

# *Le rôle du travail discursif des Majors de l'industrie musicale dans la reproduction de l'ordre institutionnel.*

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## **Résumé:**

L'institution, par définition, reflète une notion de persistance. Elle cadre durablement la pratique des acteurs à travers un ensemble d'éléments réglementaires, normatifs et cognitifs. Par ailleurs, cette persistance n'est pas le résultat d'un pur effet institutionnel. Elle s'explique aussi, en grande partie, par un *travail institutionnel* : certains individus s'engagent dans un ensemble d'actions afin de participer à la reproduction des institutions et de l'ordre établi.

Ces actions de maintien sont cruciales pour instruire la question de persistance des institutions, mais restent cependant quasiment inexplorée dans la littérature institutionnelle. Dans cette étude, nous traitons la question du maintien en accordant une attention particulière à l'agence des individus. Certains acteurs ont intérêt à maintenir l'ordre institutionnel, ce qui se traduit par des efforts pour reproduire des croyances et schémas de pensée. Le discours comme objet d'analyse est ici central pour étudier les efforts sur les croyances et schémas cognitifs, d'autant plus que les institutions sont, à plusieurs égards, des constructions sociales discursivement constituées.

Cet article se propose ainsi d'explorer les processus agentiels qui participent à la reproduction de l'ordre institutionnel. Plus spécifiquement, nous étudions les travaux discursifs des acteurs dominants visant à stabiliser croyances et significations. Dans ce dessein, nous nous intéressons à un cas unique, celui de l'industrie musicale en France où la stabilité du champ est remise en question avec le développement d'Internet. Le projet de « licence globale » offre un potentiel important de changement, et laisse apparaître des efforts pour maintenir le système existant.

Nous avons réalisé une étude longitudinale portant sur un corpus de textes de 2004 à 2008 produits autour de la question de « licence globale » et sur une série d'entretiens. Une analyse discursive lexicométrique, avec le logiciel Alceste, a permis de mettre en évidence, dans le discours des Majors, la manipulation et le renforcement des croyances existantes à travers la circulation, l'association et la répétition de certains mots. En particulier, nous mettons en évidence le travail discursif opéré sur la notion d'artiste. La dimension marchande de l'artiste est renforcée et naturalisée pour reproduire l'ordre existant malgré un environnement instable.

**Mots clés :** Maintien institutionnel, analyse discursive, agence, industrie musicale, inégalité.

# 1 Introduction

Despite its importance, the issue of how institutions are maintained in organizational fields has received little attention (Lawrence and Suddaby 2006). Although some works are the exception (Angus 1993; Zilber 2002, forthcoming), it remains an unstudied phenomenon whereas it is, in many respects, a more fundamental question for institutional research than the question of how institutions are created. Moreover, a very modest amount of research has been undertaken to examine the role of actors in maintaining institutions. It is all the more surprising as the very definition of institution emphasizes not only their enduring nature (Hughes 1936) but also the importance of the action of individuals and organizations for their reproduction over time (Berger and Luckmann 1966; Lawrence and Suddaby 2006, p.215). Therefore, there remains a lot of uncovered ground in this direction. Indeed, institutions are not self-reproducing (Greenwood, Oliver, Sahlin and Suddaby 2008; Jepperson 1991) and many authors (e.g. DiMaggio 1988) underline the importance of interest and action in the maintenance of a particular institutional order. “Without continuous action to maintain existing order”, institutions would simply decay into “cultural artifacts” (Zucker 1988, p.26). We, thus, introduce an important yet overlooked mechanism that serves to reproduce the institutional order: agency. Agency is defined as “the temporally constructed engagement by actors of different structural environments - the temporal relational contexts of action - which through the interplay of habit, imagination, and judgment, both reproduces and transforms those structures in interactive response to the problems posed by changing historical situations” (Emirbayer and Mische 1998, p.970). We argue that institutions are maintained due to *institutional work* (Lawrence and Suddaby 2006) performed by actors, and that few organization theorists have inquired about the role and purposeful actions of actors that are aimed at stabilizing beliefs and naturalizing specific views. We claim that discourses are central to this process as one way of understanding institutions is to define them as social constructions constituted by discourse (Phillips, Lawrence and Hardy 2004).

Our goal in this paper is to examine how powerful actors defend their position in an institutional field specifically investigating the efforts of actors to maintain the institutional order through discourse. Our study is motivated by two main research questions: What is the

role of agency in institutional maintenance? What is the actors' discursive work in fixing meaning and then maintaining institutions?

We approach these questions through an analysis of efforts employed to maintain institution in the French music industry. Our study focuses on the discursive work of some actors to reinforce institutionalized myths, beliefs and norms, leading to the reproduction of privileges and naturalized hierarchy. The maintenance of institutions takes the form here of the reproduction of specific beliefs about artists. Our empirical analysis is based on a qualitative and longitudinal study of the field from 2004 through 2008. Confronted with the "threat of the global license", it examines the efforts of dominant actors to sustain their power and illustrates the significant asymmetries that are persistent, despite a changing environment. We aim at exposing how the "Majors" (the four leading record producers) have exploited and reinforced particular institutionalized beliefs about artists to preserve their privileged position. Thus, we focus on meanings, norms, beliefs that are conveyed by specific repeated words and expressions, using a discourse analysis and, more particularly, a lexicometric study. Discourse analysis provides a useful way of conceptualizing the process through which institutions are socially constructed (Phillips and Malhotra 2008).

Our findings contribute to the study of institutional maintenance and agency in two ways. It offers a concrete description of actors engaged in an activity that is intended to maintain institutions. We argue that maintaining institutions is the outcome of agency and not an automatic or even a mechanical mimetic process. Secondly, we demonstrate the creation and reproduction of institutions through discourse. It is the use of a specific discursive analysis based on a lexicographic approach that allows us to understand to what extent discourse contributes to the reproduction of the institutional order.

The remainder of this article is divided into five parts. Building on the concept of *institutional work* and on the particular question of maintaining institutions (Lawrence and Suddaby 2006), we focus first on the role of discourse and language in this process. The second part describes the research method, a critical discourse analysis over the period 2004-2008. The third part consists of an analysis of our main results, followed by the discussion of these results. The last part draws the principal conclusions of the research.

## 2 Theoretical background

We first focus on the question of institutional maintenance and agency. Following this, we highlight the role of discourse in the maintenance of the institutional order.

### 2.1 INSTITUTIONAL MAINTENANCE AND AGENCY

Whereas the question of the creation and the diffusion of institutions is largely discussed in institutional theory, the issue of how institutions are maintained by actors in organizational fields has received little attention (Barley and Tolbert 1997; Lawrence and Suddaby 2006; Scott 2001). In this view, the stability of institutions is considered as an outcome attributed to mimesis and collective consensus rather than as a process of contestation and political struggle. Researchers analyze the inertial effects of institutions through mimetic, normative and coercive pressures upon organizing. This emphasis on isomorphism and how institutions exert stabilizing influence on social processes (DiMaggio and Powell 1983) led authors to focus on social conformism and regularities (Zucker 1988) as a way to naturalize established behaviors.

Yet, the reproduction of rules and beliefs in a field is not a pure institutional and automatic process (Jepperson 1991; Oliver 1991). Institutionalization is not just a question of imitation or diffusion. The reproduction of institutions cannot be taken for granted and even the most highly institutionalized practices require the active involvement of individuals and organizations in order to maintain them over time (Lawrence and Suddaby 2006, p.217). For example, Angus (1993) shows the importance of preserving the normative underpinnings of an institution by creating and sustaining myths regarding its history. Other authors (Townley 1997; Zilber 2002) focused precisely over how actors actively infuse the normative foundations of an institution into the participants' day-to-day routines and organizational practices. These agential processes of institutionalization have in common the fact that they require purposeful efforts (Perkmann and Spicer 2008).

Building on Lawrence and Suddaby's (2006) concept of "*institutional work*", i.e. purposive actions of individuals and organizations aimed at maintaining, creating or disrupting institutions, we need to explore the actions of dominant actors which are aimed at reproducing and reinforcing specific institutional arrangements and at stabilizing specific beliefs.

The maintaining of institutions must be distinguished from stability or the absence of change. It refers to the “supporting, repairing and recreating of institutions” (Lawrence and Suddaby 2006, p.230) and requires specific efforts. Actors have to both cope with the evolution of the field and impact the processes of stability in the context of change. The active behaviors of agents to introduce change, disorder and instability in a field, has to be considered in relation with active strategies of other agents to maintain stability. This kind of actions is therefore embedded in power games, politics and conflicts (Lounsbury 2003; Oakes, Townley and Cooper 1998) that both shape, and are shaped by, institutions (Hargrave and Van de Ven 2006). Actors exert their power and engage in conflict and political behaviors to influence the institutional environment, while “existing institutions govern the exercise of power, the form that conflict takes, and the political behaviors that are viewed as appropriate” (Hargrave and Van de Ven 2006, p.880).

The question of what form of institutional work is associated with maintaining institutions is important and needs further investigation (Lawrence and Suddaby, 2006). We think that the actors’ discursive work plays an important role in this process.

