology – introduced a special Law for the Independent Cultural Workers. From the time socialist Yugoslavia disintegrated via nationalistic wars into independent nations-states in the 1990s, the socioeconomic status of cultural producers progressively deteriorated.<sup>22</sup> Precarious working conditions of cultural producers became apparent during the 1990s and are indicative of the indirect formal subsumption of artistic labour under capital taking place during the rise of neoliberal governmentality that redefines individuals as enterprises.<sup>23</sup>

The traits of the geopolitical context and its social structures are relevant in order to refine the image of arts and culture in the former socialist context, because its production was structurally organised in a fashion comparable to the core capitalist countries and because the institutional arrangement, though innovative in theory, produced similar contradictions and phenomena such as precarious working conditions, and an ideology of artistic autonomy that is present internationally, especially so in countries that can be defined as welfare states<sup>24</sup> such as Australia, Canada, Europe or New Zealand.

Yugoslavia was also a welfare state on the periphery of Europe, where public services like health and education as well as culture and the arts were understood as a public good, but which were managed by particular entities called ‘self-managed interest communities’<sup>25</sup> that can be understood as

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22 See Vidmar Horvat *et al.* 2012.

23 This process also brought about the birth of class differences, however the scope of this article does not allow me to elaborate on this aspect.

24 Asbjørn Wahl explains that the welfare state is (a) a result of a historical compromise of conflicting interests, (b) is strongly connected to industrial capitalism and a well-organised working class and (c) should be understood not only as a sum of welfare institutions but also as a shift in power relations. According to Wahl, the welfare state comprises three main elements: collective insurance schemes (the social-security system); general welfare services (health, care, education); and social benefits (social assistance, housing benefits and so on). The welfare state thus has a dual character: one part (social-security schemes, the redistribution of wealth, universal rights, free education and health services) represents the vision of the working class/labour movement, while the other part (for instance, unemployment insurance) represents compensation for an inhuman economic system. (Wahl 2011, pp. 20–1, 40–2.)

25 Self-managed interest communities were large assemblies of professionals working in specific fields (culture, health, education), and the so-called ‘users’ of those services. The interest communities functioned as representatives of various social interests. In addition, there were representatives of major political organisations as well as major companies that also comprised the assembly.

an alternative type of state apparatus.<sup>26</sup> Yugoslavia as a socialist welfare state did not do away with exploitation, division of labour, and value production. It did, however, transform social and working relations as well as the distribution of surplus-value – all of which resulted in a more socially-just society.<sup>27</sup> Following the breakup of socialist Yugoslavia in 1991–2, Slovenia became an independent nation-state, characterised in its constitution as a democratic, legal, welfare state.<sup>28</sup>

As Michael Heinrich, a proponent of the New German Reading of Marx [*Neue Marx-Lektüre*], explains, ‘state social welfare measures are usually contingent on the sale of labour-power (or the willingness to sell one’s labour-power).’<sup>29</sup> That was also the case in the former Yugoslavia and, later, Slovenia. Hence, cultural producers<sup>30</sup> were mostly wage labourers<sup>31</sup> employed by public cultural institutions and paid through public funding. Alternatively, artistic labour was also performed as a traditional type of independent work<sup>32</sup> until a

26 In Yugoslavia property was social – and not state property. Still, there was a particular legal-political construction in place, which supported the self-managed socialist state. Hence, Yugoslavia never managed to abolish the state apparatus despite abolishment being a proclaimed goal of the League of Communists of Yugoslavia that was to distinguish their version of socialism from the one developed in the USSR.

27 Woodward 1995; Kirn 2010; Suvin 2016. After the schism with the USSR in 1948, Yugoslavia developed a different type of socialism – self-management socialism as opposed to state socialism – which was intended to abolish the state apparatus and replace it with self-managed associations and workers’ councils.

28 Ustava RS 2014.

29 Heinrich 2012, p. 208.

30 As well as other workers in the fields of education, science, health and social security.

31 According to Marx’s distinction, in relation to the production of surplus-value or valorisation of capital, cultural producers are unproductive workers. (Marx 1990, pp. 1038–49.) As Marx asserts, ‘the fact that with the growth of capitalist production all *services* become transformed into *wage-labour*, and those who perform them into *wage-labourers*, means that they tend increasingly to be confused with the productive worker, just because they share this characteristic with him. This confusion is the more tempting because it arises from *capitalist production* and is typical of it.’ (Marx 1990, p. 1042.) However, David Harvie proposes an alternative theorisation of the distinction by asserting that all work in capitalist modes of production is productive and that distinctions between productive and unproductive labour should be internally connected to the law of value. (Harvie 2003, pp. 1–39.) As Harvie argues, ‘the productive-unproductive labour distinction should be understood as an open category, contingent upon class struggle. I suggest that this understanding retains the fundamental relation between the distinction and the labour theory of value, but contra most classical Marxists, as an internal relation.’ (Harvie 2003, p. 5.)

32 Bologna 2010, p. 135. The socialist cultural-policy apparatus in Slovenia established the regulation of the first, traditional-type independent work in 1966 with two agreements: the

new category of worker, the ‘independent cultural worker’, was introduced in the early 1980s, which marked the appearance of second-generation independent work.<sup>33</sup> Independent cultural workers as well as associations and ‘working communities’<sup>34</sup> still exist in the new nation-state of Slovenia. Yet, they exist under changed legislation and slightly altered names. Today both are more commonly known as non-governmental organisations (NGOs); NGOs are private non-profit organisations regulated by civil law and largely supported by public funding from national/state (Slovenia) or supranational (European Union) budgets. Most of the ‘independent cultural workers’, now named ‘self-employed persons in the field of culture’, who work in NGOs and for public cultural institutions, are self-employed or freelancers with short-term contracts. Concurrently, all the socialist cultural institutions (called ‘organisations of associated labour’ since 1976) are today public, state, or local institutions regulated by public law, while the majority of the artists and other members of staff are considered public employees.

Public funding for cultural production in Yugoslavia was secured through taxes. Specifically, during the 1980s, public monies were collected by the self-managed interest communities via employers’ so-called self-contributions, which were a type of taxation. The Cultural Community of Slovenia<sup>35</sup> thus redistributed that money to cultural institutions as well as to independent cultural workers. In this regard, cultural production in Yugoslavia was integrated into the welfare-state regime. Though cultural production was organised and funded by the welfare state, cultural labour was integrated into the system as wage labour. Nevertheless, it is important to emphasise that the calculations regarding the amount of financial resources that would have been needed for cultural production during socialism, were (a) made in the 1950s and (b) based on the systematisation of jobs and positions in cultural institutions.<sup>36</sup>

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*Agreement Regulating the Implementation of Social Security of Artists and the Agreement Regulating the Implementation of Social Security of Film Artists and Film Workers*, supplemented by the *Act Regulating the Contribution of the SR of Slovenia to Social Security for Freelance Artists*.

33 Bologna 2010, p. 136.

34 With the new law that regulated operations of independent cultural producers, another form of organisation that could be put forward by individuals was instituted – the so-called permanent or temporary working community, that cultural workers could establish in order to collaboratively work and share responsibilities for art projects.

