



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.

8. Haydn rewrites history

“Orchestral musicians not only contribute to the perpetuation but to the creation of musical works, while the limelight is usually taken by composers, soloists and conductors, let us not forget the musicians who play the music, integral cogs in the musical wheel.”⁴⁷⁵

“The truth is that our present-day symphony orchestra is not basically different in concept or composition from that of 1910, say, in spite of the tripling or quintupling of wind instruments, or the addition or invention of the plethora of percussion instruments which sometimes these days seem to be invading the whole stage.”⁴⁷⁶

In our quest to contextualize vulnerabilities within orchestral musicians’ employment and make sense of the changes wrought by recent crises on the work lives of orchestral musicians, a trip down a historical lane sets the stage for an examination of issues as relevant in the 21st century as they were at the dawn of orchestral history. *Haydn rewrites history* takes a narrative path to share details on the nature of orchestral musicians’ contracted work in one of the great early orchestral collectives, the Esterházy orchestra in the second half of the 18th century led by Joseph Haydn, one of the giants in the western classical composers pantheon. We will also travel to other musically relevant locations and time periods to provide a better understanding of the inner and outer workings of the orchestra and its musicians in formative years.

Section 1 (paragraphs 8.1.2-8.1.4) moves back in time to the guilds and medieval precursors of the modern orchestra with special emphasis on emergent contracts in medieval France and London.

Section 2 (paragraphs 8.2-8.2.3) studies the orchestral situation at Esterházy with special emphasis on contractual obligations and the role of patronage and its influence on musician’s contracts during Haydn’s lifetime. This section provides a closer look at the 18th century maestro-Kapellmeister in charge of creative and administrative activities to open the discussion on the development of the conductor as a major influence not only on musicians’ musical lives but also on their employment situations. The story of a ‘velvet revolution,’⁴⁷⁷ the first recorded musical labor protest dating back to November 1772, will be given careful consideration.

Section 3 (paragraphs 8.2.4-8.2.4.1) examines Haydn’s later life ventures in London, which could be considered as pivotal in bridging two worlds of orchestral employment.

⁴⁷⁵ Interview with the late, great Christopher Keene, a champion for all musicians, former Director, New York City Opera.

⁴⁷⁶ Leonard Bernstein. *The Future of the Symphony Orchestra* speech given for the American Symphony Orchestra League, 18 June 1980. Available at: <https://leonardbernstein.com/lectures/speeches/the-future-of-the-symphony-orchestra>

⁴⁷⁷ The reference to soft revolution was chosen judiciously as the story that unfolds illustrates.

Leaving the protection of princely patronage to voyage to London in the 1790s brought the Kapellmeister to the epicenter of the English entrepreneurial music scene. We also focus on the freelance musicians who performed at the city's burgeoning theaters. Musical performers moved frequently between jobs at various venues much like modern day freelancers: London musicians did not make their homes under the aegis of protection of the agents and theaters who offered employment unlike their confreres in European courts and chapels (Kapelle).

Section 4 (paragraph 8.2.5) reviews Leipzig's civic academies to provide information on another form of orchestral organization that shaped several aspects of the modern orchestra.

Section 5 (paragraphs 8.3-8.4.2) leads the way to the 19th century to study the impact that societal changes had on orchestral musicians in terms of patronage and employment.

Section 6 (paragraphs 8.5-8.5.3) charts the ascendancy of the U.S. orchestra in the 19th century.

Final words are devoted to the particularly powerful role of the orchestral maestro before concluding with a recapitulation of Haydn's invaluable contributions.

Forging ahead from a discussion of Haydn's role as conductor-administrator, the section progresses to sketch the cult of the larger personality to continue the discussion on the all-important role of the maestro as controlling force at the orchestra. The 'live-in onsite' Kapellmeisters of the 18th century, the 19th century roots of the 'cult of the maestro,' and the personality-maestros of the 20th-21st centuries are considered in the context of their influence on their musicians and the orchestral organization.

8.1 Monteverdi's mojo

In the early years of the 17th century, a performance of the operatic drama *Orfeo* changed the course of music history. Claudio Monteverdi, priest, and prolific late Renaissance composer expanded performed drama. To fully exploit the emotional experience of the text, he chose to expand on the conventional complement of musicians from a small ensemble to a group of 40 players. Monteverdi also took the radical step of inserting sung musical 'outbursts,' the term first associated with 'arias,' as the central focus of the staged production. A division of labor between the 'sung word' and 'played accompaniment' revolutionized the market for musicians: in Monteverdi's operatic soundscape both singers and 'orchestral' musicians were indispensable.

By the mid-18th century, the orchestra both as an essential part of operatic performance and in its own right became an indispensable focal point for culture and cultural entrepreneurship.⁴⁷⁸ The social history of the orchestra can be read in terms of shifts in patronage and changes in social structures tied to political and economic changes. The public concert, a precursor to today's orchestral mega-performances at parks in many European capitals became a forum for lavish display giving rulers across the continent the opportunity to enhance their popularity through public displays of mass entertainment. Vivid accounts of the open rehearsal of the beloved composer George Frideric Handel's *Music for the Royal Fireworks*, composed to celebrate King George II's victory in the War of the Austrian Succession, mention an extraordinary traffic jam in London as 12,000 fought their way to the Vauxhall Spring Gardens. The premiere would have been the envy of any modern rock band. An eyewitness reported, "what contributed to the awkwardness of the whole was the right pavilion catching fire and being burnt down in the middle of the show."⁴⁷⁹ Inferno notwithstanding, the show did go on for a record nine hours, a triumph for the performers and sponsor George II whose popularity rose considerably thereafter.⁴⁸⁰ Fast forward two hundred years to picture a crowd of 15,000 celebrating King's Day at an open-air venue alongside Amsterdam's harbor. Unexpectedly, the newly crowned royals jump on stage to join the Royal Concertgebouw Orchestra (RCO) and DJ Armin van Buuren in musical celebration: the spontaneous action made the monarch(s) even more beloved by the masses.⁴⁸¹

The orchestral musicians who provided musical entertainment at courts, chapels, theaters, and other musical venues during the 18th century are an excellent point of departure for a study of orchestral musicians and their present-day challenges. A considerable number of orchestral performers found employment in three settings with differences in employment situations akin to the 'protected,' contractually employed orchestral musicians versus their modern-day freelance colleagues. To deepen our understanding of the somewhat peculiar employment context within the orchestral world, we will discuss the historical antecedents of the modern orchestral workplace in Europe, the cradle of orchestral civilization.