## **2.2 THE ROLE OF DISCOURSE IN MAINTAINING INSTITUTIONS**

Institutionalization deals with discourses that define and constitute organizations and with the way in which social reality comes into being (Hasselbladh and Kallinikos 2000, p.703-704). Discourses are central in this process, since institutional order is performatively constituted by the very expressions that are said to be its results (Butler 1990; Parker 2002). They are used to institutionalize myths and reproduce stereotypes, thus setting and reproducing domination patterns.

As Mumby and Clair point out (1997, p.181), “organizations exist only so far as their members create them through discourse”. Institutions are discursive products as they rely on discourse and are constituted by them. Institutions can also be seen as social constructions constituted through narratives (Zilber 2002, forthcoming) and, more generally, discourse (Kress 1995; Parker 1992; Phillips et al. 2004).

Phillips *et al.* (2004) emphasize the role of texts as a mediator of individuals’ actions and discourse. Institutions are mostly “constituted by the structured collections of texts that exist

in a particular field and that produce the social categories and norms that shape the understandings and behaviors of actors” (2004, p.638). The ability to understand texts and their circulation within an institutional field can bring to light institutional processes that are rooted in discourse.

Embedded in the notion of discourse is the potential for stabilizing social relations (Phillips and Malhotra 2008, p.714). Discourse puts forward patterns of seeing, describing, and interpreting reality. It provides a limited set of linguistic resources that frames knowledge about a topic and frames the ability to talk about it. To this extent, discourse conveys a naturalized and defragmented reality through a combination of specific concepts, words and grammar. It defines the standard way of thinking in a particular situation. According to Hall (2001), discourse determines acceptable ways of thinking, acting and talking. It establishes a set of conventions that leads to an order, and that accepts or rejects certain ways of thinking and acting (Fairclough 1992). Similarly, Reed (1998, p.196) claims that discourse shapes “the strategies and rules by which we can speak about, and act on, a domain ... in such a way that certain possibilities and outcomes are realized rather than others”. Accordingly, in the case of structured institutions, discourse grants stability.

The question is to determine which discursive logics underlie the maintaining of institutions in a mature field. In this field, texts converge to describe a social reality, although it may be contested by some marginal groups.

The institutional actions opposing actors who are eager to change or disrupt institutions, and those who aim at maintaining them, are observable and interpretable in a discursive arena. Furthermore, discourse constructs a particular social structure constituting concepts, objects and subject positions (Hardy and Phillips 2004). Discourse legitimates power asymmetries and allows certain actors to remain dominant in the discursive arena (Bourdieu 1982). As Hardy and Phillips (1999, p.4) note “some individuals by virtue of their position in the discourse, will warrant a louder voice than others, while others may warrant no voice at all”, which can explain the efforts of advantaged actors to maintain institutions and to reproduce specific discursive formations. Their actions, translated into texts, may aim at reinforcing discourses that characterize concepts, objects and subject positions. Actors exert power by attempting to fix inter-subjective meanings and thus put forward a particular reality (Benson

1977; Mumby 2001; Papa, Auwal and Singhal 1995). Consequently, they tend to reinforce particular discursive formations making them appear natural and rational.

In this study, we give primacy to the central role of actors' institutional work, which implies the use of discursive resources to outdo other actors in their ability to control institutions. To this extent, dominant actors may aim at reinforcing existing discourse that legitimizes their position and conveys a specific meaning for concepts and objects that are profitable to them. The actors whose efforts seek the maintaining of institutions produce texts that reinforce institutional rules and order.

Our objective is to analyze how institutions are maintained, using the framework of discursive analysis. Our study is based on a single case: the French record music industry. The institution that is studied in this paper is the *artist institution*. To study this institution we focus on the cultural-cognitive pillar, which beyond the regulative and normative pillars (Scott 2001) is a central dimension of institutions. It is constituted by a set of historical and common beliefs, habits, norms, rules and is instantiated by a set of actors whose positions and powers are determined. Some recent events, external (the emergence of the Internet) and internal jolts (the vote of the "global license") have nevertheless challenged the stability of this institution and jeopardized the maintaining of existing norms and beliefs. However, the role of actors in carrying out institutional maintenance through discourse remains unclear. Our study aims at observing the process of institutional maintenance by dominant actors who use discursive strategies to stabilize their position and convey particular systems of meaning. We argue that the maintenance of the *artist institution* contributes to the reproduction of the institutional order in the music industry.

Below we seek to answer our research question through a discourse analysis of texts in the music industry. While discourse analysis is a theoretical framework explaining processes of social construction, it is also a method for exploring institutional processes such as the maintenance of institutions (Phillips and Malhotra 2008). A discursive perspective highlights the cognitive nature of institutions and is an attempt to focus on the importance of meanings.

### 3 Research context and methodology

The French recording industry appears to be an insightful case for understanding the efforts aimed at maintaining institutions against actors who seek change. Music industries of every developed country in the world have been agitated by the development of the Internet, leading to repressive laws and attempts to reduce piracy on the Internet. However, in France, this issue has turned into a highly controversial debate opposing two fronts: those defending the existing business model and those seeking alternatives in order to reach a balance between artists' and consumers' wishes. This opposition has been crystallized during the "global license" debate at the house of Parliament, arousing a state of "war" in the field. To that extent, the French case brings to light the intensive work of dominant actors to maintain existing rules and cognitive frames.

The following is an overview of the research field, with a description of the main actors in the music industry. We describe the project of global license emphasizing what is at stake with the emergence of this issue. In addition, we develop the research method and underline the reasons for the use of lexicometric analysis in this study.

#### 3.1 RESEARCH CONTEXT: THE FRENCH MUSIC INDUSTRY AND THE EMERGING ISSUE OF THE "GLOBAL LICENSE"

The music industry is made up of various actors whose activities and importance are extremely heterogeneous. Appendix 1 illustrates the central position of producers and copyright collecting agencies in the music field. They are connected with almost all actors of the field and manage large amount of money.

In this complex music industry, the *global license* is a proposal that has been formulated and defended by a group of actors called the Public-Artistes Alliance. It has proposed to make peer-to-peer exchange legal on the Internet. Meanwhile a fee collected by Internet providers would fund performers, musicians and producers to compensate peer-to-peer exchange. This proposition - whose details remain to be defined - would have tremendous consequences in the music industry and would legitimate the practice of downloading copyrighted files on the Internet. It could weaken the Majors' position and change the remuneration system leading to the emergence of new norms and rules. The funds collected through the Internet providers



would be gathered by a central agency and then would be distributed among authors, performers and producers.

This issue of global license has led to the development of two coalitions: there is the Public-Artistes Alliance in favor of global license and another front, the Majors-Sacem, against it in order to protect the existing model in the music industry. The Alliance is made up of musicians' unions (Spedidam, Adami, etc.), consumer organizations (UFC Que Choisir and others), Internet users and family associations. As regards the group opposed to the global license, it is mainly constituted by the Majors (Universal Music, Sony BMG, EMI and Warner Music), the French government (via the Ministry of Culture), producers' associations (SNEP in particular) and authors' associations.

The discussions in the House of Parliament about the French copyright law reforms (called DADVSI which, in English, is the abbreviation for: "law on authors' rights and related rights in the information society") gave the Alliance the opportunity to advocate for the global license project via the members of Parliament such as Patrick Bloche (Socialist Party) and more surprisingly Christine Boutin (Center-right party).

In December 2005, on a Wednesday evening at 11 p.m., the first and most significant of the series of amendments establishing the global license was voted by a 30 to 28 margin. This amendment proclaimed the legalization process of peer-to-peer downloading. It represented a victory, however fleeting, of a "magical coalition" against the powerful majors defended by Renaud Donnedieu de Vabres, the French Minister of Culture.

The government was nevertheless resolutely opposed to this vote. After a controversial parliamentary process, the global license amendments were voted down three months later and the global license was removed. The debates at the House of Parliament had just been a vain and ephemeral perturbation in the music field, whose stability is fiercely defended by the majors.

### **3.2 METHODOLOGY**

In order to highlight norms and meanings that shape social life in the music industry, this study is based on a critical discourse analysis. We aim at understanding how a collection of texts can describe and perform truths, norms, rules, and history in the music industry. This study also points out power relationships reflected and maintained by discourse. Discourse

analysis is used here in a perspective to explore the links between texts, and the maintenance of power and the existing order.

- Data Collection

Previously, in addition to the collection of texts and textual analysis, we interviewed a wide range of actors in the music industry, among them artists, Musicians union representatives, producers (including the CEO of the French subsidiary of Universal), members of Parliament, the CEO of SACEM, ... These 12 semi-structured interviews (for more details, see Appendix 2) are important for a better understanding of the field and of the research context, and to observe actors who are directly involved in the issues about the global license. However, they are not directly used for the discourse analysis. Rather, we focused on texts that were produced, distributed and consumed by actors within the music industry and not those produced by our questions.