35 Cultural Community of Slovenia was the official name of the self-managed interest group for the field of culture; it was mostly comprised of cultural producers and artists from various types of cultural institutions as well as from different regions of the country.

36 Čopič and Tomc 1997, pp. 53, 74.



Consequently, the scarcity of resources for cultural production was inevitable due to stagnant cultural budgets, the growing number of young cultural producers, and a declining number of newly-established cultural institutions.<sup>37</sup> This trend continued throughout the 1990s in the independent nation-state of Slovenia.<sup>38</sup>

Even though cultural production was publicly funded because of particular institutions of social and not state property, the position of art practices in the cultural system in socialist Yugoslavia was not re-conceptualised within that new social order. Ultimately, arts and culture were organised and appeared as a relatively autonomous social sphere and integrated into the economy of the welfare state. They were supported as a public (social) activity, while most of their institutional frameworks resembled those of capitalist Western societies. Cultural production was primarily organised in traditional cultural institutions (theatres, ballets and operas, galleries, museums, libraries, professional associations) and managed by artists and arts professionals in collaboration with political authorities. Furthermore, art and culture were produced outside of dominant cultural institutions in the subordinate part of the cultural system known also as leisure/associational culture, which was enabled by a large network of cultural associations across Yugoslavia and through the cultural policy of democratisation of culture. Alternative art practices were produced in the context of this subordinate realm, where cultural houses and student centres were often the places for the creation and/or presentation of the experimental

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37 From WWII until 1973, the authorities established 95 cultural institutions in the socialist republic of Slovenia. From 1973 until 1991, before Yugoslavia broke apart and the independent nation-state was established, they created an additional 35 institutions. (Čopić and Tomc 1997, p. 30.) Strikingly, the percentage of the public budget for arts and culture during the 1980s stayed relatively the same (4.1 per cent to 4.3 per cent of the entire national budget) (Čopić and Tomc 1997, p. 67) and the percentage did not drastically rise after independence but started to fall during 2000 when it dropped to 2 per cent. The percentage of the cultural budget in the national budget was 1.9 per cent in 2012. (Ministrstvo za kulturo RS 2014.)

38 Employment in public institutions grew 10 per cent during the 1990s, but has been stagnant since 2000 while the state budget for culture and its distribution and proportions within the cultural systems stagnated. The number of newly established institutions also stagnated as only five new institutions were established between 1991 and 1996. There has been an enormous increase in the number of new private non-profit (i.e. non-governmental) organisations; their number has doubled in only five years (from 497 in 1991 to 1024 in 1996, while there were 3,287 'self-employed persons in culture' in 2012) (SURS 1976–97; Ministrstvo za kulturo RS 2014). The number of students enrolling in art schools and culture-related university programmes, however, kept increasing during the 1990s.

neo-avant-garde, retro-avant-garde and youth cultures. Both dominant and alternative art practices were publicly funded, however the share of public monies for the alternative practices was extremely low. The same hierarchically divided yet publicly-funded cultural system was transposed into the independent nation-state. Today in Slovenia, the redistribution of public monies for cultural production collected through income tax is under the auspices the Ministry of Culture and local governments.

Therefore, we can see that the state apparatus has had two functions concerning cultural production: either it operated as an employer of wage labourers in cultural institutions, or as an investor in cultural productions of individual cultural producers via a contractual relationship. That is, the independent cultural workers received remuneration for their work but found themselves in a disadvantageous socioeconomic position because their contributions to social security and healthcare schemes were lower than those of employed arts professionals. Consequently, independent cultural producers have been entitled to fewer welfare-provision benefits such as: maternity leave, sick leave, access to consumer credits, and so on. Cultural institutions and public full-time employees, that is public sector, versus NGOs and independent cultural producers – the so-called private sector or civil society<sup>39</sup> – are the main pillars of a double cultural system, which forms the basis for class divisions in the field of culture, where, as might be expected, the private sector represents the prime site of formal subsumption of labour under capital.

During the socialist period, the model of cultural production, though part of the welfare system, and the production of public goods and services was not transformed and continued to pose a problem especially for the cultural producers of alternative art practices – namely, neo-avant-garde and retro-avant-garde – that were at odds with the dominant institutional system, which favoured socialist modernism.<sup>40</sup> Hence, the artists and art workers of alternative art practices were confined to the subordinate and underfunded part of the cultural system where the regulation of cultural labour during the 1980s increasingly undermined the working conditions and access to remuneration and welfare provision.

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39 As David Harvey points out, not without irony, ‘non-governmental and grassroots organizations (NGOs and GROs) have also grown and proliferated remarkably under neoliberalism, giving rise to the belief that opposition mobilized outside the state apparatus and within some separate entity called “civil society” is the powerhouse of oppositional politics and social transformation.’ (Harvey 2005, p. 78.)