⁴⁷⁸ See Adam Carse. *The Orchestra in the XVIIIth Century*, *supra* at fn. 21 for more information on orchestral patronage.

⁴⁷⁹ Eyewitness accounts of the premiere are detailed in Christopher Hogwood's preface available at: <http://www.hogwood.org/archive/composers/handel/introduction-to-facsimile-edition-of-handels-music-for-the-royal-fireworks.html>

⁴⁸⁰ *Ibid.*,

⁴⁸¹ As reported in Dutch media, see <https://www.astateofrance.com/news/king-and-queen-of-the-netherlands-surprise-armin-van-buuren/>

A diversity of roles played by freelance as well as fully contracted orchestral musicians characterized employment in the formative years of the modern orchestra, with a special focus on the well-documented Esterházy Kapelle orchestra under the inspired leadership of Joseph Haydn. The focus on this extraordinary 'band' of musicians informs a discussion of the interactions between musicians and a hierarchy of conductors, impresarios, and patrons who exercised control over musicians' lives.

8.1.1. Early orchestral typologies

Three variations on the orchestral theme in the 18th century are noteworthy: the protected Kapelle,⁴⁸² civic orchestras, and the freelance bands of trained musicians who travelled from gig to gig in search of work. In terms of employment protection, two of the three types of orchestral employment, the Kapelle and the civil service orchestras, involved a modicum of protection for those employed. For the Kapelle musicians, contractual liaisons with patrons, and for the civil orchestral players, contracts to perform music at civic occasions, provided some security. Akin to modern-day freelance orchestral musicians, a third category of 18th century orchestral players were the active freelancers who were employed by impresarios to perform in London theaters in the 18th century. Charles Burney, chronicler par excellence, immortalized one ensemble of peripatetic independent players "That prodigious orchestra, which never before had existence on the earth and which by its admirable arrangement seemed like Music itself, to descend from the skies."⁴⁸³

8.1.2. Musicians' guilds in medieval Europe: insiders and outsiders in the freelance scene

Bands of itinerant musicians⁴⁸⁴ were part of the European social landscape since early recorded history, ranging from small musical troupes to individual musicians who joined others on-location.⁴⁸⁵ Although a staple source of entertainment at county fairs and city festivals, their lives were beset by haphazard work and living conditions and fraught with vicissitudes such as negligible (or total lack of) payment, low status,

⁴⁸² The *Merriam Webster Dictionary* definition of Kapelle:

- 1 the choir or orchestra of a royal or papal chapel
2. A musical organization; especially: orchestra

⁴⁸³ Charles Burney. *An Account of the musical performances in Westminster-Abbey and the Pantheon, May 26th, 27th, 29th and June the 3rd and 5th, 1784 in commemoration of Handel 1785* p.117. Available at: https://books.google.nl/books?id=DdFbAAAAQAAJ&pg=RA1-PA24&source=gbs_toc_r&cad=4-v=onepage&q&f=false

⁴⁸⁴ Minstrels as the English term denotes or jongleurs (French term for itinerant minstrel)

⁴⁸⁵ Walter Salmen. *Der fahrende Musiker im europäischen Mittelalter 1960* pp. 24-25.

and other elements of extreme precarity. Viewed as idle ne'er-do-wells by rulers, city fathers and even their fellow musicians who were more successful in finding patronage, these musicians were subjected to bans and other legislative restrictions documented in France, England, and Germany with roots in the 12th century.⁴⁸⁶ A closer examination of these early-day musical freelancers is useful as the closer the scrutiny the more similarities can be found with modern-day musicians and the many types of vulnerabilities they face.

One of the few recorded examples that offers insights into the work lives of musical itinerants pre-17th century takes us back to the reign of Edward IV, just prior to the War of Roses (1484). The monarch was keen to organize what he perceived to be 'unruly bands,' and presented travelling musicians under his jurisdiction with a quandary: refrain from plying your trade or join a guild, the Guild of Royal Minstrels.⁴⁸⁷ The protectionist measure was taken at the instigation of the King's personal musicians who sought to keep "certain ignorant rustics" and "foreigners" from taking the work of genuine skilled minstrels. The formation of the guild gave its members the power to examine and control membership and delimit the competition. Whether or not the guild's Charter provided genuine protective measures to further the lofty aims of artistic goals or was simply a way to maintain a status quo in which unwelcome (politically, religiously, socially) individuals were deemed to be societal pariahs remains unclear.⁴⁸⁸

The Charter itself was not long lived: thirty years after its entry into force, a localized charter was enacted in the City of London. In the City, membership was key as the charter determined participation in coveted paid musical activities. The members of the Minstrels and Freemen of the City of London were referred to as 'waits,' servants who performed musical entertainments at municipal fairs and official holidays. The London group favored an extreme, patriotic membership in which foreigners were barred from "any Minstrelsy, singing or playeing upon any instrument (sic)" within City or its franchises.⁴⁸⁹ A breach on the part of a foreigner or other type of 'unwanted' musician was subject to a hefty fine.⁴⁹⁰

⁴⁸⁶ Nigel Wilkins. *Music in the Age of Chaucer* 1979 pp. 143 and further for a thorough documentation of bans and a decree dating back to the reign of Edward II in 1315.

⁴⁸⁷ A view of a later version of the *Charter Musicians' Company* dating from 1604

can be viewed in its original vellum format at: <https://www.wcomarchive.org.uk/-company-charters>

⁴⁸⁸ Jews were prohibited from joining guilds although this discussion is moot as all Jews upon pain of death were banished until the 1650s. Heretics were prohibited from guild membership with questionable means to ascertain faith used in guild procedures.

⁴⁸⁹ See, "The Musicians' Company" *Musical Times* November 1, 1919 pp. 586-588.