We used many different categories for the texts: press articles, tracts, websites, blogs, books, speeches, magazines, videos, official reports, debates, TV programs, etc. However, there are also texts that are not physically stored, verbal discussions, for example. These continue to exist as snatches that fleetingly echo past conversations. We make the assumption that physically stored texts reflect those ideas and conversations, and are sufficient to analyze discourse.

We collected a set of texts that tends to reflect discourse and preserve its complexity. Our goal is not only to show dominant truths but also to shed light on persisting antagonisms. The entire *corpus* is constituted of texts that have been produced around the issue of “global license” in France. This event embodies a jolt that contests dominant discourses and challenges the existing stability. Whereas “global license”, as an expression, was born in 2005, it relies on the quick development of the Internet. It is thus important to take into account a wider range of texts about authors' rights and Internet.

In order to preserve the context of texts, we identify their producers and their consumers. Among text producers, four groups are important: the “Alliance”, that advocates the “global license”; the Majors-Sacem front that defends a strict juridical regulation of music downloading; members of Parliament debating about DADVSI and journalists that explain main facts and opinions.

An exhaustive collection of texts is obviously impossible. This analysis is based on a set of texts that is both quantitatively important and qualitatively various. Through the Factiva database, we collected all press articles containing any of the following: “authors’ rights”, “artist” and/or “music” for a period of time from January 2004 to January 2008. This search has generated more than 550 pages of articles stemming from both main French magazines and daily papers. Irrelevant articles were eliminated after a first analysis. For texts produced by Members of Parliament, our corpus exhaustively integrates the debates at the House of Parliament about DADVSI. These debates took place from December 20, 2005 to March 16, 2006.

The texts produced by the Alliance were conveyed through several media: website, whitepapers, and press release. The website is all the more interesting as it has been specifically designed to inform actors in the music industry: artists-composers, internet users, Members of Parliament, producers, etc. The texts produced by the front Majors-Sacem have mainly been collected from corporate websites. They usually deal with the existing rules of the music industry and they explain the significance of the DADVSI law. Similarly to the Alliance’s website, “promusicfrance.com” has been designed by the front Majors-Sacem . Its goal is to promote new behaviors for Internet users, to incite them to be more respectful of the value of an artwork. It has been financed by the SNEP and Sacem. The texts from promusicfrance.com dealing with artists and Internet have also been incorporated into our corpus.

- Data Analysis

Texts analysis was processed employing an automated content analysis (Alceste software). This program provides lexicographic analysis, combining textual and statistical tools. It is also adapted to a discursive perspective, since texts are analysed without being dissociated from the conditions, actors, places and instances that contribute to their production. Lexicographic software is extremely useful to analyze large textual corpus. It brings into light recurrent patterns associated with specific contexts. They consist in a *systematic* analysis that provides both a global and detailed insight.

More particularly, the Alceste method relies on sign repetition heuristic approaches. Reinert (1990, 2003), who developed Alceste software, based his method on Pierce’s works in semiotics on the three dimensions of a sign. Borrowing from psychological, linguistic and

philosophical concepts Reinert studies the link between repetition and representation to understand how repetition constitutes meaning. Meaning is constituted through signs that are repeated according to three dimensions: iconic, indicial and symbolic. The iconic dimension refers to the relationship between the sign and the object. It relies on semantic and phonetic properties. The indicial dimension refers to the proximity that is established between two signs (for example, the sign “woman” repeatedly associated with “unemployment” arouses the idea of gender discrimination). The symbolic dimension refers to the conventions established between the text producer and the text consumer concerning agreement on the semantic range of a sign. The Alceste software unravels these three dimensions in order to understand the construction of meaning.

Alceste makes the assumption that - for each corpus - the vocabulary is distributed in a certain way, and forms different lexical worlds or classes (*topoi*). In a class, ideas are organized in a specific way and shape the system of enunciation and sensemaking. There is a usual way of linking words together that creates a system of meanings. All discourses reflect a set of *topoi* that constructs reality. Alceste is a statistic and systematic program aiming at defining this system of *topoi* and thus aiming at bringing out the role of words in the construction of specific truths.

Alceste relies on the Hierarchical Decreasing Classification (HDC) method. It is similar to factorial analysis of correspondences and is based on statistical textual analysis. It identifies keywords and frequent links that build lexical worlds, using chi-squares ( $\chi^2$ ) to measure the importance of the links found. Alceste also brings out representative statements and repeated segments belonging to lexical worlds.

Concepts are not specific to texts and circulate from text to text. Only the circulation of a notion through a set of texts contributes to the sense of a discourse. To that extent, meaning is not contained in one text but in the space of the circulation of words through discourse. Alceste can grab meaning because it systematically analyses how words are linked together and how they circulate through discourse, creating and transforming lexical worlds. Consequently, a key feature of Alceste relies on a systematic analysis of discourse that is independent of the researcher. The work of interpretation and subjectivity is postponed and the focus is on the understanding of lexical worlds and thus the specific organization of words. This type of analysis is promising for discursive analysis since the interpretation of the

researcher is not used to analyze texts (as in content analysis), but is used for the central research question, that being the way in which discourse - through a specific organization of words - construct meaning.

## 4 Results

The following section describes the corpus as a whole. We identify similarities between the four sub-corpora to shed light on a dominant and common discourse in the music field. We then focus more particularly on the Majors' discourse as we want to understand the keys of the micro-discursive effects that contribute to the reinforcement of existing beliefs and truths. The discourse of the Alliance is also detailed to underline what is specific to the Majors' discourse and to highlight the existence of alternatives.

In this paper, we do not detail the classes in the discourse of the press and of the House of Parliament. The role of the press is to depict the main issues of the debate. We have used it to gain a better understanding of the field but without detailing here its specificities. As for the House of Parliament, its discourse does not intervene in the reinforcement of beliefs and truths. The House of Parliament is an arena where different positions are expressed. These positions echo either the Majors' discourse or the Alliance's discourse. To that extent, the House of Parliament does not produce convergent discursive efforts to act upon institutions, but its discourse is fragmented and is a manifestation of other influential actors. For that reason, we do not elaborate here on the classes of discourse in the House of Parliament.

Table 2 is a synthesis of the corpus segmentation. It provides an overview of the most repeated words for the four corpora.

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INSERT TABLE 1 ABOUT HERE

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### 4.1 SYMBOLIC DIMENSION OF DISCOURSE: THE IMPORTANCE OF LAW AND THE AUTHOR/ARTIST DICHOTOMY

The hierarchy of words - sorted by frequency - shows that the word "right" is the most frequent in all corpora. The iconic repetition of "right", whether it is used as a single word or in a segment ("author's rights", "related rights", "having-rights") leads to the symbolic

framing of texts around the concept of law. However, this predominance is not natural and is thus questionable. While debates mainly deal with the impact of the Internet on the music field, the ranking of words shows that neither artists, nor the Internet, nor freedom nor culture are central in the corpus.

The centrality of law shapes a specific symbolic universe. To this extent, statements appear to be true not because of a pure link with the objects that are discussed, but because they fit with legal assumptions. If the notion of culture, music, artist or freedom had truly been dominant, discourse would have been greatly changed.

To this extent, the iconic and indicial repetition of “right” (*droit*) needs to be explored. In French, the word “*droit*” both means “right” and “law”. This word refers to a moral order, defining (without any formal rules) what is required for collective life. On the other hand, “*droit*” also refers to a set of rules, to a formal codification of what is allowed and forbidden.

The list of the most mentioned words shows that either the word “author” or “artist” prevails depending on sub-corpora. The author is “a person that writes a book or produces an artwork” (*Trésor de la langue française*). As for artists, they are “those who cultivate an art, who practice an art” (*Trésor de la langue française*). Referring to these definitions, the word “author” denotes a productive, creative and material dimension. The word “artist” is rather associated with a practice and a lifestyle without defining artists as producers. The use of “author” connotes a patrimonial approach. Authors’ creations and productions can be economically exploited. As for the word “artist”, it rather refers to the person that constitutes the artist, with her or his passions and personality.

While the word “artist” prevails in the texts produced by the Alliance, the word “author” is dominant in the Majors’ texts. It shows the existence of two different symbolic universes. On the one hand, actors such as the Alliance privilege - through a dominant use of “artist” - the universe of those that practice an art. On the other hand, actors such as Sacem and the Majors are more concerned by artistic activities that fit with economic exploitation. These two different perspectives are not neutral, since they structure truths about individuals that are involved in an art, describing them as either artists or as authors.

From these first insights about “right” and “artist/author”, we can now detail the main classes from our corpus. More particularly, we try to depict how discourses construct the reality for the individual in this field (be they considered artists or authors) and legitimate the institutional order in the music industry. In the following, we detail the results for three corpora; the Majors, the House of Parliament and the Alliance.

#### 4.2 THE MAJORS’ DISCOURSE: HOW ARTISTS’ IDENTITY IS CONSTRUCTED AROUND THE ECONOMIC SPHERE

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INSERT TABLE 2 ABOUT HERE

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Regarding the sub-corpus constituted by the Majors and Sacem, most actors share similar opinions. They collectively produce texts, through professional associations (SNEP ...) or co-financed websites. Thus, this sub-corpus reflects convergent ideas.