40 Denegri 2003, pp. 172–8.

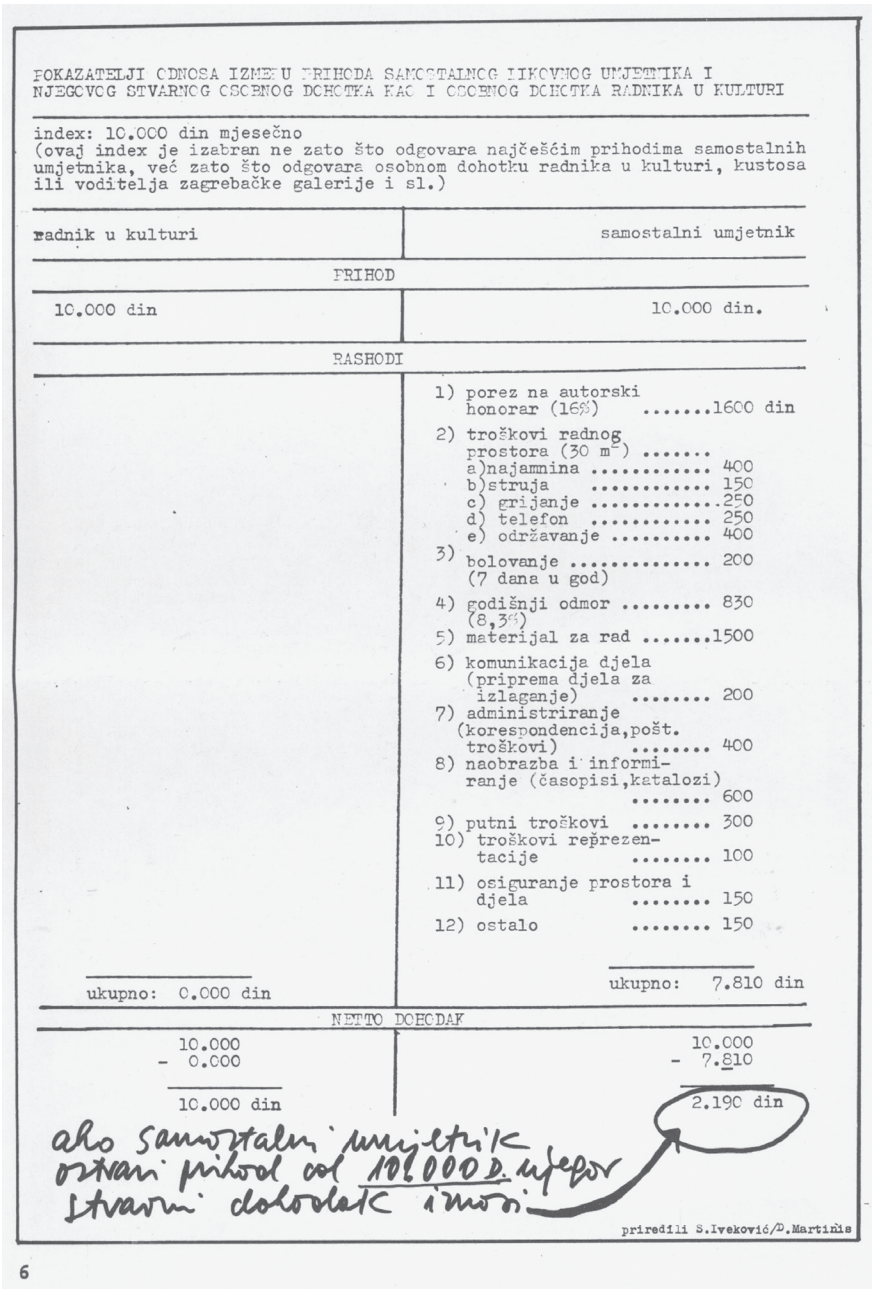


FIGURE 1 Sanja Iveković, Dalibor Martinis: Indicators of the relationship between the income of an independent visual artist and his actual personal income as well as the personal income of a cultural worker; page six from the magazine Prvi broj (First Issue), Zagreb, 1980.

COURTESY: SANJA IVEKOVIĆ.

A case demonstrating the struggle with the inequality of working conditions between alternative and dominant art practices was the political intervention of the Working Community of Artists Podroom (Radnička zajednica umjetnika Podroom)<sup>41</sup> in Zagreb, which existed between 1978 and 1980 as an alternative space to dominant socialist art institutions. Artists involved in Podroom not only criticised the institutional design of socialist cultural production but also questioned the unequal economic and social position of independent cultural producers. Specifically, the interventions concerning cultural labour can be found in Podroom's magazine, *First Issue (Prvi broj)*, in which artists Sanja Iveković and Dalibor Martinis [Figure 1] compared the monthly income of an independent cultural worker with that of a full-time cultural employee in a socialist art institution.<sup>42</sup> The comparison based on the equal monthly net amount of 10,000 Yugoslav dinars clearly indicated the emerging class stratification, which had begun to form in the field of cultural production during the 1980s and reached its climax during the post-socialist era, particularly in the second decade of the 2000s. An independent artist in late socialist Yugoslavia was left to live on only twenty per cent of the net amount of her income – the rest was spent on welfare provision, administration, working-space and material expenses, among other items. A full-time cultural employee in a public art institution had the entire net amount of her income at her disposal, including guaranteed social security.<sup>43</sup> Iveković and Martinis even proposed a concrete solution to balance this inequality by designing a special contract for cases where independent artists provided service or work for public art institutions;<sup>44</sup> however, that contract has never been implemented.

Despite the clear signals about existing inequality concerning the social and economic position of independent cultural producers in socialist Yugoslavia, cultural policy continued to implement juridical arrangements, which produced and developed the conditions for the precarisation of cultural labour. In socialist Slovenia, the implementation of the Law for Independent Cultural Workers laid the foundation for a new category of cultural worker – the independent cultural worker – which was renamed, 'self-employed in the field of culture' during the 1990s. Implementation of the relations of competition on the cultural labour market, as exemplified by the juridical postulation of

41 Among the artists active in Podroom were Sanja Iveković, Dalibor Martinis, Goran Trbuljak, Mladen Stilinović, Goran Petercol, Ivan Dorogi, Antun Maračić and Boris Demur in Vlado Martek.

42 Iveković and Martinis 1980, p. 6.

43 Ibid.

44 Iveković and Martinis 1980, pp. 8–9.

cultural work in the LICW, can be understood as a form of indirect formal subsumption that went hand in hand with the neoliberal transformations of the government. Both the transformation and the redefinition of cultural work served to deteriorate the working conditions for freelance art workers. For instance in 2010, *Asociacija*, the Association of Arts and Culture NGOs and Freelancers, conducted a comparative study of a freelance performing artist and an employed performing artist in a public theatre in Slovenia, which demonstrated not only stark differences in social protection but also a 40 per cent lower income for the freelance artists.<sup>45</sup>

Hence, the question remains as to what the long-term effects were of the Law for Independent Cultural Workers on working conditions in the field of culture. Therefore, the ensuing discussion focuses on this specific piece of legislation, which can be understood as the neuralgic point in instituting precarious working conditions in the field of culture in the former socialist context.

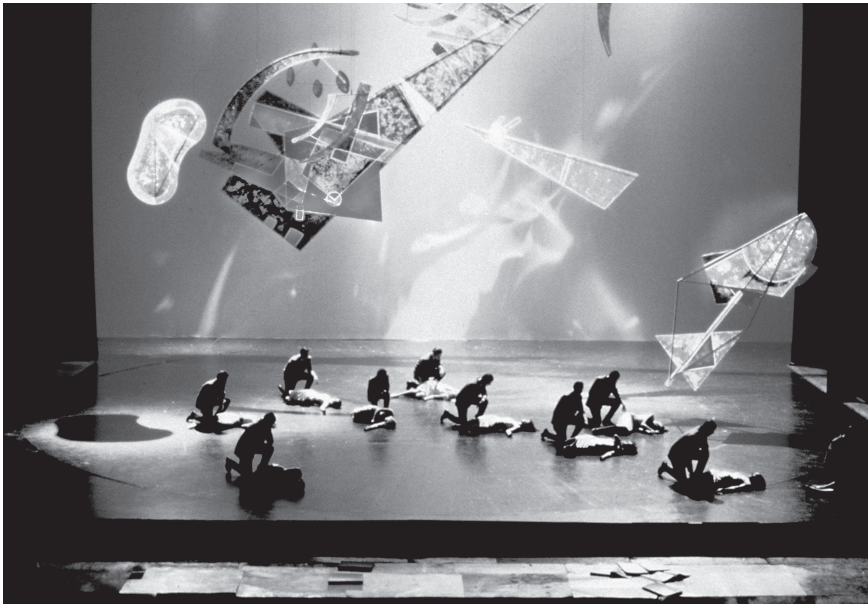


FIGURE 2 *Scipion Naice Sisters Theatre (Eda Čufer, Miran Mohar, Dragan Živadinov)*  
*Retrogardistic Event Baptism under Triglav. Produced by Cankarjev dom Ljubljana,*  
1986.

MARKO MODIC (COURTESY: AUTHOR).