⁴⁹⁰ *Ibid.*,

8.1.3 Allons enfants: the Confréries in medieval France

The French historian Jacques Le Goff⁴⁹¹ underlined that although many professions gained legitimacy in medieval France (12th-13th centuries), two métiers⁴⁹² were excluded from the ranks of proper Christian society: prostitution and the category encompassing musicians ('la jonglerie').⁴⁹³ Yet, despite this dire marginalization, musicians trade organizations taking the form of guilds and fraternal associations were active in several medieval urban centers. The first documented guild, an offshoot of a religious group that opened its doors to both women and men, the *Confrérie des Jongleurs et des Bourgeois d'Arras*, dates back to 1175.⁴⁹⁴ Yet, although its name indicates that it served the musicians of Arras, French historians stress that religion and a bit of religious hocus-pocus more than musical professionalism was the binding factor for a guild that centered its activities on combining an enactment of legends with music, a precursor to the present-day musical.⁴⁹⁵

According to the wise essayists who initiated the essential encyclopedia of music known as *Sir George Groves Dictionary of Music and Musicians* (revised multiple times since its original publication in 1879), Paris was the most important hub for organized musician groups and individual freelancers in search of employment as evidenced by tax records going back to the 13th century.⁴⁹⁶ By 1328, the members of the Parisian musicians confrérie had established a hospital and a chapel: members' spiritual and physical needs were thus taken care of. The statutes, endorsed by Charles VI in 1407, can be viewed in their entirety in the original *moyen français* (*Epilogue: Appendix 1*). The statutes extol the advantages of membership mentioning the advantages of the hospital and chapel for members and provide details concerning both admission and registration fees. Prospective members were required to be 'faithful to the Church' and had to pass a mandatory musical examination – the precursor to the modern audition. "Etrangers" (foreigners), and non-Church adherents were barred from entry into the protected society.

Strongly hierarchical in structure, the guild classified its members as apprentices (*apprenti*) and masters (*maîtres*). A warning to foreigners who attempt to encroach on

⁴⁹¹ Jacques Le Goff. "Métiers licites et illicites dans l'occident medieval" *Pour un autre Moyen Age* 1978.

⁴⁹² Professions, in French.

⁴⁹³ Literal translation: juggling (*jongleurs*) however, the term was used to include all sorts of performers, including theatrical entertainers. For an interesting piece of historical trivia, consider the following: The Rue des Jongleurs in Paris 1125 underwent a name change to Rue des Menetriers, see

⁴⁹⁴ See, Kay Slocum. "'Confrérie, Bruderschaft' and Guild: the formation of musicians' fraternal organisations in thirteenth- and fourteenth-century Europe" 1995, pp. 257–274, Arras information p. 239.

⁴⁹⁵ Ibid. See, Slocum's riveting retelling of the legend/miracle of Arras.

⁴⁹⁶ See entry listed under Paris, in *The New Grove Dictionary of Music and Musicians* 1980 pp. 184-169.

the musical business of guild members figures prominently in the text. Profit sharing was an important part of membership in these arrangements as evidenced in notarial acts and the 1407 statutes. Special honors and monies were to be paid to the guild's director, the 'Roy' or *King of Minstrels*, who was eligible to receive half of the admission fees and a percentage of fines. The statute remained in force until the mid-17th century when Louis XIV reverted to a more authoritarian approach to cultural personnel.

A departure from earlier statutes, the 1407 statute was created for '*ménétriers et joueurs d'instruments*' showing a specific focus on musicians (those who play instruments) as opposed to early statutes that included other medieval entertainers, namely actors and jugglers. While created as a protective mechanism for a select group of French Catholic performers, historians note that the *confrères* would in fact perform alongside with select *étrangers*. Personnel lists extracted from catalogues of orchestras throughout 18th century Europe affirm that orchestral musicians represented multiple nationalities in almost every *confrères* ensemble, expanding the boundaries of a musical transnational *lingua franca*.

8.1.4 Orchestral musicians' professional positions pre-18th century

A musician's professional life in pre-18th century Europe can best be described as a peripatetic existence that entailed moves in search of gainful employment. There was a difference between the itinerant bands of travelling musicians and orchestral musicians hired to serve aristocrats, rulers and/or the Church. At the high end of the supply chain, performance entrepreneurs *avant la lettre*, the performing musicians who acquired a high level of training and had the right connections, sought the 'protection' of a residential position that provided protection against the vagaries of non-employed musicians' lives. In contrast to the present day when music conservatories are the center for musical training and career connections, Europe's first orchestral musicians were more often than not members of the same extended family.⁴⁹⁷ Regardless of geographical location, from the 'Austrian'-based Kapellen⁴⁹⁸ to the corps of free-market musicians in Amsterdam, London, Paris, and Venice, an important commonality was the importance of family connections. Like other guild-controlled trades, the musical craft was passed on through family tradition, more often than not, from father to son (although there is documentary evidence that points to a few famed 'daughters' who

⁴⁹⁷ See, Spitzer and Zaslav *supra* at fn. 18 for further information on the 'life and times' of early 'orchestral musicians.

⁴⁹⁸ The present-day locations of many Kapelle are in what was to become the Austro-Hungarian Empire.

worked in European music ensembles pre-19th century).⁴⁹⁹ While many orchestras throughout mainland Europe consigned musicians to servant status,⁵⁰⁰ their ‘leaders’ were granted a higher status leading to complex intra-orchestral hierarchies and resulting in the kind of maestro-musician disparity both in terms of salary and status found in the modern-day orchestra.

Before turning to the well-documented orchestral contracts in 19th century Mitteleuropa, it is instructive to pause and reflect on Johann Sebastian Bach’s employment related problems. The composer-organist learned the meaning of overstepping boundaries as a ‘servant’ when he took off for a few days from his post as church organist in Arnstadt, Germany. Citing the need to gather inspiration out in nature far from the pressures of the job, Bach was interrogated and reprimanded not only for his audacity, but for artistic license “for having hitherto made many curious variations in the chorale.”⁵⁰¹ His contracts show that he was not only to create extraordinary amounts original music and provide musical leadership at church services, but that he was also responsible for any debts his predecessor may have incurred.⁵⁰² Armed with essential information concerning orchestras pre-18th century, it is high time to let the curtain open on the first documented orchestral protest: the premiere performance of Haydn’s “Farewell” Symphony.

8.2 The curtain opens: an unlikely protest in the 18th century

Once upon a time, over 250 years ago when the lives of orchestral musicians were controlled by the whims of their patrons, the celebrated Austrian composer Joseph Haydn⁵⁰³ devised an ingenious musical ruse to grant rights for his musicians in symphonic form. Haydn’s introduction of a discrete, but effective form of industrial action into a musical score gives us insights into the role of musicians, maestros, and their supporting patrons on the eve of the century of orchestral development, the 19th century.

⁴⁹⁹ More details to be provided in the *movement, Of Rowe and race*.

⁵⁰⁰ A wealth of literature written by 18th century diarists including Charles Burney, Samuel Pepys, and Leopold Mozart provides indispensable information on the trials and tribulations of professional musicians. Also see, Spitzer and Zaslav *supra* at fn. 18.

⁵⁰¹ Hans David, et al. *The New Bach Reader: A Life of Johann Sebastian Bach in Letters and Documents*. 1999 pp. 51-52.

