

French *Intermittent Entertainment Worker Statute*: Possible Experiences for Rethinking the Role of Public Policies in Music Professionalism

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Abstract

This article presents the *Intermittent Entertainment Worker Statute*, French government program, as example of different ways in which the State can intervene in culture to regulate a profession. It provides an overview of the context, a review of the notion of work based on conceptions of authors such as Marx, Weber, and Durkheim, and reflections on professionalism drawing on the contributions of Becker and Freidson, as well as cultural policies in Brazil from the perspective of Albino Rubim and José Carlos Durand, among others. Interview was conducted with Brazilian immigrants in France who were incorporated into the statute, gathering accounts of experiences, analysis, and considerations. As a conclusion, the article contrasts the current proposal of the Brazilian government, which emphasizes the use of public calls for the distribution of resources as the sole cultural policy, highlighting that the relationship between Brazil and France reveals other possible pathways for music professionals.

Keywords: cultural policies; music professionalization; intermittent labor; statute of the intermittent; Brazil and France.

Introduction

Musicians residing in Brazil, like other professionals working across the fields of art and culture, face a wide range of tensions when considering their position within society. The purpose of this article is to investigate two of these points of tension: the constitution of what is considered professionalism in artistic labor, and the role of the State in structuring the sustainability of this work. To that end, the article analyzes the *Intermittent du Spectacle* statute, a French government program that, by defining what constitutes a professional musician and what qualifies as a performance fee, provides a form of unemployment insurance that allows artists to remain in their profession during periods without performance contracts.

In France, artists working in the live performance, cinema, and audiovisual sectors are covered by a specific unemployment insurance scheme: the *Régime des Salariés Intermittents du Spectacle* (Regime for Intermittent Workers in the Performing Arts). According to available data, in 2017, 143.321 individuals, including both artists and technicians, were enrolled in the program (Casse, 2020).

The statute was created in 1939 to regulate workers originally employed in the film industry and was later extended to include musicians, theater artists, and all professionals involved in public entertainment. The model assumes as a principle that artistic work (such as a tour or a recording project) involves alternating periods of paid employment and compensated unemployment. This remuneration is calculated based on the income received by the artist during active periods.

The maintenance of this organizational model depends on the existence of a reserve of highly skilled workers available on demand. Efficient recruitment is therefore essential, relying on professional networks and auditions to select the most suitable artists for each production, within a wide range of pay scales, or *cachês* (Menger, 2005). Such a system becomes unfeasible when a musician, out of economic necessity, must seek full-time employment in another sector that demands constant presence.

The French model enables organizations, companies, or even public institutions to accumulate a high volume of short-term contracts without having to manage labor issues related to permanent employment. A musician who completes 507 hours of work within a ten-month period becomes eligible for unemployment benefits during non-working periods. Verification is carried out through employers, who provide payment receipts for the *cachês* and contribute to the maintenance of the program through a fee similar to Brazil's social security contribution in which the employer certifies the artist's activity.

As a result, artists receive only a portion of their *cachê* while actively working, since the statutory contribution is included in the total fee charged to the employer. In France, registered employers are required to make payments to unemployment agencies that act as intermediaries between them and the government, which in turn guarantees the regulation of the subsidy. Although this model has made France a reference point in discussions about public sector involvement in artistic labor, Belgium remains the only other European country with a comparable program.

Coulangeon (2004) distinguishes different ways in which the *Intermittent du Spectacle* status is experienced, based on the results of a nationwide study conducted in France with a specific focus on musicians. The findings identify several categories: the "indemnified intermittents", who represent 72% of the total and include musicians whose annual workload falls within the thresholds defined by the statute; the "non-indemnified" (7%), composed of those who reported fewer working hours than the minimum required; "permanent orchestra

musicians” (5%); and teachers, divided into “stable” (8%) employees with open-ended contracts and “precarious” (6%), those with fixed-term contracts. Finally, the study also identifies musicians engaged in “dual activity”, showing that 2% of all registered musicians carry out another occupation unrelated to music. Below, the organized numbers allow for better visualization of the data:

Indemnified Intermittents	72%	Music workers who report the number of working hours required by the statute
Non-Indemnified	7%	Workers who fail to meet the minimum workload required
Permanent Orchestra Musicians	5%	Employees with open-ended contracts
Stable Teachers	8%	Employees with open-ended contracts
Precarious Teachers	6%	Workers with fixed-term contracts
Dual Activity	2%	Musicians engaged in another occupation outside the music field

Table 1: Distribution of musicians according to categories of the statute
(Coulangeon, 2004; authors’ elaboration)

Coulangeon’s study also suggests that the popularization of the intermittent work regime in France is associated with three main factors. The first is the growth in the number of musicians working as performers since the 1990s. The second is the expansion of institutions dedicated to arts education. The third concerns the increasing recognition of artistic expressions associated with popular entertainment, such as rock and rap. These dynamics produced a paradigm shift by displacing the symbolic value previously attributed to classical music, a movement that the then Minister of Culture, Jack Lang, referred to as cultural democracy.