45 Pivka *et al.* 2010.



### 3 The Disenfranchisement of Cultural Producers

#### 3.1 *An Independent Cultural Worker or an Entrepreneur?*

The gist of the legislation (LICW), still in place today, represents the anchorage for what I interpret as a form of *indirect formal subsumption* of cultural labour under capital taking place in conjunction with the 'political re-deployment' of the state by neoliberalism.<sup>46</sup> The LICW, via legal and policy regulation, formally defined cultural producers as entrepreneurs, thus creating a new way of governing individuals which extends 'market rationality to existence in its entirety through the generalization of the enterprise-form'.<sup>47</sup> Hence, I suggest that the changed role of the state under neoliberalism, which now organises competition on the cultural labour market, may be understood in terms of indirect formal subsumption specific to neoliberal governmentality.

Introduced in socialist Slovenia in 1982, the Law for the Independent Cultural Workers (hereafter: 'the Law' or LICW) was primarily implemented to remedy the socioeconomic condition and legalise the status of freelance cultural producers. The LICW was supposed to regulate labour conditions for freelancers so that independent cultural workers could achieve 'equal socio-economic standing with workers employed in Organizations of Associated Labour'.<sup>48</sup> However it was paradoxically set forth by way of providing artists the option to operate as 'free enterprises' in the framework of the socialist market. Hence, the Law indirectly defined art workers as entrepreneurs, which, as Foucault emphasised, is one of the hallmarks of neoliberalism.<sup>49</sup> Despite the comparatively better functioning of the welfare regimes in 1980s Yugoslavia, the fact remains that the LICW actually laid the foundations for the emergence of an entrepreneurial spirit, regardless of how the law's discourse was veiled in the self-management ideology of establishing equal socio-economic conditions. As early as 1987, researcher Marjana Bele noted that each independent cultural worker was in fact 'a one-woman OAL [Organisation of Associated Labour, i.e. a socialist enterprise]'.<sup>50</sup> To translate this into contemporary terms: the independent cultural worker was an independent entrepreneur, or, as she is called today, an art worker with the status of 'self-employed': she is a worker who, in Sergio Bologna's words, is 'seen as external supplier, who does not

46 Dardot and Laval 2013, p. 148.

47 Dardot and Laval 2013, p. 11.

48 *Zakon o samostojnih kulturnih delavcih* [Law for Independent Cultural Workers] 1982, p. 505.

49 Foucault 2008, p. 226.

50 Bele 1987, p. 18.

receive a wage or salary sufficient for her reproduction, but is paid according to her performance.<sup>51</sup> In short, independent workers became those who, as Bologna ironically indicates, live “at their own expense”.<sup>52</sup>

The LICW failed to improve socioeconomic conditions and, in fact, legalised precarious working conditions for independent cultural producers. All those who were not employed either in ‘organisations of associated labour’<sup>53</sup> during socialism, or after the breakup, in public cultural institutions were affected. The law has been subject to several changes during the 1990s and 2000s but most of them have further increased the precarious working conditions of cultural producers. Tellingly, the designation of cultural producers changed from ‘independent cultural workers’ (1982) to ‘freelancers in the field of culture’ (1994) and finally to ‘self-employed persons in the field of culture’ (2002).

The LICW made it possible for independent artists and cultural workers to operate, legally and business-wise, and establish so-called temporary or permanent ‘working communities’. Thus, the ‘independent cultural worker’ became a contractor of the Cultural Community by providing services for cultural users. However, the state apparatus had an additional motive for implementing this law: it needed to take measures concerning the growing number of ‘the working-class youth whom the simple class-reproduction started precisely at that historical moment to turn into a superfluous industrial reserve army’.<sup>54</sup> Hence, the state apparatus invented a new category of cultural labour. That new category of ‘independent cultural workers’ became legally bound to take care of their own welfare provision, which included health-care insurance and contributions to the retirement plan. Moreover, in order to be able to be registered as independent cultural workers, cultural producers had to meet a set of criteria set forth by legislators and be evaluated by a special expert committee consisting of fellow cultural producers.<sup>55</sup> The registration was necessary so that the state could keep control over the number of cultural workers who were granted reimbursement of their social-security contributions.

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51 Bologna 2010, p. 138.

52 Ibid.

53 This was the designation for public institutions and organisations in socialist Yugoslavia after 1976 when self-management was instituted on the constitutional level.

54 Močnik 2010, p. 227.

55 These criteria included: the cultural worker having to practise her/his art (anything from dance, theatre, and visual arts to film-making) as a profession or an occupation; proving that occupation either with an art or arts-related educational degree or by demonstrating professional work experience in the arts; being more than 15 years old, with permanent residence in Slovenia and without full-time employment. (*Zakon o samostojnih kulturnih delavcih* 1982, p. 505.)

Nevertheless, before the breakup of socialist Yugoslavia, welfare provision was, as a rule, financed and paid via a social contract between the independent cultural worker and the Cultural Community of Slovenia, that is, by public funds.<sup>56</sup> This arrangement also continued in the framework of the nation state to a certain extent whereby the Ministry of Culture under specific criteria pays the welfare provision for selected cultural producers with a status of 'self-employed person in culture'; yet the number of persons who are entitled to the reimbursement is in inverse proportion to the growing number of registered self-employed cultural producers.

A few cultural-policy researchers regarded the LICW as an improvement and liberalisation<sup>57</sup> because it allowed individual cultural producers to legally conduct their professional activities and also because it granted the provision of social security to other professions in the field of culture; under the new Law, artists and other arts-related professionals were eligible to register as cultural workers. But in reality the Law only artificially recognised cultural producers, by making a legal path through which it was possible for them to access the social-security provision since the majority had to ultimately self-fund their social-security expenses.<sup>58</sup> The essence of the legislation is thus the anchorage for the entrepreneurial mode of government, which promotes the creation of market situations and the production of the entrepreneurial subject who governs herself under the pressure of competition.<sup>59</sup> Social, health and retirement provisions have therefore been transformed into an incentive and are no longer a (worker's) right. In the words of Dardot and Laval, '[i]t is therefore no longer a question, as it was in welfarism, of redistributing goods in accordance with a certain regime of universal rights to life – that is, health, education, social inclusion, political participation – but of appealing to the calculating capacity of subjects to make choices and achieve results, which are posited as conditions of access to a certain well-being.'<sup>60</sup>

Even more importantly, the right to reimbursement of social-security contributions has been limited not only in terms of criteria specific to each

56 In 1984, approximately 64.7 per cent of all independent cultural workers' welfare provision was paid by public funds; the rest had to cover those expenses themselves. (Čopič and Tomc 1997, p. 79.)

57 Čopič and Tomc 1997, p. 80.

58 In 1989, when the number of independent cultural workers was three times higher, only 30.8 per cent of cultural workers got their social-security insurance covered via the cultural budget. (Čopič and Tomc 1997, p. 79.)