The third class refers to the economic risks incurred by artists. The music industry is considered necessary since it protects artists who are central in this class (highest  $Khi^2$ ). Other words follow: “career”, “risk”, “develop”, “means”, “public”. The central issue is thus risks incurred by artists. Among significant absent words, “right” and “author” are fairly rare (3% and 4%) and “property” and “work” (*oeuvre*) never appear.

This class shows three principle iconic dimensions: the lexis of *risk* which denotes artists’ fragility, the lexis of *investment* (development, means, career) and the lexis of *public*. The most representative (highest  $Khi^2$ ) statements of this class highlight the indicial dimension of these words:

*“The entire music industry is jeopardized. The music industry needs to constantly invest in order to develop artists’ careers in the long term and to allow new talents to find their public.”* (promusicfrance.com)

Artists’ risks and the idea of investments are linked by the ability of the music industry to control artists’ fragility. This fragility is explicitly expressed:

*“A crushing majority of artists is not wealthy. Moreover, people who lose the most because of piracy are young creators. They will not find anybody to invest in their talent.”* (promusicfrance.com)

The actors in the music industry confer an economic existence to artists because they invest in them. Moreover they increase artists' notoriety because they help artists find their public. The music industry is thus presented as necessary and protective. The following claim illustrates that:

*"Artists need producers that take risks, artistic managers, disc recorders, professional around them. Professionals are here to help artists have the means to make their choice."* (Christophe Lameignère, Sony BMG France, CEO)

The word "artist" is used rather than "author" (one occurrence in the class). The issue of remuneration does not appear. This class focuses on the central role of artists in the music industry, but gives little importance to artists' remuneration and interests. While the music industry protects them through industry investment, it also preserves artists' fragility as most of them are not wealthy.

There are no texts dealing with the responsibility of the music industry towards artists' precariousness. To this extent, artists' position is accepted as natural and is unquestioned.

The fifth class is a criticism of global license which is seen as being opposed to fair remuneration for artists. The more significant words of this class are "global license", "private copy", "remuneration", "artwork", "exploit" and "moral". "Author" and "artist" are never used. It shows that statements about remuneration are fairly abstract and disconnected from the notion of art and artists.

The "global license" is described as an unrealistic measure, neither moral nor fair for artists:

*"This remuneration would be abstract, without any relationship with the real exploitation of artworks, incompatible with fair remuneration of individuals' work, disconnected from economic constraints and the specificities of each work and investment: an anti-economic, confrontational and arbitrary mechanism."* (Sacem, website)

With more radical words:

*"The absolute right for a worker to earn money from his work is jeopardized. Recently it is good to pretend that refusing to exploit artwork for free kills liberty."* (Promomusic, Claude Lemesle, author)

In these claims, we observe that the word "worker" is preferred to "author" or "artist". Thus, artists are seen independently from their artistic activity. They are workers, workers of the music industry. This proximity between artists and workers is problematic. It is opposed to the traditional distinction between artisans and artists. While artisans use their art to reproduce



an artwork, artists are attached to a style of life and transform existing materials into new ones. Artisans have mainly a productive and market goal. As for artists, they are linked rather to a vocation or to aesthetic goals. Marx (1962) insists, for example, on the extra-economic properties of creation and states that artistic activity should be an ideal form of practice that frees wage-earning workers.

Furthermore, the use of the word “fair” denotes a system of values – a system that is not explained by its users. Speaking about “fair remuneration of work”, Sacem aims at naturalizing the existing order of value distribution. This order is based on a “star system” in which the artist’s success prevails.

Consequently, this discourse associates artists’ work with the success of their work. The paradox raised by “the absolute right for a worker to earn money from his work” while most artists live in a state of precariousness is explained by discourse. The idea of remuneration reduces the status of artist to a worker who produces successful artworks. Discourse naturally removes “public-less”, “success-less”, work-less artists. It naturalizes the existence of outcasts. Artists without success are anti-economic and, in that sense, are not really artists but apprentices bearing the hope of a brighter future. A producer quoted by Sacem illustrates this contempt for *Ms Jane Doe*, a vacillating artist:

*“The global cultural patrimony is worth more than 7 euros! Besides, this wage will be distributed between Ms Smith who sings in the shower and an artist whose work requires a real production cost.”*

The seventh class advocates for intellectual property. The main words are “intellectual property”, “exclusive”, “use”, “song”, “allow”, “author”, “reproduce”. These lexis show a patrimonial approach benefiting authors, and which relies on intellectual property.

Many statements reveal the indicial dimension of these words:

*“Intellectual property is the guardian of one of our most precious goods: imagination. This ability of imagination makes ideas and feelings emerge. Then they can be turned into paintings, novels, music or songs... Intellectual property protects authors and the expression of ideas. It allows people to create.”*

In the same text, the author writes:

*“These intellectual property rights have only one goal: allow beneficiaries to control the use of their creation and to be remunerated for the use of their work.” (promusicfrance.com)*

The goal of property protection establishes a relationship between creation, remuneration and artwork control. To this extent, intellectual property appears as necessary:

*“Among all properties that are the least contestable, the least contestable, one that can neither harm republican equality nor offend liberty, is the property of mind productions.” (SNEP, quoting Lakanal)*

Besides, in this class, “author” is preferred to “artist” (one occurrence). It corroborates the dichotomy artist/author, and reinforces the author’s patrimonial dimension.

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INSERT FIGURE 1 ABOUT HERE

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Concerning the global analysis of the Majors’ corpus, a factorial analysis of correspondences (Figure 1) shows significant intersections between the seven classes, meaning that some words and associations can be found simultaneously in different classes. To that extent, the meaning of textual forms is influenced by other symbolic universes. In the Majors’ discourse, we can see that among the seven classes, two classes (“the essential role of the majors” and “the importance of intellectual property”) embed the others. To that extent, it means that main notions in the text are also associated with words specific to the role of the majors and the intellectual properties, making them all the more natural and essential.

For example, the word “work” belongs to the class “fair remuneration opposed to private copy” because the form is - most often - associated with the other words in this class. Work legitimates the remuneration of artists. Meanwhile “work” is protected by intellectual properties (“these rights of intellectual properties have just one goal [...]: to allow having-rights to be remunerated for their *work*”). Work is also linked with the role of Majors who *produce* artists and give to their *work* an economic dimension. This association tends to link fair remuneration, intellectual properties and the role of Majors. This muddling of classes contributes to legitimate the existing order as an inextricable association of ideas and actors.

Concerning the possibility of alternatives, Denis Olivennes, the CEO of the leading disc retailing company in France (FNAC) argues:

*“The question is to know if we’re going to enter a third regime in which cultural goods would be free and in which other mechanisms for the remuneration of artists could be found. The problem is: if we don’t pay artists, the likelihood for many of them to live from their art is low. The likelihood that we may have as many talents as today is*

*lowered if people cannot live from [art]. To pay artists is thus necessary.*” (D. Olivennes, Interview, Fnac CEO, Nouvel Observateur, March 22, 2007).

In the above extract, the possibility of alternatives is tackled:

*“The question is to know if we’re going to enter a third regime in which cultural goods would be free and in which other mechanisms for the remuneration of artists could be found.”*

However, this alternative is quickly swept away:

*“The problem is: if we don’t pay artists, the likelihood for many of them to live from their art is low.”*

This statement shows a pure tautological argumentation that strengthens the link between artists and remuneration since this link appears as self-sufficient.

The narrator continues:

*“The likelihood that we may have as many talents as today is lowered if people cannot live from [art].”*

The existence of a talent is hereby irremediably linked with an economic sphere, which leads to the conclusion:

*“To pay artists is thus necessary.”*

This kind of reasoning is typical. Olivennes compulsively refers to a view of artists and talents directed to the market sphere. The existing system is reproduced as a natural way for an artist to earn his livelihood.

#### **4.3 THE ALLIANCE’S DISCOURSE: THE INSTITUTIONAL ORDER QUESTIONED**

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INSERT TABLE 3 ABOUT HERE

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A focus on the Alliance is necessary to understand the specificities of the Majors’ discourse. The Alliance puts forward a more nuanced position that aims at reaching a balance between artists’ and customers’ expectations.

The first class is almost entirely represented by the texts included in the Alliance’s Whitepaper. It is a technical document that aims at *proving* the advantages of the global

license and presents technical facts. It has been distributed to Members of Parliament in order to show the plausibility of the global license.

This class is articulated around two main issues that aim to denounce the dangers of intellectual properties. On the one hand, the technical dimension of intellectual properties is criticized. Some pernicious effects of protection techniques are highlighted and accused of jeopardizing internet users' freedom. On the other hand, the texts shed light on a form of suspicion about the Majors' expectations and motivations, which would be opposed to artists' and customers' real interest.

