



UvA-DARE (Digital Academic Repository)

Symphonic metamorphoses

Variations on vulnerability: orchestral musicians' employment in times of crisis

Kurzbauer, H.R.

Publication date

2022

[Link to publication](#)

Citation for published version (APA):

Kurzbauer, H. R. (2022). *Symphonic metamorphoses: Variations on vulnerability: orchestral musicians' employment in times of crisis*. [Thesis, fully internal, Universiteit van Amsterdam].

General rights

It is not permitted to download or to forward/distribute the text or part of it without the consent of the author(s) and/or copyright holder(s), other than for strictly personal, individual use, unless the work is under an open content license (like Creative Commons).

Disclaimer/Complaints regulations

If you believe that digital publication of certain material infringes any of your rights or (privacy) interests, please let the Library know, stating your reasons. In case of a legitimate complaint, the Library will make the material inaccessible and/or remove it from the website. Please Ask the Library: <https://uba.uva.nl/en/contact>, or a letter to: Library of the University of Amsterdam, Secretariat, Singel 425, 1012 WP Amsterdam, The Netherlands. You will be contacted as soon as possible.



Symphonic Metamorphoses

**Variations on vulnerability:
orchestral musicians' employment in times of crisis**



SYMPHONIC METAMORPHOSES

**Variations on vulnerability: orchestral musicians'
employment in times of crisis**

ISBN:

Cover design/photography: Ben Bonouvrier

Lay-out: Publiss | www.publiss.nl

Print: Ridderprint | www.ridderprint.nl

Copyright ©2022 Heather Kurzbauer

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means, electronic, mechanical, by photocopying, recording, or otherwise, without the prior written permission of the author.

SYMPHONIC METAMORPHOSES

Variations on vulnerability: orchestral musicians' employment in times of crisis

ACADEMISCH PROEFSCHRIFT

ter verkrijging van de graad van doctor
aan de Universiteit van Amsterdam
op gezag van de Rector Magnificus
prof. dr. ir. K.I.J. Maex

ten overstaan van een door het College voor Promoties ingestelde commissie,
in het openbaar te verdedigen in de Aula der Universiteit
op woensdag 1 juni 2022, te 11.00 uur

door Heather Rachel Kurzbauer
geboren te Cleveland

Promotiecommissie

Promotor:	prof. mr. E. Verhulp	Universiteit van Amsterdam
Copromotor:	prof. dr. B.P. ter Haar	University of Warsaw
Overige leden:	prof. dr. M.R.F. Senfleben	Universiteit van Amsterdam
	prof. dr. M. de Wilde	Universiteit van Amsterdam
	prof. mr. C.E. du Perron	Universiteit van Amsterdam
	prof. mr. I.P. Asscher-Vonk	Radboud Universiteit Nijmegen
	prof. dr. M.G. Crain	University of Washington
	dr. B. Akiki	Wroclaw Opera
Faculteit der Rechtsgeleerdheid		

To my Aunt Chana Rates, Doktor Beider Rechte Universität Wien March 1936
Banned from legal practice by Austrian authorities March 1938
Perished in Auschwitz 1942

Table of Contents:

a compilation of movements and intermezzi to contextualize orchestral musicians' employment related vulnerabilities