⁵⁰² *Ibid.*,

⁵⁰³ Joseph Haydn, born the same year as George Washington and politically savvy in his own right (1732) was applauded not only for his genius as a composer but for his affable demeanor. See, H.C. Robbins Landon’s *Haydn Chronicle and Works* (1978) and Grout’s encyclopedic source.

Although great composers such as Joseph Haydn (1732- 1809) and his younger compatriot Wolfgang Amadeus Mozart (1756-1791) brought the classical period in music history to exceptional heights in terms of musical invention, their quests for economic stability within a profession characterized by uncertainty posed substantial professional challenges.⁵⁰⁴ It was, with the notable exception of London's commercial theaters, the Church and the aristocracy who provided the primary support system for Europe's successfully employed musicians until the 19th century. The rise of publicly supported concert halls and concert series that made the London music scene so unique resonated with Enlightenment and subsequent revolutionary ideas that swept Europe in the late 18th century. The success of London's various public subscription series became a cultural export product and influenced cultural activities in European capitals and subsequently, U.S. cities in the 19th century.

8.2.1 Mozart vs. Haydn: the quest for financial stability

Haydn's stable musical career as composer-conductor stands in sharp contrast to the trials and tribulations that Wolfgang Amadeus Mozart suffered in his unsuccessful attempts to find a harmonious balance between musical creativity and financial stability. A brief detour to examine Mozart's attempt to maintain steady employment highlights the challenges faced by even the most extraordinary talents in the classical music profession. His short life as a composer-*performer extraordinaire* was hampered by his constant and oft-futile attempts to attain a modicum of economic stability. From earliest childhood, the *wunderkind* crisscrossed Europe to seek remuneration for feats of musical prowess.

Mozart's correspondence provides evidence of increasing frustration on finding sponsorship and brings to the fore the difficulties of 'coming of age': young prodigies were apt to strike gold whereas 'older' talents became quickly passé. His multiple attempts to gain financial support from his Masonic brothers reveal an early creative attempt to engage in the marketing, similar to crowd-funding initiatives employed by some musicians today. Ample correspondence bears witness to the pressures of the habitually penniless genius in search of handouts. The tone of Mozart's letters towards the end of his short life borders on desperation as he begged a diminishing circle of friends, and fellow Freemasons for funds to cover basic living expenses.

⁵⁰⁴ Wolfgang Amadeus Mozart was born in 1756, 24 years after Joseph Haydn. Charles Rosen's impressive monograph *The Classical Style: Haydn, Mozart, Beethoven* 1971 provides background information on this extraordinary period in musical history.

Hundreds of letters, variations on the following theme attest to ever-escalating financial misfortunes.⁵⁰⁵ “Without your help, the honor, peace of mind and perhaps the life itself of your friend and brother Mason will perish.”⁵⁰⁶ Centuries later, U.S. musicians locked out and/or on strike to maintain their means of support and a continuation of contractual employment took to social media and crowdfunding to popularize their efforts in attempts to maintain financially solvent status. Tellingly, examples taken from the prolonged Minnesota Orchestra lockout in 2013 illustrate that the ‘Mozart method’ of direct contact with patrons helped pave the way to move forward from industrial conflict to resolution. To quote Marcia Peck, “one of the major learning points during the long lockout [almost 17 months] was the realization of how important relationships not only with the general public but with committed ‘patrons’ of our art were to the eventual success of our mission: to get the orchestra back on stage. Careful grooming and constant reminders to those who care, those with influence, cannot be overestimated.”⁵⁰⁷

Passed over by the Austrian Emperor Joseph II for a Kapellmeister position as head of Court music, Mozart’s bid for a stable position was thwarted by the clever Antonio Salieri (1750-1825) whose place in history remains tainted by unfounded, albeit well-popularized accusations of jealousy and even murder.⁵⁰⁸ Regardless of all the niggling over financial matters, Mozart’s musical production was little short of miraculous. Mozart’s led a peripatetic performer-composer’s life as a child prodigy, touring the courts and ecclesiastical chapels of the Continent under the watchful eye of his father. After his father’s death, he continued to search for financial stability at the behest of various aristocratic patrons. Unlike Haydn, however, Mozart did not have a ‘home-based’ orchestra under his supervision. Mozart’s freelance artistic collaborations with existing orchestral ensembles the length and breadth of Europe were dependent on the orchestral ensembles hired by aristocrats, archbishops, or on occasion, civic orchestras.⁵⁰⁹

⁵⁰⁵ Mozart was initiated as an Apprentice at the Viennese ‘Zur Wohltätigkeit’ Lodge in 1784, see, Katharine Thomson. “Mozart and Freemasonry” 1976 pp. 25–46.

⁵⁰⁶ See, *The Letters of Mozart and his Family* vol. 3. Available online at: https://archive.org/stream/lettersofmozarth000640mbp/lettersofmozarth000640mbp_djvu.txt, Letter to Freemason ‘brother’ Michael Puchberg, July 1789.

⁵⁰⁷ Conversations with Marcia Peck, cellist and Orchestra Committee Chair, Minnesota Orchestra.

⁵⁰⁸ No less a literary light than Alexander Pushkin wrote the play *Mozart and Salieri* shortly after Antonio Salieri died in 1825 adding a theatrical twist to the rumor concerning Mozart’s untimely demise.

⁵⁰⁹ Musicologist Neal Zaslaw offers a complete list of Mozart’s orchestral collaborations including appearances at the Amsterdam Schouwburg, and the Court of Orange in the 1760s. See, “Mozart’s Orchestras: Applying Historical Knowledge to Modern Performances” 1992.

Of great musical and cultural historical interest, Mozart's artistic and financial history is but ancillary to this research because his fortunes, or more aptly financial misfortunes, while closely related to changes in artistic support models, were not directly related to the ups and downs of life within the orchestra. What is pertinent are Mozart's fundraising attempts and his efforts to ally himself with a community of patrons-musicians. In subsequent *movements*, we will discover that the success of the 21st century orchestra often lies in its ability to build a relationship with audiences, patrons, municipal leaders, and the community-at-large. Without such ties, the ensemble is doomed to extinction. "If only our incredible chamber orchestra could have found a real link to a community and a committed group of patrons beyond the many anonymous Saturday Matinee fans and countless radio listeners, we feel as if we could have found a creative way to save ourselves by relying on patronage rather than subsidy."⁵¹⁰ Hold that thought for later *movements*, Haydn's long tenure at Esterházy will now be discussed to provide more depth in our discussion of orchestral musicians' employment.