Taking the example of security problems with Sony's DRM, the Alliance underlines the potential dangers of protection systems that would be locked and secret. Some statements urge us to abandon these technical protection mechanisms:

*"The intellectual property of Sony would have been respected but at the price of a global security catastrophe. Can members of parliament accept such a responsibility? Can they decide to protect, by law, systems such as DRM, and the Majors' practices?"* (Whitepaper, Alliance)

More importantly, the Alliance is concerned with intellectual protection that would be used uniquely as a device to control customers. Many words and expressions connect intellectual protection systems with the Majors (whose real motivations are questioned). Intellectual property is described as an unnecessary protection for artists that would lead to the development of locking mechanisms and the limitation of internet users' freedom.

Some other statements severely denounce the behavior of the Majors, and emphasize their power:

*"Should the DADVSI be accepted, technology would replace law, according to the will of private companies. We can see to what extent they are ready to behave with a criminal irresponsibility."* (Whitepaper, Alliance)

It is interesting to notice that the word "artist" in this class is part of the absent words. To that extent, intellectual protection is focused on technological security systems and on the Majors' wishes rather than focused on the interests of artists who are not quoted in this class. Protection systems are thus presented as a device that aims at controlling customers and are suspected to serve only the Majors' wishes, independently of artists' aspirations.

In the second class, the cultural industry is at the center of discourse. However, music diversity and artists represent a constant concern. The issue is to combine economic constraints with the artists' and the public's wishes. The use of the word "revolution" is remarkably frequent (five occurrences in this class only) and is revealing of the difficulty in finding a consensus with the existing economic models. Perceiving difficulties in the music industry, some statements show concerns about the renovation of the existing model:

*"The only possible solution to stop this phenomenon which relies on the reinforcement and the development of alternative sources to offer a free access to culture. These sources exist and we want specifically to defend them."* (Whitepaper, Alliance)

The texts from the Alliance also take into account artists that are excluded by the existing model, and try to integrate them in the global license debate:

*"Who are the isolated and scattered people in this music industry today if not creators and the public? Exactly those whose opinion has been ignored during the project DADVSI."* (Whitepaper, Alliance)

Some actors also express suspicion about industrial maneuvers against artists, denouncing a kind of subjugation of creators:

*"[Applying to the Internet and to peer-to-peer industrial models that are similar to those used by the traditional disc sale] consists in impoverishing the market with the elimination of independent artists or labels using free licenses. Then it consists in offering to the public a monolithic model with controlled contents, which will benefit few individuals."* (Whitepaper, Alliance)

The lexis from this class connects the music industry with artists. It relies on indicial repetition that is very different from the Majors' corpus. The above statements implicitly reveal a fear of a morganatic union between culture and industry. While the music industry is described as necessary and artists do prevail, they may be the prey of industrial maneuvers. While the word industry was associated with the Majors in the previous corpus, it is linked here with the public and the artists.

Artists have to be remunerated then, and this remuneration system must be both in favor of artists and Internet users.

The third class focuses on remuneration for actors implied in the creation of artworks: performers, producers, and composers. The most representative words of the class are *remuneration*, *receive*, *equitable*, *having-rights*, *producer*. The remuneration of artists is presented as imperious:

*“I demand that remuneration should be guaranteed for artists for all kinds of music exploitation.”* (Petition, Alliance)

An interesting point is the fact that remuneration is defended independently of any ideological position. The Alliance’s discourse does not contain any expressions to defend culture for everybody, free music, or a radical new status for artists. The texts from the Alliance merely reflect pragmatic answers to a problem:

*“Today, the increasing exchanges of files between peer- to-peer users most often occur without the permission of artists and without them receiving any remuneration.”* (Website, Alliance)

The global license is proposed in order to bypass this problem and to pay artists in compensation of peer-to-peer practices. To that extent, a new system based on global license is defended:

*“We support the implementation of remuneration collected by Internet providers for artists. In compensation, Internet users will be allowed to freely exchange files.”* (Whitepaper, website, Petition, Alliance)

This system has been inspired by other fields such as libraries or reprography:

*“For its concrete application, the global license is inspired by the case of reprography. Thanks to a collective and compulsory rights management this system is legitimate for situations in which beneficiaries cannot protect their rights.”* (Whitepaper, Alliance)

As a consequence, the Alliance’s discourse expresses a pragmatic position rather than ideological goals. It is not a radical change that is suggested but an adaptation inspired by other fields. However, the global license, even if it is not expressed by the Alliance’s discourse would radically change artists’ position and would open the way for a new system with a new order.

## 5 Discussion

The following paragraphs discuss the results detailed previously. We refer to existing sociological works to depict another vision of the artists' life. There has been different works in sociology about artists and among them ethnographic studies which tend to depict the reality of artists as they experience it. We then exploit our discursive analysis to investigate the role of discourse, especially the Majors' discourse on the social construction of the artist – a discourse that is used to maintain the existing order in the music industry, and thus the bases of the *star system*.

### *The artist in social sciences*

The texts from the four corpora raise an old and basic debate: are art and creation considered as a work? Do they need to be organized according to general social and economic processes? While these questions may be raised, they are nevertheless never answered and discourses just reflect a naturalized order of facts, reflective of the beliefs and norms around artists that are institutionalized and taken for granted. As a set of beliefs, norms, rules and cultural framing that captures its existence, the artist is an institution which generates framed and constrained practices. The development of the Internet has brought entropy to the music field and questions the stability of the artist institution. It is thus important to detail the elements of the artist institution, and one way to do that is to refer to social sciences that have cumulatively attempted to depict the artists and their environment.

Menger (2002) observed that the artistic field has historically evolved as a working arena. The artist even tends to be the model of work in our modern societies. In the 20<sup>th</sup> century, artistic activities have been increasingly divided, similar to the rationalization of tasks described by Weber. Becker (1984) points out the extent to which any artistic activity now needs a chain of professionals whose cooperation allows the production, diffusion, reviewing and conservation of an artwork. In that way, there is both a horizontal and vertical division of artistic activities. Artists have to cooperate and consent to the supervision of their own work.

Beyond this division of tasks, artists have become the harbingers of modern work: they are deeply engaged in their activity, they are highly flexible and they also aspire to moral and social gratifications. Finally, the remuneration system today reflects an inter-individual

competition. Under the appearance of the search for success, artists are compared, assessed, sorted and ranked according to the price and the usability of their talents. The value of an artist becomes determined by the number of discs sold. With the RIAA certification (Recording Industry Association of America), artists are awarded for the number of sales with a gold, platinum or silver disc.

The remuneration system legitimates extreme differences among artists. The spectacular disparity between the fame and the revenues of artists is a puzzling economic and social issue. Rosen (1983) shows that a low differential of talents between two artists will generate a bigger differential in the demand so that an initial advantage can provide exponential benefits. However, the assessment of the difference between two talents is not rational and depends on different actors. The uncertainty around the evaluation of talents makes the success of an artist unpredictable.

In that vein, Menger (2002) notes that inter-individual competition relies on three factors: work, talent and luck, thus artists' revenues are unpredictable. The system of remuneration appears as a "lottery" in which winners take (almost) all and the losers just have to do with the ideological delight for their artistic work. Frank and Cook (1996) denounce this production system of inequality based on *winner-take-all markets*, well represented in the arts and sports. The sociologist Perrenoud (2007) has achieved an ethnographic study of professional musicians in France. He depicts them as artists who are deeply devoted to the music life. They "do only that" and most often do not meet with success. "They are 'a mass of ordinary' musicians, who play an instrument and perform in front of an audience, but are pushed into the low steps of the professional pyramid. [...]. They know neither glory nor fortune." (2007, p.6)

Quite surprisingly, the vision of precariousness and the concept of luck for artists are blurred, and the perception of artists can be fairly opposed to the reality for most of them.

### ***A work of re-naturalization***

Table 4 proposes a synthesis of the elements of the artist institution and shows the specificities of the majors' discourse. We show to which extent it contributes to a work of re-naturalization of the existing order, legitimizing the disparity among artists.



The development of the Internet accompanied in the music field with an increasing number of downloads has led to the questioning of the norms and beliefs that legitimate the existing organization model of the music industry. The links between artists and their public have changed. Many artists try to produce their own work and diffuse it through the Internet. The digital exchanges and the ease of downloading and listening to music have deprived the artwork of its materiality. Internet users are thus increasingly reluctant to pay on the Internet, which questions the existing remuneration system while global benefits are decreasing. In that context, it is more generally norms and beliefs around artists that are somehow questioned.

Confronted with this agitated field, the Majors want to protect existing rules and their discourse is aimed at the maintenance and the reinforcement of the artist institution. For that purpose, their discursive work is more particularly oriented towards the re-naturalization of norms defining artists. The website *promomusic.com* is meaningful. It is presented as a pedagogical website that aims at teaching what an artist is and how s/he is supported by an entire industry. Similarly to pedagogical actions described by Bourdieu and Passeron (1977), the reproduction of the order is operated through the diffusion of what an artist is and what his/her activities are. The vision of an artist tends to be reframed in order to annihilate the questions raised by the development of Internet about artists.