59 Dardot and Laval 2013, pp. 11–12.

60 Dardot and Laval 2013, p. 180.



profession, but also in terms of available public funds. The fact of the matter is that the cultural budget, i.e. the entirety of public funds available for cultural production, has been, in principle, stagnant.<sup>61</sup> It is therefore not surprising that the number of independent cultural workers increased 2.8 times from 1979 to 1980.<sup>62</sup> In 1984, only two years after the implementation of the LICW, the number of cultural workers was three times higher. In 2012, there were 2,278 cultural producers registered as 'self-employed persons in the field of culture' and 64 per cent of them had the right to the subsidised welfare provision.<sup>63</sup> In addition to the self-employed in the field of culture, there were 5,439 cultural producers registered as cultural (private) entrepreneurs<sup>64</sup> who had to self-finance the cost of their welfare provision. On the one hand, 'self-employed persons in the field of culture' represented 18 per cent of agents in the cultural system while 44 per cent were cultural (private) entrepreneurs.<sup>65</sup> On the other hand, there were 2,652 employees in the public cultural institutions enjoying full coverage of welfare provision.<sup>66</sup> The superfluity of the reserve army of cultural labour becomes even more apparent if we contrast the previous data with the proportion of the cultural budget spent on the regular activities of cultural institutions, i.e. on the employees' wages and the material expenses of those public institutions, which amounted to 38 per cent in 1984. This proportion eventually became a disproportion by the end of the 1980s (48 per cent) and grew even more disproportionate during the 1990s (68 per cent in 1996). That being the case, it is clear that one of the main effects of the LICW was to reduce financial pressure on the government that would be involved in funding permanent full-time employment in public cultural institutions.

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61 The GDP share of public expenditure for culture during 1980 was on average 0.25 per cent. (Čopić and Tomc 1997, p. 123.) The share of the cultural budget intended for an artist's social-security insurance grew from 0.83 per cent to 1.55 per cent from 1984 to 1990. However, the number of insured cultural workers also rose to 47 per cent from 1984 to 1989. (Čopić and Tomc 1997, p. 107.) Not only that, as Čopić and Tomc emphasise, the higher percentage of the cultural budget dedicated to an independent cultural worker's insurance provision can be ascribed to the rise in social-security contributions in general. (Čopić and Tomc 1997, p. 129.)

62 SURS 1976–97.

63 Ministrstvo za kulturo RS 2014.

64 Also termed 'sole proprietors'.

65 Ministrstvo za kulturo RS 2014.

66 Ibid.

### 3.2 *Indirect Formal Subsumption of Cultural Labour*

Hence, the Law paved the way for the indirect formal subsumption of artistic labour as a consequence of the ongoing transformation of the state's role under neoliberal rationality. In this respect, Dardot and Laval accurately point out that today one needs to pay attention not so much to Marx's point about routine violence of capital over labour, which only exceptionally involves extra-economic violence, but rather to his point that violence is 'more commonly exercised in the form of "silent compulsion" inscribed in words and things'.<sup>67</sup> The interpretation of the LICW as a form of indirect formal subsumption of cultural labour taking place during the transition of late socialist Yugoslavia to the era of post-socialist devastation needs to be seen as one of the novel scenarios in neoliberalism's 'unprecedented techniques of power over conduct and subjectivities' that 'cannot be reduced to the spontaneous expansion of the commodity sphere and the field of capital accumulation'.<sup>68</sup> Redefinition of cultural workers as cultural entrepreneurs is in this respect a formidable anchorage from which to exercise power over the conduct of art workers because neoliberalism 'effects no separation of the "economy" from the legal-institutional framework that determines the practices peculiar to the global and national "competitive order."'<sup>69</sup> The LICW did not cause the real subsumption of artistic labour under capital but it did pave the way for the indirect formal subsumption. While artistic labour as independent work is still financially supported by the state, cultural policy reorganised the legal framework and thus the context for cultural labour into a competitive labour market for publicly-funded artistic projects and programmes.

The process of redefining cultural labour took place precisely during the dismantling of the Yugoslav socialist welfare state. In Yugoslavia the class compromise between labour, political structures and managers of production enabled the redistribution of surplus value in terms of social solidarity and facilitated the welfare state, where access to and supply of cultural production was part of the package. The state apparatus controlled cultural production without the mediation of capital since cultural production was publicly funded as a social right. As Beech suggests, in the context of the welfare-state regime, public funding of the arts can be understood in terms of Esping-Andersen's concept of 'de-commodification', according to which certain goods and services are 'allocated ... universally and for free as social rights'.<sup>70</sup> However, despite

67 Dardot and Laval 2013, p. 7.

68 Ibid.

69 Ibid.

70 Beech 2015, p. 141.

'art's economic exceptionalism as a result of the effects of the public subsidy' specific for the post-WWII era,<sup>71</sup> cultural labour in socialist Yugoslavia was integrated into the welfare-state regime as a form of wage labour, either in the form of employment in public cultural institutions or in the form of independent/freelance work, that was granted the welfare provision. Capital had a subordinate function over and only an indirect influence on cultural production; it did not determine that production, and cultural labour was not exploited for valorisation of capital. Thus the competition between cultural producers for public funding cannot be seen in terms of real subsumption of labour under capital since capital is not directly commanding the production process, that has been the role of the socialist welfare state. Though cultural production in socialist Yugoslavia might be seen as what Beech terms 'art's de-commodification without art's de-commodification',<sup>72</sup> cultural labour as such was *de facto* treated as wage labour (paid by the hour and/or product). In other words, cultural policy enabling the payment of artistic labour as well as protecting the social security of cultural producers was grounded both in political decisions about art's exceptional role in society as well as in a constitutional right to work and guaranteed subsistence.<sup>73</sup> Thus cultural labour was confined by a paradox: on the one hand cultural production was supported as a public good in a welfare state, on the other hand a growing number of cultural workers were underpaid and lacking social and workers' rights. In this respect, the cultural policy of the socialist welfare state had by the end of the 1980s produced its own version of inequality of artistic labour and consequently its payment: on the one side we find the cultural employees with guaranteed welfare provision and wages, and on the other there are underpaid independent cultural workers with minimal welfare protection who have found themselves in increasing competition for scarce public funds.

As the deterioration of working conditions for independent cultural producers and ensuing problems with remuneration and welfare provision for cultural labour already became an issue in the last decade of socialist Yugoslavia, the implementation of the Law for Independent Cultural Workers in 1982 clearly signalled a change in the state-apparatus orientation: from protection of cultural labour to paving the way for future exploitation of neoliberal cultural entrepreneurs. The cultural policy of late socialism redefined independent cultural workers as independent cultural entrepreneurs (or, the self-employed) by implementing juridical arrangements through which the flexibilisation of

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71 Ibid.