Over time, the number of paid working hours required by the statute has also generated two situations that add complexity to its implementation. The first is a parallel market of *cachés* (performance fees), which can be obtained illegally to help an artist reach the minimum required workload. The second involves underreporting: artists who intentionally avoid declaring all their hours to help employers reduce their tax burden. This situation, which Menger (2011, p. 140) refers to as the “fraud argument”, undermines the unemployment insurance agencies, one of the three pillars of the system, alongside the artist and the employer, and has consequently fueled political efforts toward deregulation of the statute.

Nevertheless, the government’s official recognition of employment characterized by inherent instability remains one of the most significant signs of the statute’s institutional maturity.

The compensation system established under the *Intermittent du Spectacle* statute in France acknowledges the inherent instability of employment relations in this field – its project-based organization, its “constant fixed-term contracts,” and, ultimately, its permanent contractual flexibility. The employment relationship is defined as a

provision of services involving participation in a live performance (including rehearsals), a film shoot, or a recording session – all of which conclude as soon as the activity itself is completed. This system also recognizes that, in artistic labor, the discontinuous nature of professional activities entails multiple employment contracts established with a range of employers, each of which corresponds to short-term engagements (Segnini, 2007, p. 20).

A significant difference between this system and the model currently in place in Brazil – the *Microempreendedor Individual* (Individual Microentrepreneur) – lies in the way professional labor relations are structured. Under the Brazilian model, the artist is legally defined as a self-employed entity (*peessoa jurídica*) who pays their own income tax, producing a confusing overlap of roles between employer and employee. More importantly, this arrangement changes the very nature of access to public benefits, since in Brazil, the taxes paid by artists can only be accessed upon retirement and are not subsidized by the state. Between one job opportunity and another, the artist can only wait.

The *Intermittent du Spectacle statute*, by contrast, frames the social position of the professional musician within a collective conception of labor, emphasizing the employer's responsibility in sustaining the system. A venue or establishment that does not contribute to the statute, for instance, may employ artists for lower *cachês* and under more precarious working conditions. As will be illustrated in the interviews presented later, this is a common situation in some bar circuits in France.

Thus, the responsibility for distinguishing between someone who merely performs a task and someone who is a professional within the sector is shared. It depends simultaneously on the worker, the employer, and the way public management mediates the relationship between the two. To that end, the system adopts mechanisms that Brazil partially reproduces, for example, when public entities require proof of previous *cachês* before hiring an artist for a publicly funded performance.

Systematizing and categorizing labor relations means establishing parameters that clarify the country's economic, political, and social structures. In this sense, the State fulfills its role through public policies that necessarily involve taking a stance, one that is, by nature, contentious. Every year, in France, the statute becomes the subject of social dispute, with "strong mobilization by artists around the *Intermittents du Spectacle* movement since 2003 to defend already-acquired rights; one of the most significant social movements in the country since then" (Segnini, 2007, p. 21).

Menger also highlights the irony in the artistic world's relationship to the concept of an all-powerful cultural market, having positioned itself over the last two centuries as a precursor of flexibility or even hyperflexibility (Menger, 2005). Yet while the statute acknowledges that intermittence is intrinsic to artistic activity, it simultaneously establishes that such intermittence does not apply to the form of remuneration. From the French perspective, the professional

musician is a salaried employee, and thus subject to the same rights and duties as any other wage earner.

Beyond the wage compensation granted during non-working periods, the *Intermittent du Spectacle* in France is also entitled to social security benefits such as healthcare, maternity leave, and proportional retirement. The affiliation to the statute also enables access to funding for professional development courses and to programs in artistic training and education. Since it constitutes a clearly defined labor category, the intermittent artist can also join unions that advocate for stricter labor protections.

Professionalism is therefore tripartite, consisting of the artist, the employer, and the agency together ensuring a structured means of distinguishing between those who work *with* music and those whose work is centered on music. Acknowledging that the music production chain encompasses a wide range of roles, this study focuses its analysis on what we define here as the supporting musician.

The work of the support musician involves integrating an artistic ensemble and contributing their specific skills to the group as a whole, providing instrumental and creative support to the leading artist. A guitarist, drummer, or other instrumentalist fulfills their role by completing the musical structure and ensuring the functional and aesthetic efficiency of the project. As Requião (2016, p. 120) observes, “the musician is one who contributes their labor power to the execution of the product to be developed. They participate in the artist’s work, but, in general, their name is not associated with the final product.”

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Work and professionalism in music

The definition of what constitutes work has long been a subject of debate in society, particularly since the Industrial Revolution. Throughout history, the notions of labor, profession, and the dynamics of exploitation have been extensively discussed across various fields of human knowledge. Disciplines such as psychology, philosophy, and sociology offer distinct perspectives, addressing issues such as personal fulfillment, interpersonal relationships among workers, financial aspects, time management, and the formation of labor organizations, among others. Defining work and professionalism within the artistic field is equally challenging; therefore, this section presents a brief review of key conceptual frameworks.