In particular, we have emphasized the proximity which is produced between artists and the market sphere. The idea of “*fair* remuneration” is particularly important in the Majors’ corpus and refers to the existing system. The notion of *fairness* tends to increase the legitimacy of the revenues pyramid. In the Majors’ discourse there is an association, in class five, between “fair remuneration” and “work” as opposed to “private copy” and “global license”. The remuneration is legitimated because artists are workers who deserve to be paid for their efforts. However, the notion of luck and lottery in artists’ revenues is not mentioned. Thus, a link is created between work and remuneration, making the system appear fair. If precariousness is sometimes evoked, it is naturalized: individuals without an exploitable talent are extremely fragile and are not economically viable. In that sense, the current institution of artist echoes the evolution of the artist as a worker. As any worker, artists have

to justify their existence by their profits. The *artist institution* is thus marked by a legitimated extreme disparity.

The Majors' and Sacem's discourse associates the artist with a worker of the music industry. Artists create and work, and thus deserve remuneration. They can earn their life working and using their art. The artists that affirm this for the Majors' or Sacem's sake are famous and successful French singers (Johnny Halliday, Zazie, Raphaël, Renaud ...). They insist on a patrimonial view based on intellectual property. Artists' work constitutes as capital. While risks exist for artists, producers proclaim themselves as protectors. Measuring in terms of mass consumption, the relationship between artists and the economic sphere is naturalised. Artists are those who produce music and who find their public and they must be successful. The relationship between art and industry is not shameful but necessary. Remuneration for art and intellectual property guarantee artists' imagination and their ability to create. To use a metaphor from the corpus, artwork is similar to the French baguette that is bought to allow the baker to continue baking. The artist is understood and exists insofar as s/he can be economically exploited. For instance, the expression "new talent" - frequent in the corpus - always implicitly refers to a new exploitable talent.

This view maintains the myth and thus the reality of artists who earn their living from art, who are relatively famous and who create. But what about the "anti-economic" artists, these vacillating "Ms. Jane Doe" artists? Artists are dissociated from the accursed artists. Since they are not isolated and ignored, it is natural that the remuneration order should not be changed.

Nevertheless, producers and Sacem acknowledge the fragility and precariousness of certain actors who want to find their place in the music industry. Sacem's director claims: "*in the universe of artists, many can pretend to be an artist but few of them will be chosen*". However, as proclaimed protectors of the music industry and of fragile artists, they bear a part of the responsibility for the maintained precariousness of many artists. This responsibility is swept away since artists' condition is perceived as natural: "*an author-composer has nothing. He has no protection. [...]. Thus, we are in an absolute regime of precariousness for authors and composers.*"

To this extent, the asymmetrical relationship between artists and producers is reproduced. When they choose - or "elect" - "new talents", producers exploit artists that want to become "real artists" (i.e., not only creative, but also famous and rich). For those who are not chosen,

their condition is not a concern and their sufferings are considered natural. Artists are silenced by the prevailing noise of “real artists” that are successful, rich, famous and envied.

Finally, the Majors want to reinforce a set of rules that may reframe actors’ behavior and incorporate change into the existing order of the record industry. The stability of this order, beyond regulation, requires mechanisms of naturalization - or more generally the reproduction of natural facts - that legitimate the existing order. In addition, with re-naturalization mechanisms, the Majors sweep away alternatives such as the global license. It is presented as an unrealistic and anti-economic system that works against the artists themselves.

The discursive analysis shows another interesting dimension of the Majors’ institutional work to reproduce the existing order. This cannot be the only expression of a purposive agential reproduction. As Emirbayer and Mische (1998) put it, in response to a changing environment, there is an interplay of “habit, imagination and judgment” used to reproduce institutions. The issue of habit can be dealt here with the cognitive framing of the Majors who are basically pledged to view artists in a specific way. The interview of a Major CEO revealed an angry response that is meaningful. He could not understand why customers cannot perceive artworks as any consumption object. Thus reproduction appears to be both a voluntary and constrained process. Discourse acts as a policing mechanism that structures reality even for the dominant groups. They are more powerful in the diffusion of the institution and thus constitute one of the most powerful vehicles for its reproduction.

## **6 Conclusion**

We began this paper with an interest in understanding how institutions are maintained through the efforts of actors to reproduce order through discourse. Our objective was to document the question of institutional maintenance (Lawrence and Suddaby, 2006) and agency.

Our core insights lie in two broad areas relating to our two main research questions. First, we present agency in the maintenance of institutions. Second, we provide significant insight into the role of discourse in the stabilization of systems of meaning.

Contrary to the idea that institutions stabilize and survive through self-activating processes, we demonstrate the important role of agency in institutional maintenance (Jepperson, 1991). Whereas the literature on institutions is relatively silent on how beliefs, meanings and myths underpinning institutions are naturalized, we analyze the process by which meaning is perpetuated. More precisely, this paper emphasizes the asymmetrical relationships in the music industry that are generated and reproduced through institutional processes. As an important theoretical contribution, we explored one case of institutional maintenance with a critical lens. For that purpose, we analyzed actors' institutional work. The will of privileged actors to guard existing institutions can be manifested by powerful efforts as the institutional order is maintained in spite of important upheaval. While artists are central in the music industry, they remain largely dominated and controlled by producers and more specifically by the Majors. Although the Internet could have drastically reshaped the music industry and could have reorganized actors' positions, the failure of the global license shows the persistence of rules in the music industry and among them the persistence of the artist institution. This persistence is not due to pure institutional process, but also to actors' efforts and power. We showed how, through the control of meaning, dominant actors manipulate institutions to their advantage. Despite the jolt of the "global license", the Majors have coped with instability and defended the institutional order to preserve their own interest. They were able to effect processes of persistence and stability in a context of change.

What our case also shows is that their actions are embedded in power games and politics that shape institutions. Power is also exercised to produce various texts and knowledge that entrench interests. Thus, our analysis explores institutionalized inequality that has been rarely tackled in neo-institutional theories. Considering this issue is a way to enrich the study of the institutionalization process by focusing on this highly contested and political process whereby agents with different interests interact (Lounsbury 2003; Lounsbury and Ventresca 2003; Phillips 2003). Some dominant actors with sufficient resources can manipulate institutions to their advantage and define rules in order to impose and maintain their domination (Lawrence, Winn and Jennings 2001). To wit, our research addresses the core-problem of "denaturalizing" what is taken for granted and perceived as natural social orders (Lawrence and Suddaby 2006, p.248).

Moreover, discourse appears as a powerful tool for fixing meaning, since reality is essentially constructed by how it is described. Another core contribution of the research lies in the

analysis of actors' discursive work and actors' discursive framing in the stabilization of institutions. In order to do that, we used a systematic analysis of discursive materials. Whereas most discursive analysis, as Mumby points it out (2004), are not systematic and often express the opinion of the researcher, this study relies on a precise lexicographic analysis that deciphers meaning through a repetition heuristic.

This discourse analysis brings to the fore an intriguing phenomenon. One may wonder whether the actors engaged in the routine of institutional maintenance through the reproduction of belief systems are aware of the original purpose or the ultimate outcome of their action (Lawrence and Suddaby 2006, p.234). They, indeed, seem so embedded in a common cognitive framework that they do not question what appears to be taken for granted, especially for the dominant actors. It is as if they adhered unconsciously to a self-evident and "rational" order that they continue to reproduce.

Finally, we have shown how discourse constrains actors' scope of possibilities. It frames actors' behaviors and perceptions and exerts a form of control over them. Applied to the artist, our analysis highlights that their identity is constructed around the economic sphere. This proximity between artists and market naturalizes the existing order. New remuneration models are characterized as anti-economic and thus anti-artist. Artists who do not produce successful works are not real artists since they are said to be anti-economic and thus, not exploitable. To this extent, most artists are excluded from the existing system. Most of them remain silent, bearing the hope of brighter future.