72 Beech 2015, p. 142.

73 Woodward 1995, pp. 173–4, 317, 328.

the cultural labour market took place. The transition from state to market discourse of cultural policy<sup>74</sup> manifested by the implementation of the LICW and its redefinition of cultural labour was, thus, inevitably linked to the rise of neoliberal rationality, which brought with it a process of indirect formal subsumption of cultural labour under capital. Subsumption is indirect since cultural labour is not under the command of capital, however, the state is introducing business procedures and relations of competition in the field of cultural production. Moreover, indirect subsumption is formal since the changes in regulation of cultural labour pertain to the legal-institutional framework, namely, to the words and things signalling the extra-economic silent compulsion, which according to Marx forms the basis of formal subsumption that operates on the level of circulation and regulates the labour market rather than the production process.<sup>75</sup>

Furthermore, formal subsumption is not the necessary condition for real subsumption of labour under capital, nor a logical precondition and a historical phase preceding real subsumption; rather, it continues and develops it further. 'Not only do formal and real subsumption exist alongside and in combination with one another, but added to this matrix are hybrid forms of subsumption and the permanent presence of "primitive accumulation" accomplished through the use of extra-economic violence.'<sup>76</sup> In this respect, the implementation of LICW can be understood in terms of indirect formal subsumption that took place during the rise of neoliberal governmentality in the transition to post-socialism. That is, new legal interventions establish conditions for the ongoing precarisation of cultural and intellectual labour through diminished protection and collective solidarity. To put it differently, the flexibilisation of the cultural labour market can be interpreted as an intensification of indirect formal subsumption specific to neoliberal rationality: the access to wages and remuneration is insecure and unreliable, while the discipline and existential dependence of workers has increased. 'By transferring risks to wage-earners' as Dardot and Laval demonstrate, neoliberalism has naturalised risk and instituted worker flexibility.<sup>77</sup> It has done so by creating the context for 'entrepreneurial self-government' and by instituting 'the new techniques of "personal enterprise,"'<sup>78</sup> which is precisely what the LICW made possible. Thus the Law initiated a new form of employment in the field of culture that is

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<sup>74</sup> McGuigan 2004, pp. 31–50.

<sup>75</sup> Marx 1990, pp. 1019–38.

<sup>76</sup> Saens De Sicila 2013, pp. 7–8.

<sup>77</sup> Dardot and Laval 2013, p. 261.

<sup>78</sup> Dardot and Laval 2013, pp. 260, 261.

represented by independent cultural workers, i.e. the new entrepreneurial or neoliberal subjects.<sup>79</sup>

Yet because the effects of the obscurely neoliberal policies, such as the Law, manifested themselves only after the rise of independent nation-states in the 1990s, these cultural-policy measures at the time of implementation in the early 1980s did not present relevant grounds for the political struggle of cultural producers.

### 3.3 *Autonomy of Art versus Art's Economic Heteronomy: The Case of SNST*

More specifically, throughout the postwar period artists in socialist Yugoslavia were involved in creating alternative models of cultural production which were in opposition to the mainstream model of Yugoslav art.<sup>80</sup> However, the alternative neo-avant-garde and retro-avant-garde art practices of the 1970s and 1980s in Slovenia (such as OHO, NSK, FV and others) did not offer a perspicuous consideration of the production models, especially as it concerned the regulation of cultural labour, as did the previously mentioned artists of the Working Community of Artists Podroom in Zagreb, Croatia. Since social rights and welfare provision appeared to be a given in socialist Slovenia, radical artistic practices during the socialist 1980s focused not on its abolition but on the redefinition of socialist self-management through the critique of socialist ideology and nationalistic tendencies as well as by furthering the social, sexual and political liberalisation of general cultural life.

For instance, the theatre group Scipion Nasice Sisters Theatre (SNST), which was a member of the renowned art collective Neue Slowenische Kunst (NSK), had, in its short existence from 1983 to 1987, equated itself with the state and appropriated the state's language in order to reform the rigid culture of national theatres and hence create a new utopian state.<sup>81</sup> 'By insisting that transnational "retroguardism" (or, the revitalized spirit of the avant-garde) and *not* the national culture would be the most appropriate cultural model for a socialist state, SNST sought to usurp the Yugoslavian state's cultural ideology and impose itself as a transcendental, "real" socialist authority in its place.'<sup>82</sup> The opportunity for SNST to realise its proclamations about the theatre as a state<sup>83</sup> arguably came in one of the most provocative theatre performances, *Baptism*

79 Dardot and Laval 2013, p. 259.

80 Cf. Djurić and Šuvaković (eds.) 2003; IRWIN (ed.) 2006.

81 Scipion Nasice Sisters Theatre 2015, p. 475.

82 Badovinac, Čufer and Gardner 2015, p. 15.

83 Scipion Nasice Sisters Theatre 2015, p. 475.



FIGURE 3 *Scipion Naice Sisters Theatre (Eda Čufer, Miran Mohar, Dragan Živadinov) Retrogardistic Event Baptism under Triglav. Produced by Cankarjev dom Ljubljana, 1986.*

MARKO MODIC (COURTESY: AUTHOR).

*under Triglav*, early in 1986 in the newly-built socialist cultural and congress centre (Cankarjev dom) in Ljubljana. There, the SNST provocatively staged a founding national myth, *Baptism under Savica*, written in 1835 by France Prešeren, widely considered the greatest Slovene poet, in an iconic and spectacular visual performance that juxtaposed the imagery of historical avant-gardes with nationalistic ideology.

The performance wreaked havoc on all levels, from aesthetics and art-circles to politics; however the frontal attack on the rigid socialist institutions (and the socialist modernism they mostly represented) had little long-lasting effect on the cultural-production model and even less so on the working conditions of the independent cultural workers – a category to which artists of the NSK collective belonged.<sup>84</sup> Moreover, as opposed to the concerns of the art collective Podroom that directly addressed the contradictions of the self-management ideology and its effects on the value and social position of cultural labour, SNST and/or NSK's political struggle for a new alternative production model was more concerned with the deconstruction not only of the

84 Praznik 2015, pp. 355–65.

nationalist ideology but also with questioning art as ideology. In other words, the claims of NSK that ideology and art are not mutually exclusive touched upon the point that Peter Bürger made about the institution of art: 'For if it is true that art is institutionalized as ideology in bourgeois society, then it does not suffice to make the contradictory structure of this ideology transparent; instead, one must also ask what this ideology may conceal.'<sup>85</sup> Philosophers have understood the proclamations about art as ideology specific to the work of SNST and NSK as a new approach to issues of autonomy of art.<sup>86</sup> By insisting that art is ideology, NSK implicitly criticised its autonomy and demanded a different kind of politics.<sup>87</sup> However, this demand was neither centred on the status and the value of cultural labour in the state, nor concerned with the concurrent transformations implemented by cultural policy concerning the status of cultural labour. In other words, independent cultural labour and its depleted socioeconomic conditions during late socialism point to the contradiction structured by the difference between the autonomy of art on the level of ideological production as opposed to the heteronomy of art as economic production. The question then seems to be whether artistic autonomy is ideological or structural.

The apparent contradictions posed by the integration of cultural labour into the economy of the socialist welfare state point to a necessary distinction pertaining to the relative autonomy of art. Specifically, the political struggle for a new production model inherent to the alternative art practices during socialism revealed that art is autonomous on the level of ideological production – in the sense argued by Vološinov that '[w]herever a sign is present, ideology is present, too'<sup>88</sup> – but it is heteronomous on the level of its economic production. It is precisely on this level that cultural production or rather regulation of cultural labour assimilates or is permeated by the patterns, processes and relations that are specific to the capitalist mode of production, which consequently contribute to the contradictions implicit in the lack of remuneration as well as in unjust regulation of cultural labour, specifically for the second generation of self-employed cultural workers after the 1980s.