Classical sociology treats labor as one of its structural concerns. Marx conceives it as a fundamental mode of human action upon the world:

Work is, above all, a process between man and nature, a process in which man, through his own action, mediates, regulates, and controls his metabolism with nature. He confronts the natural matter as a natural force [*Naturmacht*]. In order to appropriate

the natural matter in a form useful for his own life, he sets in motion the natural forces belonging to his own corporeality: his arms and legs, head and hands. By acting upon external nature and modifying it through this movement, he simultaneously modifies his own nature. He develops the powers that lie dormant within it and subjects the play of his forces to his own control (Marx, 2013, pp. 326–327)

For him, it is a “goal-oriented activity, or labor proper; secondly, its object; and thirdly, its means” (Marx, 2013, p. 326). This idea leads us to conceive of labor as the production of use values, transforming natural elements to satisfy human needs. Such reflection also opens space to consider artistic activity as a form of labor. By acting upon sonic materials and transforming them into organized forms, the musician performs a mediation similar to that described by Marx between man and nature. Sound is the “natural matter” transformed into work, into value of symbolic and aesthetic use.

In turn, the historical rationalism proposed by Weber develops the notion of “professional vocation” and the individual’s dedication to work within capitalist culture. He is interested in tracing the origins of the irrational element contained in the concept of vocation, so widely accepted in certain cultures.

Indeed, this singular idea—today so common and widespread, yet in fact so little self-evident—of the profession as a duty, of an obligation that the individual must feel, and does feel, toward the content of his “professional” activity, whatever it may be, whether this appears to spontaneous perception as a mere valorization of a labor power or of properties and goods (of a “capital”)—this idea is what characterizes the “social ethic” of capitalist culture and, in a certain sense, has a constitutive significance for it. Not that it has arisen solely from the soil of capitalism; on the contrary, we shall later trace it back into the past. And even less, of course, can it be said that the subjective appropriation of this ethical maxim by its individual bearers let us say, the entrepreneurs or the workers of the modern capitalist enterprise is a condition for the survival of contemporary capitalism (Weber, 2023, p. 47).

Bringing art into this context has at times required thinking about its place in society. The Weberian notion of professional vocation helps to understand the way in which musicians dedicate themselves to their practice in cultural contexts that value art at times as a mission, and at others as a profession. In this sense, music exemplifies both labor as a material and creative process, and the cultural and symbolic dimension of a socially recognized activity. Just like labor, it proposes a social function for the field, making it possible to interpret intersections. In this way, we can connect the initial reflections on labor to what is proposed by another classical author, Émile Durkheim, who states:

With even greater reason, the same applies to art, which is absolutely resistant to anything that resembles an obligation, because it belongs to the realm of freedom. It is a luxury and an ornament that may be beautiful to possess, but which one cannot be obliged to acquire: what is superfluous cannot be imposed. On the contrary, morality is the indispensable minimum, the strictly necessary, the daily bread without which societies cannot live. Art corresponds to the need we have to express our activity without purpose, for the pleasure of expressing it, whereas morality obliges us to follow a determined path toward a defined goal – and whoever says obligation also says

coercion. Thus, although it may be inspired by moral ideas or involved in the evolution of proper moral phenomena, art is not moral in itself (Durkheim, 2010, p. 16).

From the perspective of a more contemporary sociology, Howard Becker addresses the nature of art based on the recognition of an effort that is always collective. Work, therefore, is the result of this encounter in which each person performs a specific role, where “an art world is made up of the very activity of all those people cooperating with one another.” (Becker, 2010, p. 54). This encounter presupposes the existence of a social order, “capable of ensuring a certain stability to the action of those who work in the artistic field, of giving them the impression that there are indeed rules in this game.” (Becker, 2010, p. 30).

The notion of professionalism arises from the need to question the nature of work. It is understood that different people may perform the same function, in an effort to understand the social dimension of the distinction between those engaged in this activity. Functionalists such as Talcott Parsons and Benard Barber establish a correlation between formal learning and with the systematization of theoretical and practical knowledge in relation to the needs of a given community (Diniz, 2001).

Eliot Freidson, in turn, conceives professionalism as a relation of power within the social structure, moving toward a political dimension of labor. Based on the functionalist assumption, the distinction between worker and professional serves to control the division of labor and the market itself through laws. Institutions depend on the control of the State—which would oversee education—for a later division proposed by the market.

In Freidson’s thought, professionalism grants professionals independence in relation to their clientele or employer, giving them autonomy, since they possess knowledge and can choose who holds the power and the capital to hire them. However, it is important that this be approached from a phenomenological perspective.

It can be said that ‘profession’ is a popular concept and, therefore, the research strategy appropriate to it is of a phenomenological nature. The aim is not to determine what a profession is in an absolute sense, but rather how people in a society determine who is a professional and who is not, how they ‘make’ or ‘construct’ professions through their activities, and what the consequences are of the way they see and perform their work (Freidson, 1998, p. 55).

From this theoretical framework, we understand the importance of the distinction between work and professionalism. In the field of music, as in other artistic activities, these two notions are still intertwined, so that speaking of a “worker” and a “professional” can be understood as synonymous. Unlike the French model, a public call, such as a funding notice or a call to compose the cultural program of an event, does not provide instruments to make this distinction in Brazil. The artist often only needs to present some kind of proof that they work in the area, such as reports in traditional media or contracts with third-party production companies.