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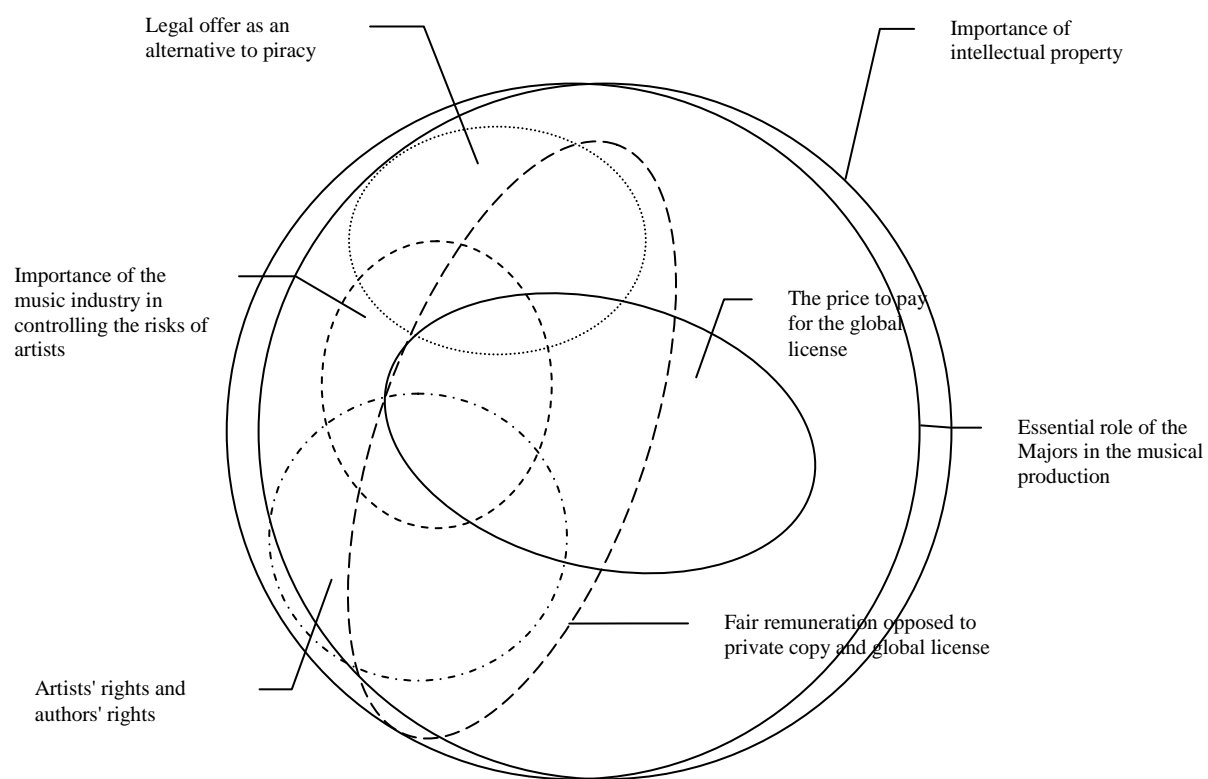
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**Figure 1: Analysis of correspondences in the Majors' discourse**



**Table 1: Repetition of words for the different corpora**

Press		Alliance	
Reduced forms	Proportion* (‰)	Reduced forms	Proportion (‰)
Right	17,4	Right	23,9
Artist	15,2	Artist	20,6
Music	12,6	Exchange	10,6
Author	11,6	Public	10,4
Creation	6,6	Author	9,8
License	6,5	Industry	9,5
Law	6,4	Work	9,0
Disc	6,2	Copy	8,3
Work ( <i>œuvre</i> )	6,1	Remuneration	8,2
Global	4,9	Allow	8,1
Majors		House of Parliament	
Reduced forms	Proportion (‰)	Reduced forms	Proportion (‰)
Right	26,4	Right	19,9
Creation	21,6	Author	11,6
Author	20,7	Copy	8,8
Music	20,4	Creation	8,7
Artist	20,0	Amend	8,6
License	13,7	Group	8,4
Global	12,0	Private	8,4
Do	11,8	Do	7,8
Musical	11,8	Culture	7,5
Remuneration	11,5	Text	7,4

\* This proportion indicates the number of occurrences of a form out of the number of all usable forms in the corpus. A form refers to the root of words. Tool words (such as “but”, “be”, “I”...) are not used in this calculation.

**Table 2: Distribution of classes in the Majors' discourse**

Class	Distribution of words per class	Most representative words	Most representative verbatims
1. The price to pay for the global license	10%	<ul style="list-style-type: none"> <li>• Global license</li> <li>• Fix (verb)</li> <li>• Pay</li> <li>• Subscription</li> <li>• Consent</li> </ul>	<p><i>"With the global license, the Internet user would pay an additional charge - ridiculously low - to his/her Internet provider: a few Euros according to the hazardous proposals that have been made."</i></p>
2. Legal offer as an alternative to piracy	19%	<ul style="list-style-type: none"> <li>• Legal</li> <li>• Website</li> <li>• Supply</li> <li>• On Line</li> <li>• Piracy</li> </ul>	<p><i>"While struggling against the blight of piracy on the Internet, the SNEP wants to promote, with the website promomusicfrance a legal supply of music on the Internet."</i></p> <p><i>"A win-win logic can be initiated: today, there is a legal, rich and attractive music supply on the Internet. Almost one million titles and 95% of new titles are available on 15 legal websites, while 600,000 or 700,000 are available in the biggest retailing stores (FNAC and Virgin)"</i></p>
3. Importance of the music industry to control the risks of artists	14%	<ul style="list-style-type: none"> <li>• Artist</li> <li>• Carrier</li> <li>• Risk</li> <li>• Develop</li> <li>• Means</li> </ul>	<p><i>"The entire music industry is jeopardized. The music industry needs to constantly invest in order to develop artists' carriers in a long term and to allow new talents to find their public."</i></p> <p><i>"Artists need producers who take risks, artistic directors, labels, professionals around them. These people allow artists to have means of making their own choices."</i></p>
4. Artists' rights and authors' rights	15%	<ul style="list-style-type: none"> <li>• Author</li> <li>• Performer</li> <li>• Composer</li> <li>• Protection</li> <li>• Right</li> </ul>	<p><i>"The so called "related" rights only concern producers and performers and ensure a remuneration that comes from the broadcasting of music."</i></p> <p><i>"Authors' rights are different from related rights, recognized in 1985 for producers and performers. In the music field, authors' rights, strictly speaking, deal with lyrics and music and ensure the remuneration of authors and their natural partners the editors for the broadcasting of their artworks."</i></p>
5. Fair remuneration opposed to private copy and global license	11%	<ul style="list-style-type: none"> <li>• Private copy</li> <li>• Global license</li> <li>• Remuneration</li> <li>• Artwork</li> <li>• Moral</li> </ul>	<p><i>"This remuneration would be abstract, without any relationship with the real exploitation of artworks, incompatible with the fair remuneration of individuals' work, disconnected from economic constraints and from specificities of each work and investment: an anti-economic, confrontational and arbitrary mechanism"</i></p> <p><i>"The absolute right for a worker to earn money from his work is jeopardized. It is now good to pretend that refusing to exploit artworks for free kills liberty."</i></p>
6. The Majors are essential in the musical production but have to face the threats of the Internet.	13%	<ul style="list-style-type: none"> <li>• Production/productive</li> <li>• Market</li> <li>• Legalize</li> <li>• Majors</li> <li>• Industry</li> </ul>	<p><i>"The French subsidiaries of the majors have advocated for a local production that is unique in Europe: now they have to give up the contracts of the French scene."</i></p> <p><i>"These modalities to finance the French artworks would be immediately impacted, with drastic consequences for musical production and diversity in France."</i></p>
7. Importance of intellectual property	16%	<ul style="list-style-type: none"> <li>• Intellectual property</li> <li>• Exclusive</li> <li>• Song</li> <li>• Use</li> <li>• Allow</li> </ul>	<p><i>"Intellectual property is the guardian of one of our most precious goods: imagination. This ability of imagination makes ideas and feelings emerge. Then they can be turned into paintings, novels, music or songs... Intellectual property protects authors and ideas expression. It allows people to create."</i></p> <p><i>"Among all properties that are the less contestable, the less contestable, that can neither harm republican equality nor offend liberty, is the property of mind productions."</i></p>

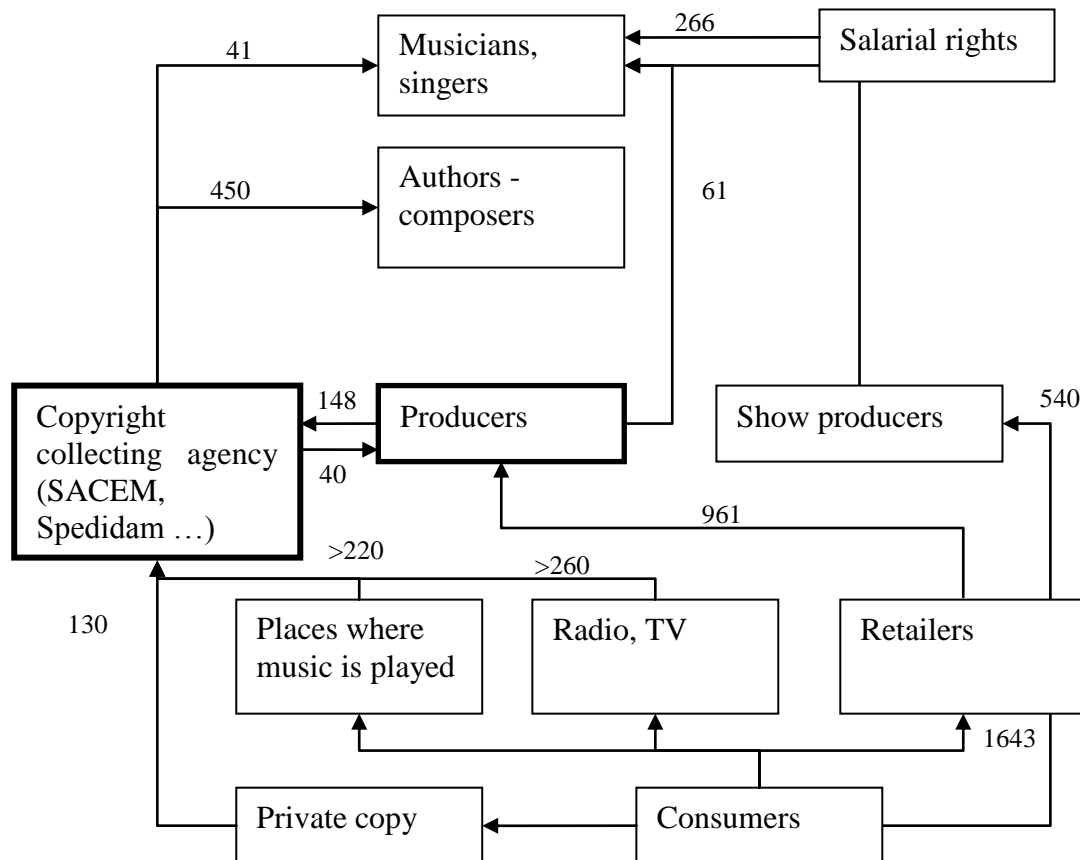
**Table 3: Distribution of classes in the Alliance's discourse**