Hence, cultural labour, despite being integrated into the socialist welfare state, remained unpaid or under-paid and struggled in precarious working conditions. Though the LICW was implemented to enhance and enable autonomy and freedom for cultural workers during socialism, the way in which

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85 Bürger 1984, p. 14.

86 Kreft 2015, pp. 166–7.

87 Ibid.

88 Vološinov 1973, p. 10.



this autonomy was instituted via the juridical arrangement increased cultural labour's dependence on the dominant mode of production, particularly on the structural pressure of wage labour. John Roberts's argument about the emancipation of labour as opposed to the emancipated labour is to the point here: 'The autonomy of artwork is a model *of* emancipated labour, not the model through which the emancipation of labour will be accomplished.'<sup>89</sup> If '[t]he emancipation of labour through labour is, precisely, the passage through the value-form and not around it' then as Roberts points out, 'it is the transformation of the social form of labour that will produce the generalizable conditions of labour's emancipation.'<sup>90</sup> In other words, the liberation and autonomy of cultural workers that the LICW was supposed to secure turned out to be politically ambivalent.

#### 4 Artistic Autonomy and the Disavowal of the Socioeconomic Context

The consciousness (or better: the idea) of free self-determination, of liberty, makes a much better worker ... as does the related feeling (sense) of responsibility....<sup>91</sup>

While in retrospect, we can see how the Law instituted precarious working conditions via juridical arrangement, and was an early sign of neoliberal governmentality, it is interesting to look at the other side of the contradiction that it produced. Namely, even though the Law was based on the ideology of entrepreneurial freedom, the cultural-policy measure was welcomed as a mechanism to increase the autonomy of artists and cultural producers as it allegedly increased their chances of self-determination. 'Freedom to choose was not initially received as a "right-wing" economic ideology, but as a "left-wing" norm of behaviour, according to which no one may oppose the realization of one's own desires.'<sup>92</sup> According to political scientist Isabelle Lorey, opting for precarious forms of work and life has been appealing to the emancipated individual because it gives them a chance to organise their own time, while payment and

89 Roberts 2007, p. 209; italics in original. Hence, argues Roberts, 'Adorno's defence of art's autonomy through self-directed artistic labour never became a model of social praxis, for the fear of obliterating its specific class-location.' (Ibid.)

90 Ibid.

91 Marx 1990, p. 1031.

92 Dardot and Laval 2013, p. 286.



benefits are not a concern because enjoyment in the work itself is considered as the remuneration:

Generally, the conscious, voluntary acceptance of precarious labour conditions was often certainly also an expression of the wish for living the modern, patriarchal dividing of reproduction and wage labour differently than is possible within the normal work situation.<sup>93</sup>

With the new Law, cultural producers were no longer strictly bound to operate through state-established professional associations or as employers tied to cultural institutions but could freely design their own projects and activities. The new Law was well-received by cultural workers<sup>94</sup> and welcomed because it allegedly supported artists' autonomy and freedom. Yet, this attitude was possible in a situation where the welfare-state regime was still functioning. However, as neoliberal policies became pervasive during the 1990s and the welfare state was slowly but surely being dismantled – in particular after the 2008 economic crisis,<sup>95</sup> – precarious working conditions were no longer a choice (if they ever were) but were, in fact, forced upon cultural producers as well as others who produce cognitive and affective labour.<sup>96</sup> That is to say, even if the cultural system appears autonomous and independent, cultural labour is becoming increasingly determined by the techniques and processes specific to the process of capital accumulation in its neoliberal variation. Despite that, the spontaneous ideology of the autonomy of the art and its ideology of artists' freedom and self-realisation remain present. Actually, the spontaneous ideology of freedom and autonomy 'could be a central reason for why it is so difficult to recognize structural precarisation as a neo-liberal governmental phenomenon.'<sup>97</sup> Although cultural production is still financed via public funding, the logic according to which the state or government redistributes, or rather invests, the funds, as well as the logic of the regulation of state-funded artistic production and cultural labour is no longer that of the welfare

93 Lorey 2009, p. 196.

94 Bele 1987.

95 Stanojević 2014, pp. 97–112.

96 In this respect it is important to look at the number of the students enrolled in art academies, which continued to rise; from 1974 to 1989 it increased 1.3 times (573; 783) and from 1989 to 1995 it increased 1.4 times (783; 1114). In twenty years the number of students was almost two times higher. Yet the budget for cultural production during the 1980s and 1990s stayed relatively similar: 4.1 per cent to 4.3 per cent of the entire budget. (SURS 1976–97.)

97 Lorey 2009, p. 199.

state but of the neoliberal enterprise state. Thus, I contend that the transformed role of the government under neoliberalism prepared the conditions for the indirect formal subsumption of cultural labour during the transition to post-socialism. Neoliberal transformation of the state or the 'entrepreneurial mutation' as Dardot and Laval maintain, 'not only aims to enhance efficiency and reduce the costs of state action, but also radically subverts the modern base of democracy – that is, recognition of the social rights attaching to the status of citizen'.<sup>98</sup> Neoliberalism restructures the state from without by privatisation of public enterprises and from within by instituting new instruments of power that organise 'new relations between government and social subjects'.<sup>99</sup> While the former has not been the case in the field of cultural production in Slovenia after the 1990s, the latter has been set in motion by the implementation of the LICW that signals the functional transformation of the state, which became 'an enterprise on a par with private entities'.<sup>100</sup> As the state supported the construction of markets governed by competition it imported 'the competitive market's rules of operation into the public sector, in the widest sense, to the point of conceiving the exercise of government power in accordance with the rationality of the enterprise'.<sup>101</sup> As a result, a contradiction has emerged: the state is still funding cultural production in Slovenia as a public good, however it is organising and regulating the working conditions of cultural producers by employing techniques that manufacture entrepreneurial subjects.

The spontaneous ideology of freedom and autonomy embraced by and not contested by agents in the cultural system could therefore be one of the main motivations for why, during its implementation in the 1980s, cultural-labour legislation remained unquestioned. The Law, which supported entrepreneurial logic, was welcomed as a bearer of freedom, even though it was reproducing relations of exploitation and inequality in the cultural system. Instead of democratisation of the mechanisms of the welfare state and mechanisms of mutual solidarity, the Law introduced the 'every [wo]man for her/himself' line of reasoning. The unquestioned embrace of the Law under the flagship of autonomy is what I interpret as a structural disavowal of the socioeconomic context. As I demonstrated, the Law for Independent Cultural Workers as well as its legal successors (Decree on requirements for entry into the register of freelancers in the field of Culture [1995] and Decree on self-employed persons

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98 Dardot and Laval 2013, p. 217.

99 Dardot and Laval 2013, p. 216.

100 Dardot and Laval 2013, p. 217.

101 Dardot and Laval 2013, p. 218.

in the field of Culture [2002]) solved neither the lack of workers' rights for independent cultural producers nor their socioeconomic standing in society.