The regulation of the musician's profession, in practice, can take two forms in Brazil: registration with the *Ordem dos Músicos do Brasil* (The Brazilian Music Order) or registration as an Individual Microentrepreneur (MEI). Neither, however, is mandatory or a condition for participating in or being hired for artistic activities. It is important to note that the MEI registration is at the center of a broader debate on precarization across various professional fields, as it removes rights and duties in the legal, economic, political, and social dimensions of the employer–employee relationship, turning the professional into a kind of “entrepreneur of the self” (Antunes, 2019).

Reaching a consensus on the definition of professionalism in music requires investigating the field from each of these perspectives. This is also a context in which work extends beyond the artist who performs on stage or records songs in the studio, encompassing other figures who face similar challenges, such as the *roadie* (responsible for setup and instruments), lighting technician, sound engineer, producers who handle logistics, and studio professionals.

One actor in this productive chain who directly deals with the need for a definition of their activity is the so-called supporting musician. Typically an instrumentalist who is not linked exclusively to one artist but to several, this worker depends on a social structure that may range from a verbal agreement to a formal contract defining rights and duties for a specific period. They may be involved in the creative stages or only in some of the performances, reinforcing the intermittent nature of their work experience.

France has developed a public policy model that addresses these issues. The *Intermittent du Spectacle statute* is a system that establishes criteria to distinguish which workers are or are not considered professionals for hiring purposes. Beyond this historical context, interviews with Brazilian artists currently living and working in France and using the statute allow for new reflections on the functioning of French public policy, as discussed in the following section.

Brazilians, immigrants, and intermittents

Europe, according to data presented by Itamaraty, the Brazilian Ministry of Foreign Affairs, is the second largest region in the world in terms of Brazilian immigrants. France ranks as the sixth country in number of legalized residents according to 2023 data, with around fifty thousand people, behind Italy. The numbers are certainly underreported if we take into account illegal immigration and the nomadic nature of constant relocation between regions, given the geographic proximity among countries. In the study conducted by Nunes on the relationship between immigration and artistic activity, “the situation of Brazilian musicians in France does not differ significantly from that of musicians in general, except in relation to their immigrant condition.” (Nunes, 2021, p. 160).

The *Intermittent du Spectacle* statute allows artists from other countries to register for the unemployment assistance program. However, it is not necessarily an attractive option, considering that there are certain advantages related to specific musical genres and, in particular, to popular music.

Rejection of the intermittent condition is common among Brazilian classical musicians, who oppose engaging in cultural entertainment and activities related to adjacent fields such as advertising or audiovisual production. This criticism, however, is limited, since the accumulation of temporary teaching contracts and sporadic performance cachês can lead to work-related illnesses and, without the complement provided by the intermittence regime, may be insufficient to maintain quality of life and creative work (Nunes, 2021, p. 169).

For a better understanding of the relationship between the supporting musician and the statute in this article, a qualitative selection of three artists was carried out. They were interviewed in a semi-structured format, with the recorded speech transcribed. The interview script, therefore, incorporated flexibility in order for it to be adapted to each given answer. The musicians are, respectively, Lucas Santtana, Caetano Malta, and Roberto Melo, selected for being at different professional levels within the context of music and for having distinct experiences in relation to the statute.

These three stories portray the broader context of the musician in Brazil: the devaluation or absence of formal training, the lack of formal labor relations, and, even when associated with major artists of Brazilian Popular Music, financial instability. Lucas Santtana entered the program in a planned way: he completed the minimum workload required to be registered while still living in Brazil, requesting that his *cachês* in Europe be recorded at an address there. Malta, on the other hand, spent three years performing informally and benefited from the pandemic period, when the French government made it easier to register with the program, allowing the required workload to be completed in two years instead of one. Roberto Mello used 370 hours from a training period in which he had to do everything—from supporting musician to sound technician—in order to give his own performance and count those hours as proof.

The Bahian musician Lucas Santtana began his artistic career in 1992 and was part of Gilberto Gil's band, releasing his first solo album in 2000. His compositions have since been recorded by other artists such as Daniela Mercury, Marisa Monte, and Céu. He moved to France in 2022, with nine albums released, initially attracted by the statistics of a country with 36,000 municipalities, compared to the 5,568 in Brazil, and by the large range of concert venues and music festivals as potential spaces for professional activity.

Asked about his relationship with the country and the program, he provided the following answer.

I arrived in France in May 2022, two years ago. I came here for two reasons: from a work point of view, you know, here the independent music structure – not only the

Intermittent du Spectacle statute, which is wonderful, and I'll talk about it later – but everything around it, the structure, the number of places to perform. France has 36,000 municipalities, unlike Brazil, which has 6,000, or even less. Out of those 36,000 municipalities in France, even cities with only 3,000 inhabitants hold an annual music festival, where they invest all their money to bring interesting music to people. The mentality is not to bring a big, famous French artist, but to bring artists from various parts of the world so that people can get to know different kinds of music. The festivals and music venues here receive funding from the government; they are often associated with a major local radio station. So when you go to perform somewhere, your music has already been played on the radio for months before your show, even if you are not a very well-known artist. The whole structure of independent music here is very solid – and I'm only talking about France. There's all of Europe too, where you can also perform at festivals and concert venues. The work opportunities in this sector are much greater here. Besides this, there's the artistic aspect. As I once heard from the owner of my record label, he said: "I signed you because you're creative with every album; you surprise me." Here, both the press and the audience like that – they like artists who are always surprising them and not doing the same thing over and over. In Brazil, I feel there's always a trend of success that everyone wants to repeat, or if an artist achieves success with a certain kind of album, they keep repeating it until it's exhausted. Here it's the opposite – what's expected from artists is that they be creative. So, for these professional and artistic reasons, I decided to come here (Santana, 2024).