8.2.2 Haydn: of genius, protection, and stability

Amongst the most prolific composers of all time,⁵¹¹ Haydn's musical life and professional maneuvers suggests diverse points of departure to examine the role of the orchestral musician within a nexus of interconnected employment relationships. Under his aegis as Vice-Kapellmeister and in due course Kapellmeister for the Esterházy aristocrats, Haydn auditioned, selected, conducted, rehearsed, and organized every aspect of orchestral operations at the individual and collective level. Germane to research that examines orchestral crises, the first recorded act of protest with regard to musicians' employment that took place during the première performance of Haydn's Symphony No. 45 (called since its premiere as the "Farewell" Symphony) opens the door to a discussion on how orchestral musicians interact with their 'patrons'/employers, their maestros/directors, and their audiences.⁵¹²

⁵¹⁰ Conversations with Maurits Wijzenbeek, violist and orchestra committee member, Radio Chamber Philharmonic, pre-reorganization 2013. The Saturday Matinee reference alludes to the VARA Matinee series at the Concertgebouw Amsterdam, a popular series that featured the radio orchestras and progressive repertoire.

⁵¹¹ A list of Haydn's compositions, many written in the splendid isolation of the Esterházy palaces is exhaustive, for starters: 108 (!) symphonies, 68 string quartets, 19 operas, 32 chamber divertimenti, 29 piano trios, multiple masses, and oratorios to mention but a part of his output.

⁵¹² For a deeper understanding of the "Farewell" symphony, see James Webster's Haydn's "Farewell" Symphony and the Idea of Classical Style: Through-composition and Cyclic Integration in His Instrumental Music" 2004.

8.2.2.1 *The seeds of the modern orchestral organization*

To set the stage at this juncture in the research, the first part of the *movement* recounts the “Farewell’ Symphony legend against a backdrop of 18th century orchestral employment within the ranks of Kapelle, in which the musicians were contracted as servants of their ruler, the Prince. The first chronicled industrial action in the orchestral workplace took place in the closely controlled Esterházy Kapelle under Haydn’s creative direction.

Kapelle orchestral musicians were contracted for their services as musicians and pledged to “contract their entire person to the Prince.”⁵¹³ As total subordinates in ‘music and body,’ the musicians were expected to be loyal servants. Their services were remunerated in monies and by the Prince’s duty to care as detailed in signed contracts.⁵¹⁴ Wages, clothing, housing (including housing for musicians’ immediate families) candles, wood, food, wine, and health services were granted to the lucky few who agreed “to appear diligently...and to participate as long as We shall please.”⁵¹⁵ At the Kapelle, certain instrumentalists with seniority and several ‘virtuosic’ players received higher wages than the rest.⁵¹⁶ Records prove that salaries for singers were generally higher than those of orchestral players concurring with Princely preferences. According to conventions established in earlier centuries, singers were seen as ‘high status’ musicians whose name recognition and stage-performance skills lent them a privileged place above the orchestral rank-and file.

Haydn’s patron, Prince Nicolaus, in full cognizance of the impact an impressive residence would add to the trappings of consolidated wealth and power, set about to build a vast estate at Esterházy in the hinterlands of the Austro-Hungarian region.⁵¹⁷ The Prince was so partial to his ‘Versailles,’ finally completed in 1766, that he opted to spend the greater part of the year at the palace. This in turn meant that his servants, including Haydn’s orchestra, were required to sojourn and perform at this preferred residence. Their ‘work’ was intensive, requiring early morning chapel accompaniments, music at mealtimes (Tafelmusik), and frequent evening performances often extending into the wee hours of the morning at the estate’s multiple theaters. Despite his benevolence towards music as an art form, the Prince did not hold the view that ‘his’

⁵¹³ Spitzer and Zaslav, *supra* at fn. 18 p. 404.

⁵¹⁴ See Harich, “Das Haydn-Orchester im Jahr 1780.” Available at: <http://www.haydn13.com/Inhaltsseiten/Das-Haydn-Orchester>

⁵¹⁵ *Ibid.*, The original German as translated from Harich, “Das Haydn-Orchester im Jahr 1780,” *Manche Instrumente waren finanziell bessergestellt als andere. Sänger bekamen noch mehr Geld.*”

⁵¹⁶ *Ibid.*,

⁵¹⁷ Obviously geographic boundaries in the region changed as the result of numerous wars and power shifts, in Haydn’s day, the Esterházy territories were part of the Habsburg Empire.

musicians should be ‘distracted’ by their families, nor was his opulent summer palace replete with hidden gardens, trompe l’oeil creations and a shell-encrusted grotto, the ideal musical workspace. In fact, the residence was surrounded by mosquito infested swamps. The Prince indulged his penchant for duck hunting by day and extravagant theater and musical spectacle by night, thus Haydn’s orchestra was required to perform throughout the summer months with no chance to return for family visits.

The overworked musicians grew restless. While no written records extant bear witness to the Esterházy musicians’ communiqués with Haydn, the Vice-Kapellmeister kept journals that documented many aspects of orchestral protestations. Haydn decided to assuage the tension between the Prince’s policies and the players’ reasonable demands. According to his contract of service as Vice Kapellmeister, he held the responsibility to “influence his subordinates to preserve such harmony” (see, clause #3 in the 1761 contract below) and to keep the peace at all times which meant that aside from multiple daily performances, any musician-related problem was to be kept “far from his Serene Highness” (see, clause #6 in the 1761 contract below). Haydn’s choice for musical diplomacy proves inspirational centuries later, as orchestral musicians face recurrent impasses in terms of their employment conditions.

