



Creating Economy: Enterprise, Intellectual Property, and the Valuation of Goods

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BOOK REVIEW

Creating Economy: Enterprise, Intellectual Property, and the Valuation of Goods, by Barbara Townley, Philip Roscoe, and Nicola Searle, Oxford, Oxford University Press, 2019, 224 pp., \$71.00 (hardback), ISBN 978-0-19-879528-5

Despite the growth of creative industries scholarship in the last 20 years, there are few detailed studies of how it is that cultural texts become products. *Creating Economy: Enterprise, Intellectual Property, and the Valuation of Goods* explores this question. The book offers a timely and lucid analysis of the social and institutional processes through which the translations from text to product take place, via the lens of intellectual property. Importantly, the book avoids narrow, legal and policy understandings of intellectual property. Instead, intellectual property (IP) is itself framed as a cultural text. IP becomes the object of an astute and empirically grounded study that examines how a variety of cultural actors become economic agents, and the differential ways they benefit from IP.

The authors highlight how conventional understandings of IP rely on a distinction between ideas and their expression. It is the latter which becomes a form of cultural property, and gives rise to specific 'rights' of authorial ownership, protection and monetisation (IPR). In practice, the ideas-expression dichotomy does not reflect the cultural reality in which the IP object, and the rights it produces, are constructed through 'the performative production of the law' (p. 19). For this reason, the book examines IP and IPR together, as a 'nexus,' which mediates the cultural and economic meanings that are attached to creative products. IP/IPR is studied as a text, into which cultural producers operating in business contexts read 'the symbolic material of law and economics' in particular ways (p. 23).

This characterisation as IP/IPR as a cultural object emerges from the authors' understanding of markets as collective calculative formations. Drawing from Callon's analysis of markets, the book emphasises that these practices of calculation are 'shared across networks of individuals and material devices,' or 'socio-material assemblies' (p. 11). These networks and relationships have been described with great detail and political consequence in recent studies of plastic waste (Hawkins *et al.* 2015) and fashion (Blanchet 2017). This book does not dwell on the politics of these relationships, but hones in on the descriptive project of 'reassembling the social' (Latour 2007). The book is structured around an ethnography of these networks, and more or less follows the lifecycle of IP/IPR, from the creative's practices of ideation, to their (self-)disciplining as workers and entrepreneurs, and to the construction and realisation of economic value. In this way, they 'follow the thing' that is IP/IPR (p. 22). Throughout this process, IP/IPR functions as a market device that shapes the structures of valorisation and risk that are attached to creative goods.

The role of IP/IPR in stabilising constructions of value throughout the lifecycle of cultural products shapes the book's approach. The opening chapters revisit familiar debates in creative industries scholarship, which the authors suggest still largely hinge on a reductive split between culture and economy, and where a humanistic conception of art and creativity is pitched against the instrumentalising agendas of the creative industries. But this duality does not reflect a more complex reality in which culture is inextricably tied to economy. IP/IPR is framed as a form of capital that is both cultural and economic: 'creative producers generate an income from their work it is not through labour alone, but labour transformed into intellectual property and exploited through intellectual property rights' (p. 9). This relationship between culture, practices of valuation and the norms and institutions of cultural ownership, however, is an unstable one. The significance of IP/IPR is its *stabilising* effect –

as cultural texts circulate across and through various socio-material assemblages that attach them with meaning, IP/IPR helps to hold together these meanings and networks of association.

The authors reveal these networks through their ethnography of the creative industries. The authors draw on a large-scale study focusing on self-employed, micro- and small and medium-sized enterprises, across a range of cultural forms and industries: design, fashion, textiles, games, TV, film, publishing, music, theatre, and dance. For these actors, IP/IPR is a lived reality rather than a formal category, that is produced through, but also shapes, the production of themselves as economic subjects, as well as the financialisation of their creativity. One of the useful contributions of this approach is its rethinking of the enterprising subject: it avoids conceptions of economic actors as autonomous and rational, and instead emphasises the mundane, material contexts in which these actors are situated.

While the book's ethnography offers a rich empirical source for its analysis of IP/IPR, the breadth of the study is also one of its limitations. The book is marked by a tension between specificity and generality. The authors' critique the wide sweep of the label, 'creative industries,' and its tendency to overstate the shared attributes of these industries. At the same time, by being inclusive of the full breadth of the creative industries, the book's efforts to disaggregate these industries and creative activities are hindered. IP/IPR, and the creative texts they regulate, are all analysed as 'things'. While the authors emphasise the instability of these things, and the ways they move in and out of being economic, the analysis risks flattening out the differences between these creative activities and objects. Discussions of television production, craft, literature, and games development are situated alongside each other, glossing over the sometimes very different ways value is produced and realised within these industries.