In this response one perceives the enchantment of an artist who had the opportunity to perform alongside major names of Brazilian Popular Music through traditional circulation structures: radio stations, the press, and a network of festivals interspersed with concert venues. His account also reveals a sense of a work routine and the possibility of maintaining regularity in performances within this circuit. It is important to emphasize that, despite the expression "structure of independent music," the statute refers to any performing artist who does not have a permanent employment contract with a company and may also apply to those who work occasionally for major record labels or show promoters. His statement also conveys an extremely positive assessment of a program focused on intermittent labor.

The Intermittent du Spectacle statute is incredible. It works as follows: during a one-year period, on any day of the year, if you complete a minimum of 507 hours of work, with each show here counted as 12 hours of work, recording sessions, rehearsals, television programs, everything counts. So you need to gather a minimum of 507 hours of work or approximately 43 shows per year, which would be 43 times 12, totaling the 507 hours. Once you achieve that, you submit a request to join the statute, and then they accept you. From the following year, you start receiving a monthly payment, which depends on your plateau, right. If you earn 53 euros, if that is your plateau, then the following year you will receive, let's say, 1,600 euros per month. If in one month you perform 4 shows, you won't receive 1,600 but 1,300 euros, yet you still get the cachês from the shows plus the 1,300 euros from the intermittent. If you perform 7 shows in a month, you will receive the cachês from the 7 shows plus the 1,100 euros from the intermittent. If a month goes by that you don't perform any shows, you are guaranteed that the government gives you 1,600 euros to live on. So, over the course of a year, this provides immense long-term peace of mind, because even in very bad months you will still be able to support yourself. After one year, again, you have to gather the minimum number of hours, depending on the value of your cachê, in order to renew the intermittence, otherwise you lose it. There is an important detail in this: every time my tour pays a musician, if he costs us 150 euros as his cachê, in fact, for us, for the tour, he costs 300 euros, because I have to give 150 euros to the government as well. So it's not only you... it is my

cachê as an artist too. Half of my cachê goes to me, to my account, and half goes to the government. So everyone who participates in the statute also gives half of their cachê to the government to sustain this system. It's not like you just receive money from the government; you also give money to the government. Like a social security system that everyone contributes to and feeds from. (Santtana, 2024)

Lucas Santtana describes a transition process that he classifies as easy, but which also involved a change in the way payments for his performances were declared, using a third-party address. However, there is a noticeable moral relationship in acting according to the rules once one has been selected for the statute.

My access to the program was relatively easy because I already came to France with the intention of getting it. So, a year before I came to France, starting in 2021, I told my contractors, who are basically my record label, I said: "from now on, instead of paying me as if I lived in Brazil – meaning, I issue an invoice in Brazil, and you don't pay any taxes here – from now on I want to be paid as an Intermittent du Spectacle." Starting in 2021, all my shows here in Europe followed this scheme: they paid me my cachê and paid the same amount as my cachê to the State. With that, when I arrived in 2022, I already had the 507 hours, so I was able to apply, and in May 2023 I got my statute. It's easy to get the statute; you just need to have the 507 declared hours, because there are two ways to earn money here: the so called *black*, without declaring, but no one does that here, musicians don't like that, because everyone works with the statute. So every show has to be declared, and once you have the 507 declared hours, the government is obliged to grant you the statute. For that, you need to have a European passport. Since I don't have one, I entered France and live here with something called a *Visa Talent* (person of international renown). It's a type of visa that's the only one where you don't need to have a fixed job here in order to enter and work in the country. Since it was the only option, I applied for it at the French Embassy in São Paulo, and they granted it to me because I had 10 years of press coverage – magazines and newspapers in Europe writing about my albums and shows – so I had a very large portfolio, and because of that, I got this international renown visa. It makes it possible for you to work here and also to have access to the statute, so for me, it was easy to get it (Santtana, 2024).

The account demonstrates that there are clear rules established diplomatically between Brazil and France for recognizing an artistic career. The trajectory built alongside artists such as Gilberto Gil and Marisa Monte contributed to the legalization process of his residence visa, based on his contribution as a musician in the country. The openness of this relationship lends his account a positive perception in terms of the role of the State.