“There are two golden rules for an orchestra: start together and finish together. The public doesn’t give a damn as to what goes on in between.”⁵¹⁸

Before unveiling the details of the “Farewell” story, consider one of the most colorful characters in orchestral leadership, Maestro Thomas Beecham’s (1879-1961). While perhaps an apt and cynical appraisal of a contemporary audience, this comment certainly misses its mark taking cognizance of Haydn’s ingenious musical remonstrance. Rather than engage in verbal intercession with his esteemed patron, Haydn devised a sophisticated musical solution to bring the musicians’ demands to the Prince’s table. Haydn’s “Farewell” Symphony revolves around the capricious F-sharp-minor key, a deliberate and highly original choice. Whereas this quirky choice of a key, which is rarely used in 18th and early 19th century classical music, might not seem obvious to today’s listeners due to a lack of enhanced musical education, the Prince and his entourage were musically savvy and would have taken note, literally, of the subtlety of Haydn’s choice of key and the uncommon musical turn of affairs aurally evident in the first movement. The symphony’s finale starts afresh with a guileless promenade melody after sections of showy fast notes. To add to the unusual nature of the last

⁵¹⁸ Sir Thomas Beecham quoted in *The Guardian* in memoriam Beecham 40 years following his death in 1961, available at: https://www.theguardian.com/friday_review/story/0,3605,468909,00.html

movement, Haydn closes deliberately with a slow section that adds an unexpected twist, a measured aftermath following the rousing fast-paced opening section. “Farewell” Symphony anecdotes abound but rather than continue down the storytelling path, the score should suffice as a means of explanation. Haydn indicates that the musicians should play until they exit the stage, one-by-one. Last but certainly not least, the first two violinists from the orchestral complement calmly finish the symphony en duo, the very last to leave.

Several questions come to the fore. Did Haydn’s cleverly packaged musical act of protest yield any long-term effects? Did the walkout resonate throughout the centuries to inspire other acts of protest? Do orchestral musicians who are dissatisfied by present-day work situations ‘band together’ and stage protest actions? The simple answer to the first question is ‘yes.’ The second and third questions inspire *movements* on orchestral industrial actions and Dutch orchestral reorganizations, which occupy the bulk of this research.

As intimated above, Haydn’s musical maneuver brought instant success. His many biographers have documented the reaction of his princely patron. The Prince took the musicians cues in stride, reputedly uttering the words, “well, if the musicians have gone, we had better leave as well.”⁵¹⁹ Music as messenger, or as the erudite and communicative Leonard Bernstein once quipped, ‘this was a walkout that did not lead to lockout, it actually worked!’ Haydn’s orchestra members were commanded to return home for a brief sojourn with their families.

The acrimonious lockouts, protest marches, and strikes that cast a shadow on orchestras from Amsterdam to Atlanta in the 20th and 21st century certainly did not lead to such quick and harmonious agreements. The orchestral walkout written into Haydn’s score has been repeated as a musical ‘joke’ to the delight of audiences worldwide since its 1772 premiere. Musicians might refer whimsically to the “Farewell” action. Faced with an overtime call⁵²⁰ in which an orchestra rehearsal had reached its CBA set time-limit, the Dutch conductor Hans Vonk offered his musicians the opportunity to ‘walkout like in Haydn’s time’ or stay put for a few minutes to finish the movement of music they were rehearsing. “Had it been one my American orchestras, I would not have thought to ask, however I thought that the (Netherlands) Radio Symphony musicians would agree affably – they did.”⁵²¹

⁵¹⁹ David Wynn Jones. *The Life of Haydn* 2013 p. 84.

⁵²⁰ Orchestra speak for this state of affairs.

⁵²¹ Conversations with Maestro Hans Vonk, former Music Director the Hague Philharmonic, Netherlands Radio Philharmonic, Staatskapelle Dresden, St. Louis Symphony (U.S.), and the Netherlands Radio Symphony Orchestra.

As protest actions on the part of orchestral musicians who took to more militant means of showing dissatisfaction in the 20th and 21st centuries will be discussed in subsequent *movements*, this *movement* will continue with a closer examination of Haydn's Kapellmeister experience as it illuminates several significant factors that are imperative to the story of orchestral musicians' employment. Subordination, a key factor in determining workers' status in the employment relationship was certainly essential to Haydn's contractual relationship with the Prince as well as fundamental to his musicians' relationships to both the Prince and Kapellmeister.

8.2.2.2 *The Kapellmeister*

Haydn stood at the helm of musical activities for the culturally active Esterházy clan from 1761 until 1803. As 'chief of musical affairs,' he was solely subservient to his employer, the Prince. Starting as a Vice-Kapellmeister to the paterfamilias Prince Peter Paul, Haydn's early-day experiences as a composer-musicians' manager-and princely go-between sheds light on the working lives of performing musicians before the revolutionary social and political upheavals later in the century would sweep orchestral musicians into more precarious employment situations. A closer examination of Haydn's contract signed months before Peter Paul's brother Nicolaus 'the Magnificent'⁵²² took over the position as head of the powerful Esterházy family shows that indeed subordination to the Prince was paramount.

Working for almost four decades as Kapellmeister for the music loving Esterházy family, Haydn was contracted to provide compositions ranging from Tafelmuzik (performed at tableside) to sizeable compositions for Sunday masses and additional chamber music compositions, symphonies, and operas. Part and parcel of his duties was the organization and management of a resident orchestra, capable of performing at flexible hours amplified by a coterie of singers, brass fanfare specialists, and, if the Prince requested, 'special performers' (referring to itinerant bands of freelancers).

Contemporary critics refer to Haydn's position as 'servile' with regard to his relationship to the Prince. A closer examination of his concert of service provides evidence to the contrary. The newly appointed Vice-Kapellmeister was able to spread his musical wings with a superlative orchestra at his disposal and an international as well as discriminating royal audience who showed their approval of his prodigious compositions with great regularity at the Esterházy residences. His was a special

⁵²² Prince Nicolaus Esterházy (1714-1790) epithet 'the Magnificent' refers to his substantial aesthetic interests, love of luxury and investment in architecture, art and above all, music.

relationship with Prince Nicolaus who grasped the immensity of Haydn's musical genius. Unlike many a patron who claimed ownership of a subordinate's productions, the Prince broke with the conventions set down contractually by his predecessor (see clause 3, 1761 contract)⁵²³ and permitted Haydn to accept commissions from international venues.

8.2.2.3 Haydn's initial contract signed 1 May 1761

“The said Joseph [Haydn] shall be considered and treated as a member of the household. Thus, his Serene Highness is graciously pleased to place confidence in the belief that he will conduct himself in a fitting manner, as becomes an honorable official of a princely house. He should be mild, temperate, not showing himself overbearing toward his musicians, but straightforward and composed. He should never treat his musicians in a brutal manner.”

A close reading of paragraph 2 offers remarkable insight into the personality traits considered appropriate for the Prince's preferred 'chief musician.' The chosen one, i.e., the Kapellmeister, was expected to be accommodating, courteous, and above all, respectful. Haydn would aggrandize the Princely fortunes through his gift of music as a highly esteemed member of the Prince's inner circle. The Esterházy princes were very much aware of the value of enhancing their social status and power through public and private entertainment.