As such, the disavowal of the socioeconomic context is a structural trait of the cultural system fundamentally intertwined with the ideology of the autonomy of the arts. However, this is not a phenomenon specific to the post-socialist context. This tends to be a global issue: today, artists are still concerned with autonomy of the arts, which contributes to the misrepresentations of the relations of production, in that it obscures their socioeconomic realities. In this setup, the ideology of artistic autonomy plays a crucial role because the institution of art is perceived as a relatively autonomous social sphere, even though it is intricately connected to the mechanisms of the capitalist mode of production. The relative autonomy of art is not only a specific phenomenon in the capitalist mode of production but is also the effect of the capitalist mode of production.<sup>102</sup> Understanding how the relatively autonomous sphere of art is in fact a structural effect of the autonomisation of the economic sphere helps to explicate the contradictions that surface in the sphere of the arts. One of the contradictory phenomena is the spontaneous ideology of artistic autonomy, which obscures the economic relations governing cultural labour that have, as I demonstrated in the analysis of LICW, become subjected to the rise of neo-liberal rationality, which opens the floor for the process of indirect formal subsumption of cultural labour.

Hence, the problem with artistic autonomy employed as a political strategy is not so much that it may be perceived as false consciousness; rather, the problem lies in the fact that claims of autonomy are nostalgic. In other words, they imply an imaginary golden age where the artists and cultural producers were separated from the social pressures of wage labour, instead of focusing on the emancipation of not only cultural but all social production from the condition of wage labour. Artistic autonomy thus may be viewed as an emancipatory tactic. For instance, Roberts suggests that art's autonomy should be redefined as 'art's relative freedom from the value-form'.<sup>103</sup> However, this paper argues that claims for artistic autonomy are a misguided political strategy. As the case of LICW in the context of post-socialist transition demonstrates, the key mechanism displacing the political potential of artistic autonomy into nostalgia operates through the misidentification of the relative autonomy of art on an ideological level with the relative autonomy of art on the economic

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102 Bourdieu 1996, pp. 47–173; Berger 1972, pp. 87, 104–8.

103 Roberts 2007, p. 219.

level,<sup>104</sup> where in fact it is the indirect formal subsumption of cultural labour that takes place.

## 5 Neoliberal Weakening of the Welfare State Instead of Autonomy

The Law as a cultural-policy measure was thus an administrative manoeuvre, a legal formality that instituted a new type of cultural labour that was radically different from permanent full-time employment and one which did not improve the socioeconomic conditions of independent cultural producers. Henceforth, the LICW weakened the welfare state in the cultural sphere, not because the social provisions for cultural producers would no longer be available, but because an unjust selection principle was implemented that made the welfare provision available only to those who were employed while the rest had to compete on the cultural labour market in order to be granted the right to the provision. As Asbjørn Wahl explains:

A weakening of the welfare state therefore does not necessarily mean that high-quality schools, hospitals and other welfare services disappear. A weakening of the welfare state means first and foremost increased inequality, and that these high-quality services become no longer accessible to everybody. This can take place by the market taking over a larger part of welfare, by increasing user fees so that fewer people can afford to make use of good services, by a means test reintroducing humiliations and servility, by increasing differences in income creating geographical ghettos, with the local environments of the rich attracting the best welfare services.<sup>105</sup>

What is more, the changes that reorganised social relations under neoliberalism did not emerge due to the supposed retreat of the state in the face of the free market. Quite the contrary, they were brought about precisely through the changes in the 'modalities' of the state 'intervention' whereby 'experts and administrators who, in the various areas for which they had responsibility, put in place the new apparatuses and modes of management peculiar to neoliberalism, presenting them as new political techniques motivated solely by

<sup>104</sup> In other words, precarious cultural workers perceive the ideological autonomy as the autonomy of their production.

<sup>105</sup> Wahl 2011, p. 42.

the pursuit of beneficial effects for everyone.’<sup>106</sup> To that effect, the neoliberal policies had a ‘disciplinary character’ while the state’s function became the creation of ‘market situations’ and the formation of ‘individuals adapted to the market logics.’<sup>107</sup> The change of cultural-policy discourse and practice evidenced in the implementation of LICW demonstrates what Dardot and Laval term ‘the *strategic dimension* of neo-liberal policies’ that have ‘formed part of a global rationality’ which was ‘encouraged, or directly established, by governments.’<sup>108</sup> For that reason I argue that the LICW signals a process of indirect formal subsumption as a form of neoliberal governmentality that contributes to the rise of the entrepreneurial subjects and the dismantling of the welfare-state regimes. Since the ‘lexicon of the enterprise has the potential to unify different “regimes of existence”’, governments have made use of it widely because it ‘makes it possible to connect the goals of the policy pursued with every component of social and individual existence.’<sup>109</sup> Thus the model of personal enterprise was also viewed as an appropriate model to shape the new form of employment in the field of culture in the transition from socialism to post-socialism: the LICW was thus one vehicle not only to implement the enterprise model but to promote a certain attitude that linked government and self-government as a means to establish ‘the entrepreneurial ethic’, for which the ‘first commandment ... is “help-thyself.”’<sup>110</sup>

This cultural-policy measure was never followed by an increase in the cultural budget, as is so often the case with cultural-policy measures in Slovenia – or even less by any discussion about labour rights for cultural producers. Moreover, what the Law did not address at all was the possibility of unionising. Not only did it disenfranchise cultural producers from labour rights, it also deprived them of the grounds to organise. While the employees of public cultural institutions have been organised and protected by unions, the independent cultural producers were not and still are not able to form a union since they are juridically defined as employers of themselves. None of the Law’s amendments that followed during the 1990s and 2000s addressed the unionisation problem. Furthermore, organising cultural workers in unions has been a constant political issue. Independent cultural producers, now understood as cultural entrepreneurs, are supposed to make their living based on their business acumen within a harsh environment of competition for scarce

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<sup>106</sup> Dardot and Laval 2013, p. 181.

<sup>107</sup> Dardot and Laval 2013, p. 148.

<sup>108</sup> Ibid.

<sup>109</sup> Dardot and Laval 2013, pp. 263–4.

<sup>110</sup> Dardot and Laval 2013, p. 264.

public funds. Ultimately, a process of precarisation is unfolding, whereby this category of workers has entered into self-exploitation mode, getting less and less payment for their labour and having ever fewer opportunities even to find funding for their projects. They have been left to exploit their human capital, which is in line with neoliberal governmentality, according to which individuals are responsible and accountable for their well-being. Notably, Dardot and Laval emphasise that the ‘conception of *man as capital* – which is the real meaning of the concept of “human capital” – has proved incapable of producing the mass subjective changes we observe today. For that it had to assume material form through the establishment of multiple, diverse, simultaneous or successive apparatuses, which have enduringly moulded the conduct of subjects.’<sup>111</sup> The LICW is precisely one element of the state-instituted disciplinary apparatus that belongs to the arsenal of neoliberal governmentality.

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111 Dardot and Laval, 2013, p. 168; italics in original.

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