I honestly don't see any negative aspect to the program, really. I find it interesting, this thing that you have to give half of your money to the State to sustain the program – there's a very socialist kind of thinking in that, you know. There's a lot of that here, in general. People often say, "oh, in Europe there's this thing called social welfare, you don't pay for school..." And it's true, the State gives you a lot, but also here it works like this: if you earn up to a certain amount per year, you don't pay taxes. If you go beyond that, you pay 30 percent. If you go higher, you pay 50 percent. A bit more, 60... then 65... the more a person earns, the more taxes they pay to the State, precisely to socialize that money. It's not like in Brazil, where those who earn more pay less tax and those who earn less pay more. In that sense, the statute fits within this kind of thinking, you know? You earn, but you also give. So I really don't see any negative aspect to it. (Santtana, 2024)

Percussionist from Rio de Janeiro, Roberto Mello, worked in Brazil crafting instruments and teaching music. He received an unexpected invitation during the events of the Year of Brazil in France to sell his instruments in Europe. The invitation, however, did not turn out to be a positive experience, and he ended up having to sleep on the streets without job opportunities. It was only after completing formal percussion training that he joined the statute.

My arrival in France has nothing to do with anyone's story. This same guy who brought me here, who had lived in my house, in the second week I realized he was a complete swindler. In fact, he made me come from Brazil with several boxes of instruments, material to sell. The idea was to go around the festivals playing and selling the instruments. Then the guy got into a fight with me, stole everything from me, and I was left with only a backpack, a tambourine, and 20 euros in my pocket [...]. From there I sent out a message, at the time it was on Orkut (a social media platform popular in Brazil at the time), to all the people I knew in Europe, about ten people back then. I told them what had happened to me, that I was on the street, in Europe, to see who could help me. (Mello, 2024)

This was not, therefore, a career project, as in the case of Lucas Santtana, but rather something circumstantial, considering that he, who already had French citizenship and also had a daughter was due to be born in France. “The mother of my daughter explained to me how this system worked, that if I wanted to be a professional musician in France, I had to be an *intermittent*.” (Mello, 2024). The statement shows that there is a direct association, among citizens in the country, that an artist registered under the statute is distinguished as a professional in the field.

A striking feature of Roberto Mello's account is the relationship between professionalism and training, given that his registration as an *intermittent* required this stage.

I had always been self taught in Brazil, and for the first time I was able to learn a bit of music reading, to learn to play jazz, things that were outside this universe of Brazilian music, which I already mastered. But I was here, so I had to play other things – I went to learn salsa, Latin jazz, other styles. This training lasted six months, during which I learned how the administrative part of the *Intermittent du Spectacle* works – production, all of that, recording. At the end of those six months, I was qualified as a professional musician, knowing how things work and so on. I left this training already with 370 hours, in order to be able to prepare my *Intermittent du Spectacle* dossier (Mello, 2024)

The workload of a training course is thus understood as a record that verifies a musician's professional activity. The training described encompasses both a dimension of musical aesthetics and courses related to the functioning of the market itself. This is a noteworthy contrast, since in Brazil, training has little or no connection with public funding programs or calls for proposals (Nogueira & Couto, 2024). The Brazilian instrumentalist also relates the statute's hourly requirement to the structuring of an intermediate market for music and culture.

In Brazil, you either make it big or you're starving. Here, there's an intermediate market, you know? Bars, beaches, places where you can declare everything

properly, you know? And you can make a living from music – more or less, modestly. Here no one earns much more or much less; the wage structure is actually kind of socialist. The big difference between being a musician in Brazil and in France is that here music is a serious profession. You have all the rights of any other professional (Mello, 2024).

The French social security system (Rosanvallon, 1981) stands out as a hallmark of public policy for culture. Mello emphasizes this by stating, “You have health insurance, you have an unemployment allowance.” (Mello, 2024). For the supporting musician – the focus of these interviews – professional activity must also unfold across different fronts, unlike an artist with an established body of original work.

I think sometimes it’s harder for the guy who is an artist, who has his own sound, to get gigs, than for the guy who plays as a sideman. I do everything – I play zabumba, pandeiro, tomorrow I’m a technician loading a truck for a show, then I’m doing a performance, DJing, even giving workshops, and in the end I do a little show, and I count that as a *cachê* too (Mello, 2024).

The third interviewee, Caetano Malta, holds a degree in music and a bachelor’s degree in electric guitar from Faculdade Santa Marcelina. In 2005, Malta began working as a supporting musician for various artists, traveling throughout Brazil, Europe, and the United States. He settled in France in 2017, where he received an average of 125 euros as informal payment for two-hour performances. He was authorized to join the *Intermittent du Spectacle* statute in 2021.

In addition to statements similar to those of other participants regarding their involvement in the statute, he also points out that the program does not receive consensus approval, being the subject of an ongoing political debate in the country. This tension emerges in his more detailed explanation of how the *Intermittent du Spectacle* system works:

The musician has to complete 43 *cachês* (a *cachê* is an official declaration with all documents issued and taxes paid, equivalent to 12 hours of work). So, when you do a show, they issue a *cachê*; if you do a three-hour rehearsal, it counts within those 12 hours of work. To join the program, the musician needs to complete a total of 507 hours within a 12-month period. [...] With this documentation in hand, you go to the Employment Center and obtain your admission into the *Intermittent du Spectacle* system, which calculates how much money you generated that year, determining a daily amount called an *allocation*. The musician has to do this every month, and that’s how they receive the money. The government has been gradually trying to reduce the rights of the program’s participants. Every year it is necessary to renew the statute in order to have the right to it the following year (Malta, 2024).