Examples of poorly run musical Kapelle that contrast to Haydn's abode abound: an interesting study of the Viennese Imperial Court at the time of Joseph I⁵²⁴ and Joseph II⁵²⁵ provides copious examples of misuse of funds, musicians' squabbles, reductions in the numbers of musicians employed (in today's orchestral reorganization parlance, cuts in the complement), problems in finding suitable musicians, as well as the efficient organization of orchestral musicians and singers.⁵²⁶ The Esterházy Kapelle did not suffer from a shortage of musicians; performers competed for positions in the well-known and greatly esteemed ensemble. Haydn proved to be the ideal Kapellmeister: his endless musical production put the Esterházy palaces on the cultural map of Europe. A place on the cultural map helped maintain the Esterházy position of power accrued

⁵²³ Documents report on contractual matters; reproduced and translated from the German language texts, *Haydn-Studien* III:2 1974. Further, many sources including Griesinger detailed in fn. 537 and reproduce parts of Haydn's contracts, see [gettyimages-164071604-594x594-2.jpg](#) available online.

⁵²⁴ Joseph I Holy Roman Emperor ruled the Empire from Vienna from 1705-1711.

⁵²⁵ The 'enlightened despot' Joseph II co-ruled as Holy Roman Emperor and ruler over the extensive Hapsburg lands at first with his mother, Empress Maria Theresa from 1765-1780 and as sole ruler from 1780-1790.

⁵²⁶ See, Alison Dunlop's "Forgotten Musicians: Documenting Musical Life at the Viennese Imperial Court in the Eighteenth Century" 2012 pp. 93-112.

through wealth, military prowess, and political savvy – vital to the continuation of the dynasty fame and fortune.

A return to the contract underlines the significance of fairness and equal treatment in this early example of a musician's employment contract. The manner in which Haydn responded to the dissatisfaction expressed by his musicians in the "Farewell" episode points to his diplomatic skills. Within the contract, the instruction that 'he should not treat his musicians in a brutal manner'⁵²⁷ provides a contractual caution to protect musicians from the whims of a callous, hard-handed Kapellmeister (music director). Countless tales of musical woe at the hands of authoritarian and even 'brutal' maestros pepper the pages of accounts of orchestral musicians' tales from the pit, as the *movement* devoted to discrimination on the part of music directors will elucidate.⁵²⁸ The aforementioned contractual warning could well serve as a model for conductors' conduct in modern times.

2. When the orchestra is summoned to perform before company, the Vice-Kapellmeister and all the musicians shall appear in uniform, and the said Joseph [Haydn] shall take care that he and all the members of his orchestra follow the instructions given, and appear in white stockings, white linen, fully powdered, and with a tie wig.

The fact that the uniforms were paid for by the Prince gives credence to the influence of enlightenment ideas that emphasized that an aristocrat's leadership and wealth should inspire a sense of obligation toward all those who contribute to his wellbeing.⁵²⁹

3. Whereas the other musicians are referred for directions to the Vice-Kapellmeister, he shall therefore conduct himself in an exemplary manner and abstain from unnecessary familiarity and common behavior in eating, drinking, and conversation, not dispensing with the respect due to him, but acting uprightly and influencing his subordinates to preserve such harmony as is becoming in them. He must take heed that any discord or disputes would displease his Serene Highness.

The thought-provoking clause 3 that underscores Haydn's responsibility as a role model and mediator recapitulates the importance of moderation and proper norms of behavior as part of the *modus operandi* at a well-functioning workplace. Conceptualize for a moment a relation between "to abstain from unnecessary familiarity" to the

⁵²⁷ See, text above at 8.2.2.3 Haydn's initial contract signed 1 May 1761.

⁵²⁸ More information in *Of Rowe and race*.

⁵²⁹ Thought-provoking insights connecting Nicolaus' cultural patronage to Enlightenment ideas can be found in Kristóf Fatsar's "Taste Inequalities in the Art Consumption of Prince Nicolaus I Esterházy 'the Magnificent' in Johanna Ilmakunnas and Jon Stobart. *A Taste for Luxury in Early Modern Europe: Display, Acquisition and Boundaries* 2017.

#metoo topical complications that plague the orchestral world at the present time.⁵³⁰ The contract sought to mitigate the problematic relationships that could impact musicians' ability to work effectively, cognizant of the temptations of the musicians' lifestyle with its inherent late nights, 'hard-work, hard-play' way of life. Putting the Prince at the top of the chain of command as a peace-loving ruler, ("disputes . . . would displease his Serene Highness") underscores the value of a harmonious workplace to the employer.

4. The Vice-Kapellmeister shall be bound to compose such music as his Serene Highness commands, and neither to communicate such compositions to any other person, nor to allow them to be copied, but he shall retain them for the absolute use of his Serene Highness, and not compose for any other person without the knowledge and permission of his Highness.

The concept of the composer as creator suffered restrictions imposed by the fourth clause: the music composed during the Kapellmeister's tenure was the property of his patron, certainly not the intellectual property of its maker.⁵³¹ Yet despite this stipulation, Haydn's extraordinary compositions became the talk of Europe and an almost insatiable market developed rapidly. At the seat of the Habsburg Court the annual arrival of the Esterházy performers and their princely coterie was heralded by a frenzy of pre-concert publicity.⁵³²

Haydn was a clever negotiator who succeeded to contract for a remarkable salary raise after Prince Nicolaus became the head of the Esterházy dynasty in 1762. An avid amateur musician,⁵³³ the Prince was mindful of the arduous task of becoming a professional musician. His written legacy and the contracts extant show evidence of great interest and considerable generosity based on respect and his willingness to expand the court's orchestra throughout his years in service. Haydn's insisted not only on an increase in monetary remuneration but full coverage for 515 liters of wine per annum and complete coverage for apothecary bills to ensure that his substantial medical costs were paid for.⁵³⁴

⁵³⁰ The Royal Concertgebouw Orchestra (RCO) and the Cleveland Orchestra, both world renowned orchestras have been at the center of #metoo allegations in recent years, a theme that will be taken up in *Singing the classical #metoo blues*.

⁵³¹ The concept of intellectual property was still in its infancy, first steps were taken post-French Revolution, see Roland Barthes' "From Word to Text" in *Image, Music, Text* 1977 p. 161.

⁵³² *Ibid.*,

⁵³³ Prince Nicolaus' instrument of choice was the baryton, a now-obsolete cello-bass viol crossover with sympathetic strings. Haydn composed 126 string trios in which the baryton takes prominence for his patron's pleasure.