Frequently used abbreviations	8
1. Prelude: a prologue on orchestras at the brink	10
2. Theme and Variations: research questions and methodology	19
3. <i>Intermezzo: the literature passes review</i>	22
PART I BACKGROUND TO ORCHESTRAL JOURNEYS	43
4. FAQs: answers to questions regarding the orchestral workplace	43
5. What's in a name: an orchestra, a symphony, a symphony orchestra, a philharmonic or all of the above?	61
6. Post-crisis changes and perceptions of change	110
7. <i>Intermezzo: of competitions, horse races and orchestral auditions</i>	142
8. Haydn rewrites history	152
9. Follow the money: economics at the orchestra	205
PART II SYMPHONIC VARIATIONS: ORCHESTRAL EMPLOYMENT AND THE LAW	239
10. Requiem for an orchestra: the Netherlands Radio Chamber Philharmonic (Radio Kamer Filharmonie RKF) néé Netherlands Radio Chamber Orchestra (Radio Kamerorkest RKO)	239
11. En route to the FNV KIEM case: competition law and labor law	300
PART III SYMPHONIC VARIATIONS: THE ORIGINAL GIG WORKERS	328
12. A long and winding road: freelance musicians in a tale of two countries	328
13. Back in the USA	382
PART IV DISSONANCE: DISCRIMINATION IN THE ORCHESTRA	459
14. Of Rowe and race	459
15. Diversity, ethnicity and race at the orchestra	521
16. <i>Intermezzo: Singing the #metoo classical blues</i>	538
17. Greener Pastures: coming of age in the orchestral workplace	552

PART V CLOSING CHORDS	619
18. The curtain falls? Orchestras in times of pandemic	619
19. Coda: Quo Vadis? Contemporary and countervailing reactions to orchestral musicians' vulnerability	637
20. Countervailing reactions to vulnerability	641
I. Recitative: The interviewed	648
II. Recapitulation: Sources	658
III. Epilogue: Appendices	699
IV. Da capo: synopses (Dutch/English)	804
V. Acknowledgements	810

Frequently used abbreviations

ACM	Autoriteit Consument & Markt, Netherlands Authority for Consumers and Markets
BIS	Culturele basisinfrastructuur; Dutch government cultural basic subsidy
BSO	Boston Symphony Orchestra
DCC	Burgerlijk Wetboek, Dutch Civil Code
CAO	Collectieve arbeidsovereenkomst, collective bargaining agreement
CBA	Collective bargaining agreement (CLA: collective labour agreement U.K.)
ECJ	European Court of Justice
HBO	Het Ballet Orkest, Dutch Ballet Orchestra
HR	Hoge Raad (HR) Dutch Supreme Court
HRM	Human resource management
ICSOM	International Conference of Symphony and Opera Musicians
ILO	International Labour Organization
MCO	Muziekcentrum van de Omroep, Dutch Broadcasting Music Center
NMa	Nederlands Mededingingsautoriteit, Netherlands Competition Authority
NLRA	National Labor Relations Act
NLRB	National Labor Relations Board
NRSO	Radio Symfonie Orkest, Netherlands Radio Symphony Orchestra
OCW	Onderwijs, Cultuur, Wetenschap, Education, Culture and Science
OR	Ondernemingsraad, Works Council
PvFM	Platform voor Freelance Musici
RCO	Royal Concertgebouw Orchestra, pre-1988, Concertgebouw Orchestra

RFO	Radio Filharmonisch Orkest, Netherlands Radio Philharmonic Orchestra
RKF	Radio Kamer Orkest, Netherlands Radio Chamber Orchestra; reorganized, name changed to Netherlands Radio Chamber Philharmonic in 2005; disbanded 2012-2013
RvC	Raad voor Culture, Dutch Culture Council
SCOTUS	Supreme Court of the United States
SER	(Dutch) Social Economic Council
SOM	Stichting Omroep Muziek, Dutch Broadcasting Music Foundation
THA	Taft-Hartley Act 1947
TFEU	Treaty on the Functioning of the European Union
UWV	Uitvoeringsinstituut Werknemersverzekeringen, Dutch Employee Insurance Agency
VSR	Stichting Remplaçanten Nederlands Orkesten, Dutch Orchestral Substitute Players Foundation
VvNO	Vereniging van Nederlandse Orkesten, Association of Dutch Orchestras
WAB	Wet Arbeidsmarkt in Balans, the Labor Market in Balance Act
WOR	Wet op de ondernemingsraden, Works Council Act
ZZP	Zelfstandig zonder personeel; literally, self-employed without staff, self-employed persons