Malta sees financial stability as the greatest advantage of participating in the program. The “French exception,” referring to the situation of performing arts professionals, provides other benefits as well, such as health insurance, access to training, courses, and financial assistance for purchasing equipment. He also notes that the *intermittent* artist receives discounts for admission to museums, performances, and social clubs.

The musician also identifies in his account that the statute serves as a dividing line for professionalism in the country, insofar as it influences those who accept or refuse a given job offer: “people become more closed and less available to engage in artistic endeavours that do not bring immediate financial return.” (Malta, 2024). And finally, he mentions the existence of illegal ways of entering the program: “There is always the possibility of buying *cachês* that you didn’t actually perform in order to reach your minimum number – I’ve heard about that.” (Malta, 2024).

The three Brazilians – immigrants and *intermittents* – offer a perspective for reflecting on the *Intermittent du Spectacle* statute based on their professional experiences. To begin with, it becomes evident that there is no romanticized view of the appreciation of art and culture, but rather a recognition of music as a work routine. This routine is structured through documented proof of working hours, with the effective participation of agents such as employers and agencies, and is used by the government to establish a distinction: who is and who is not a professional musician.

Final considerations

In contrast to the situation in France, there is no consensus in Brazil on what defines a professional musician. There is no direct relationship with education, since it is not necessary to hold a degree in music to be considered a professional, nor is there still a mandatory registration, as there once was with the *Ordem dos Músicos*. This favors a more open point of view – that anyone can make art. However, this becomes an issue when art is understood as work, specifically when an external agent, whether from the private sector or the public administration, hires, for example, a musical performance and needs parameters to distinguish an amateur artist from a professional one, to define issues such as the amount of the *cachê*, the required documentation, and the relationship between contractual rights and obligations.

In both cases, professional and amateur artists alike become highly dependent on public policies related to culture in order to mediate the financial subsistence of their work. In 2024, the *Lei Rouanet* reached a record level of fundraising to support projects, with R\$ 2.377 billion invested by both the private and public sectors through the incentive program. Thus, on one hand, the government directly hires artists for events such as Carnival and other festive cycles, while on the other, it establishes criteria for private-sector hiring through the patronage system.

Nevertheless, cultural policy in Brazil has been marked by a long history of absence and instability (Rubim, 2003, 2011) ever since the founding of the Republic. It was only in 1985, with the creation of the first Ministry of Culture, that the sector began to receive political treatment similar to that given to Education and Health (Nogueira, 2023). The Ministry of Culture, the focus of this study, is one of the departments with the highest record of dissolution and reinstatement within the Federal Government.

The period of redemocratization following the military dictatorship, between 1964 to 1985, left a strong neoliberal influence on culture (Durand, 2013). The expectation was that the private sector would be able to structure the country's artistic activity, guided by the agenda launched under President Fernando Henrique Cardoso (FHC), which declared that "culture is good business," but mainly through Law 8.313/1991 – the *Lei Rouanet*. Since then, a system of grant and award-based public notices has been consolidated as the definitive mechanism for transferring government resources to the cultural sector.

The shift to a left-aligned government, with the first election of Lula in 2003, did not change this panorama. Appointed as Minister of Culture, the singer Gilberto Gil conducted a series of nationwide consultations and introduced new programs such as *Pontos de Cultura* and *Cultura Viva*, though both remained strongly centered on calls for proposals and award systems. Together with Juca Ferreira, he led an effort toward decentralization, arguing for a more anthropological understanding of culture and promoting these funding programs in Brazil's peripheral regions.

The succession of Lula by Dilma Rousseff, a candidate supported by the former president and a member of the same party, was controversial in the cultural field. The Ministry of Culture maintained its neoliberal orientation, this time focusing on revising the copyright law and the *Lei Rouanet* itself, without proposing new strategies for cultural funding or financial investment. In the second half of her administration, with former São Paulo mayor Marta Suplicy serving as Minister, the government also attempted to launch the *Vale Cultura*, a program designed to stimulate the demand for cultural consumption, with public funding directed towards audiences rather than artists.

Following the parliamentary coup that resulted in the impeachment of the president, the Ministry of Culture accelerated its process of instability. It went through an attempted dissolution, followed by the appointment of three different ministers, until journalist Sérgio Sá Leitão remained in office for the entire administration, maintaining activities that had begun under Dilma Rousseff's government and expanding the relationship between culture and the market (Rubim *et al.*, 2015).

In 2019, the Ministry was formally dissolved on Jair Bolsonaro's first day in office, being transferred to the Ministry of Tourism. The constant change of officials heading the secretariat (Henrique Pires, Ricardo Braga, Roberto Alvim, actress Regina Duarte, and actor Mário Frias) failed to promote change, even when aligned with the demands of Brazil's conservative right-wing political spectrum. The *Lei Rouanet* continued to predominate as the principal form of cultural funding, with resources distributed through public calls for proposals (Dias, 2021). In 2023, with the reinstatement of the Ministry of Culture under Lula's third administration, the main actions undertaken by the office included the restructuring of the *Lei Paulo Gustavo* (Law 14.017/2020), the *Política Nacional Aldir Blanc* (Complementary Law 195/2022), and the PAC

Cultura (Law 12.268/2006) – all programs that provide direct financial support to artists through award mechanisms.