Class	Distribution of words per class	Most representative words	Most representative verbatims
1. Criticism of intellectual protection	39%	<ul style="list-style-type: none"> <li>• Intellectual Protection</li> <li>• Software</li> <li>• Property</li> <li>• Measure</li> <li>• Piracy</li> </ul>	<p><i>"Pretexting its intellectual properties, Sony enters in customers computers. The consequences regarding freedom and security are incalculable."</i></p> <p><i>If the DADVSI law is accepted, it means that technique is beyond law and it is only for the sake of private companies.</i></p>
2. The cultural industry should give a central place to the artists and the public	34%	<ul style="list-style-type: none"> <li>• Culture</li> <li>• Industry</li> <li>• Diversity</li> <li>• Public</li> <li>• Independent</li> </ul>	<p><i>"Today, who are these isolated and scattered people in the music industry if they are not creators and the public? Exactly those whose opinion has been ignored during the project DADVSI."</i></p> <p><i>"This solution [the global license] should provide the access to culture for everybody and preserve cultural diversity."</i></p>
3. A necessary remuneration for artists	27%	<ul style="list-style-type: none"> <li>• Remuneration</li> <li>• Receive</li> <li>• Equitable</li> <li>• Producer</li> <li>• Having-rights</li> </ul>	<p><i>"I support the development of a remuneration collected by Internet providers for artists-performers. In return, files will be freely exchanged between Internet users."</i></p> <p><i>"The Spedidam supports the creation of a global license to legalize the exchange of cultural content on the Internet in exchange of a fair remuneration of having-rights."</i></p>

**Table 4: The normative and cognitive elements of the artist for the Majors and the Alliance**

	The Majors	The Alliance	<i>The artist as described in social sciences</i>
Remuneration system	<ul style="list-style-type: none"> <li>- Producers ensure artists' revenues.</li> <li>- Artists' revenues depend on their success.</li> <li>- Each artist deserves to be paid for their work.</li> <li>- The existing remuneration system is fair.</li> </ul>	<ul style="list-style-type: none"> <li>- Remuneration is necessary for artists.</li> <li>- Many artists are <i>miserable</i> and are not paid for their work.</li> <li>- The remuneration must be <i>equitable</i> between composers, performers and producers.</li> </ul>	<ul style="list-style-type: none"> <li>- <i>Artists may be very rich.</i></li> <li>- <i>Remuneration is a lottery. Luck is an important part of artists' life. The winner takes all.</i></li> <li>- <i>There is an extreme disparity among artists revenues.</i></li> <li>- <i>Harsh competition among artists</i></li> </ul>
Artists and their public	<ul style="list-style-type: none"> <li>- The public is made up of <i>customers</i>. They have to pay to listen to music so that music industry can live.</li> <li>- Those who do not respect artists' rights are <i>pirates</i>. They spoil the value of an artwork.</li> </ul>	<ul style="list-style-type: none"> <li>- A balance should be found between artists' needs and the freedom of the public.</li> <li>- The word pirate is not used. But Internet users have to accept to pay to compensate for the use of peer-to-peer networks (global license).</li> </ul>	<ul style="list-style-type: none"> <li>- <i>Artists are famous and envied.</i></li> <li>- <i>A mass of ordinary musicians do not meet success.</i></li> </ul>
Artists' rights	<ul style="list-style-type: none"> <li>- Artists' rights are basic. They protect artists.</li> <li>- Author's rights and performers' rights must be distinguished.</li> <li>- Digital protection system should be used to protect artists' rights</li> </ul>	<ul style="list-style-type: none"> <li>- Artists' rights must be respected but not at any condition.</li> <li>- Protection systems are not efficient. They are expensive and would jeopardize cultural diversity.</li> </ul>	<ul style="list-style-type: none"> <li>- <i>Artists' rights are their inalienable properties.</i></li> </ul>
Creation	<ul style="list-style-type: none"> <li>- Artists can create because their risks are remunerated. Creation is possible because the Majors and the industry allows artists to make their own choices</li> </ul>	<ul style="list-style-type: none"> <li>- Creation is jeopardized. Due to standardization and to concentration only stars are paid enough. Young artists are isolated.</li> </ul>	<ul style="list-style-type: none"> <li>- <i>Many artists are marginal. They can be inspired to change the world.</i></li> </ul>
Work	<ul style="list-style-type: none"> <li>- The artist is a worker who depends on the other actors in the industry. As workers, they have to be paid. If an artist is successful, it means that he has worked a lot.</li> </ul>	<ul style="list-style-type: none"> <li>- Even artists who work hard are not necessarily paid.</li> </ul>	<ul style="list-style-type: none"> <li>- <i>The artistic field has evolved as a working arena.</i></li> <li>- <i>The artist is the model of the modern worker whose activity is not alienating.</i></li> </ul>
Position in the industry	<ul style="list-style-type: none"> <li>- There are numerous actors in the music industry who are responsible for creation, production and diffusion of artworks. The artist is one link in the chain.</li> </ul>	<ul style="list-style-type: none"> <li>- Artists should have a central position. The Majors are suspected of defending their own interests.</li> </ul>	<ul style="list-style-type: none"> <li>- <i>Tasks in the music industry are increasingly divided. Artists are just one link in the chain. They depend on many actors in the music industry.</i></li> </ul>
Artists at the information age	<ul style="list-style-type: none"> <li>- There are opportunities with the Internet, but it has to be controlled in order to protect artists' rights.</li> </ul>	<ul style="list-style-type: none"> <li>- Internet is not controllable. It can increase diversity and give artists a central position.</li> <li>- The global license represents a balance between artists' expectations and the potential of the Internet.</li> </ul>	<ul style="list-style-type: none"> <li>- <i>No institutionalized beliefs.</i></li> </ul>
Definition of the artist	<p>➔ Artists are workers fully integrated in the economic sphere. They are paid because they work. The existing business model is fair and must be protected. So the Internet must be controlled.</p>	<p>➔ Artists are fragile and are not acknowledged enough. The music industry exploits artists and most of them earn little money. The global license can change the existing model.</p>	<p>➔ <i>Artists are modern workers, most often rich and famous. They are a link in the music chain. Remuneration is a lottery and the winner takes all.</i></p>

**Appendix 1: Actors in the music industry and main financial flows (in million of €), based on Curien and Moreau (2006)**



Composers and songwriters are creators, writing music, lyrics, or both and directly participating in the artistic dynamism of the field. Performers, singers or musicians, perform a musical work. Composers and performers have a different juridical status.. Regarding the remuneration of composers, they are exclusively remunerated with author's rights, the French copyright. Performers benefit from different sources of remuneration, such as royalties on the sale of CDs, and revenues from spectacles. There is an extreme heterogeneity in the revenues among artists. While 7% of the 100,000 members of SACEM, a copyright collection society, perceived more than 10,000€ with their rights in 2004, 72% perceived less than 1,000€. As regards total revenues, Coulangeon (2004) indicates that among the 26,000 musicians in France, 5% were paid more than 30,000€ and 80% were paid less than 15,000€ per year.

To represent artists and to manage their rights there is a number of copyright collection societies such as SACEM, Adami or Spedidam, which perceive, and manage, artist's rights and also aim at representing the artists' interests in the music industry.

The *maisons de disques* (record producers) are responsible for the process of production (and sometimes distribution) of phonograms. There are also significant differences within record producers. In the highly concentrated music industry, four record producers (Universal Music, EMI, Sony-BMG, and Warner Music) represented, in 2004, more than 80% of sales in Europe. These four large record producers have been named the “Majors” and are distinguished by numerous elements: they are multinational firms, some of them are a subsidiary of a larger company, they possess numerous record labels, most often a distribution network and have privileged relationships with radio. They play a significant economic role. To these Majors, we contrast “independent actors”, who are defined by their independence from the Majors.