The book's concern with structures of valuation is certainly an important contribution to creative economy literature. It reminds us of the need to bring close methodological attention to the social networks and institutional mechanisms that determine this value. While others have been interested in how goods lie at the intersection of different 'regimes of value' (Appadurai 1988), the book's authors ask how these regimes are reproduced, and reveal how the calculation of value is never an even playing field. The authors bring Callon into a useful dialogue with Bourdieu. For Bourdieu (1993), value is not intrinsic, but determined by agents and practices within a field, which grant cultural objects legitimacy. These determinations might take the form of norms of creative judgment, or understandings of novelty, heritage, innovation, or moral worth. The authors emphasise that these are *collective* calculations and practices of valuation, made possible through 'non-linear, iterative and distributed' knowledges, and reproduced and negotiated by networks of producers and consumers (p. 103). The work of IP/IPR is to effectively disavow these relations and negotiations; a creative work becomes a 'product' by appearing as abstracted from these networks. IP/IPR is a device that allows the value of a product to be fixed and communicated. It stabilises the risk that comes with unstable cultural products, and makes these calculable.

However, there are several ways in which the book could have extended emerging discussions about the unequal kinds of value that are ascribed to different cultural forms, and the individuals and communities that are privileged by these hierarchies (Miles and Gibson 2016, Belfiore 2018). The book's discussion of originality and authorship could have looked more closely at the cultural politics of creative labour. IP law is informed by the Romantic myth of originality and solitary genius (p. 29) While it hints at the ways that historical ideas of creatorship do not account for collective forms of creative production, it does not dwell on the ways that these historical ideas are themselves cultural, and privilege certain kinds of creative producers and forms over others.

This tendency is evident when we look at how IP laws operate in the fashion industry. Western fashion brands regularly borrow and adapt designs and textile traditions from other cultural contexts. But while the expressions of these designers are protected under IP law, the claims of Indigenous groups to the ownership of these ideas are usually not. These claims are often based on collective practices of creative production that are often not recognised as giving rise to intellectual property

(Riley 2004). The result is that ideas of ‘creative progress’ (p. 159) which inform IP/IPR have an inherent cultural bias, which allows luxury fashion houses to build their brands on these structures of copying, or what Minh Ha Pham calls ‘racial plagiarism’ (2017). The difference between ‘copying’ and ‘innovation’ is thus culturally defined. These questions of creative or design *responsibility* are an increasingly important aspect of the cultural politics of IP/IPR. The authors misunderstand and underplay these cultural and historical questions by suggesting that in such cases of plagiarism perpetrators are met with ‘natural justice,’ and that the moral and social norms of the field regulate such illegitimate behaviour. The success of luxury fashion brands, despite their histories of cultural appropriation and plagiarism, suggests otherwise.

The authors are right to emphasise the instability of IP/IPR and the problematic and uneven ways in which it is applied. However, the political implications of this – that certain individuals and groups have unequal capacities to pursue legal action and claim IP rights – are underexplored. One of the key points to emerge from the book’s many examples is that it is access to (social, economic and cultural) capital that ensures rights. This important finding is at times lost in the book’s theoretical reflections. IP/IPR is a mechanism that stabilises value by abstracting creative texts from their social and institutional networks, but these disentanglements are only ever partial. The authors acknowledge this point but do not elaborate on these relationships and networks and how they produce creative products in particular empirical contexts.

Creating Economy offers illuminating reflections on how creative practice is shaped by notions of inspiration, influence, originality, and innovation. In the context of these different modes of cultural production and transformation, the usefulness of IP/IPR as a regulatory system is limited – the authors argue that it is the ‘communities of practice’ which share symbolic standards and industry norms that are more effective at regulating the ‘spectrum of imitative behaviour’ (p. 166). However, their analysis also points out that the benefits of IP/IPR are not distributed equally across cultural fields, and highlights the lopsidedness of the creative industries. Power lies in the control and distribution of IP rights, which is dominated by large global actors, rather than in processes of cultural production itself, which are enacted by smaller players. This insight allows the authors to bust some common myths about IP – particularly the idea that IP/IPR provides creators with an economic incentive to innovate. In most cases, smaller sized creative enterprises do not benefit directly from IP.

Such observations are revisited in the book’s conclusion, which highlights the implications of IP/IPR for economic regulation, education, and cultural policy. Given the new industry realities in which digital distributors such as Netflix and Amazon are becoming producers of content, and where the same players are coming to dominate markets across creative forms, there is a clear need for IP/IPR reform. How is this changing digital and economic landscape exacerbating the ‘disproportionate bargaining power’ (p. 184) of creative agents, and how might this be addressed? While the book does not critically engage with the latter question, it nonetheless is vital reading for those interested in the complexities of neoliberal cultural economy, and the ways that creative and economic injunctions intersect to produce cultural forms. The book’s detailed analysis of systems of IP/IPR combines theoretical abstraction with the situated and material realities of the creative producers on which its analysis draws. In doing so, it offers a generative new approach for examining questions of cultural production, ownership, enterprise, and value.

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