However, public policy directed at culture can play a more structural role in the sector. As in education and health, it is possible to go beyond financing and incentives to address more sensitive and challenging issues, such as labor rights that regulate working hours and access to resources. By the end of 2024, access to public calls for proposals in Brazil remains mediated by market dynamics, and the selection process continues to favor documents such as an individual business registration (*CNPJ*) over artistic training and education.

The *Intermittent du Spectacle* statute in France demonstrates that there are, in concrete terms, forms of public action in the cultural sector that differ from those practiced in Brazil where emphasis is placed on the publication of funding calls. This example stands out particularly due to France's role in the creation and development of cultural policy in the Western world (Urfalino, 2015). The Ministry of Cultural Affairs, created by then-president Charles de Gaulle and represented by the writer André Malraux, had as its mission "to make the great works of humanity, and above all those of France, accessible to as many French people as possible, and to ensure the broadest possible audience for the cultural heritage" (Urfalino, 2015, p. 44), becoming the reference for what would later be, in Brazil, the Ministry of Culture.

We recognize that each country's experiences depend on its political, economic, and social context; it is not simply a matter of importing or exporting policy models. Nonetheless, the influence of this European country is acknowledged as fundamental, having served as a reference for structuring the Brazilian model.

The French invention of cultural policies and, in particular, the expansion of their international scope made it possible for the 1970s and early 1980s to be marked by the emergence of the theme in the global public arena, with significant repercussions in numerous countries. It does not seem coincidental that in Brazil a national culture plan was formulated in 1975, during the dictatorship (Rubim, 2013, p. 59).

The French influence on Brazil's cultural policy stands out in more recent moments. In 2004, Lula's first administration launched the *Ponto de Cultura* program, which mirrors André Malraux's *Maison de la Culture* model as a space providing access to libraries, film screenings, musical performances, and cultural training courses. In 2005, the program "*Ano do Brasil na França / Ano da França no Brasil*" ("Year of Brazil in France" / "Year of France in Brazil") was launched – a cultural agreement that mobilized the participation of more than 2,100 Brazilian artists. The event also established a dialogue in the fields of education and joint academic research on cultural policy between the two countries, resulting in the publication of articles, dissertations, theses, and books on the subject, and also stimulating the migration of Brazilian artists, as observed in this article.

These dialogues demonstrate that Brazil can continue to draw inspiration from other ways of implementing public cultural policies that give meaning to the professionalization of artists in the country. The *Intermittent du Spectacle* statute is based on Article L1251-1, in force since 2009, which concerns temporary employment. It is part of a broader law within the French Labor Code, helping to distinguish between intermittent and temporary work by setting rules and contributions for companies that require such labor only during specific periods. As Menger (2005) states, the working conditions of musicians reflect a broader crisis of capitalism, which today concentrates intermittent employment on ride-hailing and delivery app platforms.

It is important to emphasize what is evident in the interviews presented in this article: migration is not driven by the perception that there is more work available for artists, but rather by the understanding that work is structured and supported by social security. This stability allows artists to make choices about how to conduct their careers, as well as to maintain less dependence on the dynamics of the recorded and live music industries that emphasize sales volume, song airplay across different media, and audience reach – thereby focusing on the existence of an labor chain surrounding artists who are more clearly visible.

The *Intermittent du Spectacle* statute creates important tension within the cultural field by seeking a pragmatic definition of what, beyond the effort of labor itself, constitutes a genuinely professional activity in the arts. This debate remains stagnant in Brazil and affects everything from artistic training to the configuration of the cultural and creative economy's production chain, leaving the issue of what, in fact, constitutes an effective public policy, unresolved.

It is a fact that since the establishment of Law 8.313/1991, popularly known as the *Lei Rouanet*, Brazil has embraced a neoliberal tendency of delegating the responsibility for providing solutions in the cultural field to the private sector. This movement was further catalyzed during the same decade by the booklet entitled *Culture is Good Business*, released by the Fernando Henrique Cardoso government (Rubim & Barbalho, 2007), addressing the intertwined mechanisms of contracting, and defining the cultural agents who gain access to certain state initiatives.

This historical context promotes a trend towards public policies focused on financial transfer mechanisms. After a period of disputes over the role of art in defining national identities and the depletion of resources for culture (Nogueira, 2023), the reinstatement of the Ministry of Culture in 2023 has continued to reinforce the State's emphasis on income distribution through award-based systems, such as public calls for proposals, in an unrestricted way. There remains an excessive void in the debate on education, professionalization, and the definition of boundaries within the cultural labor sector.

In this sense, far beyond an initiative that could simply be reproduced in other political contexts, the existence of the *Intermittent du Spectacle* system in France suggests that there is room to envision more structurally grounded public policies. These would provide guidance on

what defines the nature of labor and present models of employment contracts, as well as making the private sector more accountable for sustaining a cultural activity that is not limited to merely redistributing funds. It is an approach that encourages attention to fundamental rights, lending greater meaning to expressions commonly used in political discourse – such as *cultural worker* or *culture maker* – since there can be no real professionalism when labor is reduced to the unilateral provision of manpower, even when that manpower is artistic.

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