⁵³⁴ See, Haydn entry in *The American Cyclopaedia: A Popular Dictionary of General Knowledge* D. Appleton and Co., 1883 pp. 540-542.

Over and beyond financial remuneration, artistic freedom was essential for Haydn. Although Haydn lived in a backwater location far from the delights and distractions of urban life, he was relieved to follow his musical pursuits far from the crowded city and wrote frequently about the joys of such ‘splendid isolation.’ He built a first-rate orchestra and earned a first-rate salary as the third highest paid staff-member of the Prince’s court. To quote Haydn:

*“My Prince was satisfied with all of my work, I received applause. as chief of the orchestra, I could try experiments, observe what produced the right effect and what weakened it; could therefore improve, add, cut out, venture, I was separated from the world, nobody to meddle with and plague me, and so I was perforce original.”*⁵³⁵

A precarious employment situation, however, ensued after the death of Prince Nicolaus in 1790. His successor, Prince Anton, moved away from his father’s musical predilections by attempted to show his disregard for his illustrious predecessor’s musical passions and decided that if he disbanded the orchestra, he would have extra financial resources to serve other purposes. All members of the orchestra and opera troupe lost their positions.⁵³⁶ A small group of wind players remained employed to accompany hunting ventures and provide the Tafelmusik tableside accompaniment. Perhaps at least in spirit, the last of the 18th century Esterházy dynasty who opted to dismantle his famed orchestra embraced the philosophy embodied in the statement “art is a left-wing culture” central to an understanding of the politics behind the culture cuts that dismantled the Dutch arts scene since 2000.

Though far beyond the employment-related matters central to this research, copyright protection has always been a hotly contested issue in a performance-driven profession. Composers’ rights to their creations were as important in the 18th century as it is in the age of internet dissemination. Haydn’s princely patrons were aware of the production and exchange of value inherent in the creation of original works. While this clause shifts the ownership of the composition from the creator (Haydn) to the patron, the actual situation with regard to ‘ownership’ and ‘dissemination,’ not to speak of the ‘legal moment,’ in artistic production went far beyond clause 4. Manuscript specialists hired by the Prince under the supervision of Haydn copied the Kapellmeister’s compositions. In the 18th century piracy was commonplace: at least 43 symphonies and 51 chamber music compositions were published in Amsterdam, London, and Paris without the

⁵³⁵ Ibid.,

⁵³⁶ For more details see, L. Somfai. “Haydn at the Esterházy Court” in N. Zaslav (ed.) *The Classical Era. Man & Music* 1989.

composer's permission between 1764-1780.⁵³⁷ The assumption that Haydn did know about these 'pirate' copies of his works might well be farfetched; perhaps he even played a role in the dissemination of his compositions. His exact reactions to these phenomena were not saved for posterity; his writings and diary entries show that he was pleased with his growing acclaim.⁵³⁸

Prince Nicolaus was undoubtedly aware of the rise in Haydn's acclaim and was persuaded to revise the Kapellmeister's employment contract to reflect this change in fortunes. Haydn received permission, not only to compose for any patron he chose, but also the permission to publish his works at will in 1779.⁵³⁹

5. The Vice-Kapellmeister shall on a daily basis in whatever territory his Serene Highness resides consult with said Highness both morning and afternoon to inquire whether a concert should take place that day. If so, Haydn will be responsible to notify all musicians necessary for performance to ascertain that they will be prepared to perform. He will take duly note of any tardiness or attendance issues.

Outlining the nuts and bolts of a Kapellmeister's daily managerial duties, this clause makes no mention of the creative content of Haydn's obligations. Akin to the relationship between today's orchestra directors and their managerial and artistic directors, common practice at the orchestra teaches that while managers might be free to offer suggestions, ultimately, they should not question artistic decisions, the provenance of the music director. For Haydn consultation was the tip of the iceberg during his long workdays: the Kapellmeister had to choose and compose the works to be performed, a creative process that took place while he addressed more mundane organizational issues such as 'tardiness or attendance issues.' Often, the lead violinist (Konzertmeister/concertmaster) would receive additional delegated responsibilities and remuneration for his assistance in these matters.⁵⁴⁰ Like contemporary concertmasters and principals, Haydn's leader was granted extra privileges and pay.

6. In case of a dispute or complaint concerning the musicians, the Vice-Kapellmeister will resolve these matters to keep them far from his Serene Highness, not to disturb the

⁵³⁷ A treasure trove of information, including details on musicians' employment and Haydn's terms of employment as well as issues concerning dissemination and piracy can be found in the biography of Haydn *Biographische Notizen über Joseph Haydn* published in 1810 by Georg August Griesinger, Leipzig: particularly p. 23. Available at: <https://books.google.nl/books?id=sGhDAAAACAAJ&printsec=frontcover-v=onepage&q&f=false>

⁵³⁸ Ibid.,

⁵³⁹ See also, G.A. Griesinger. *Joseph Haydn: Eighteenth-century Gentleman and Genius. A translation with introduction and notes by Vernon Gotwals of the Biographische Notizen über Joseph Haydn by G.A. Griesinger and the Biographische Nachrichten von Joseph Haydn by A.C. Dies* 1963.

⁵⁴⁰ Ibid.,

peace. Only if dispute resolution is impossible to achieve should his Serene Highness be alerted in order to settle the matter...

Haydn's biographers report, "with the players and singers, Haydn was on the best of terms. They vied with each other in carrying out his intentions, simply to show their gratitude and affection for him."⁵⁴¹ According to Haydn's letters and the biographies written just after Haydn's years of employment, very few disputes reached the Prince's attention. True to his nickname, 'Papa' Haydn took care of his flock and as his multiple biographers note, he was frequently involved in petitioning the Prince in an 'act of supplication' on behalf of musicians' extra salaries, pensions, and/or sick pay.

8.2.3 At your service: musician's entitlements at the Esterházy court

Haydn's musicians were privileged in terms of position and employment terms when compared to their compatriots in other European consorts and orchestras.⁵⁴² Holding a status that placed them above common servants, Haydn's orchestra members were easily identifiable as 'officers of the house' entitled to wear livery uniforms. They received contracts that outlined their duties and a decent salary of 240 florins per year that held excellent purchasing power given the price of food, wine, and other necessities according to historical reports. Interestingly, in an early parallel to today's health care coverage demands, the musicians attempted to receive coverage for apothecary bills – the 17th century approach to health insurance. Their request for complete coverage was met with princely refusal; such a request would only be granted to their leader, not to the rank-and-file musicians. The Prince was clever at economizing with regard to his personnel: the musicians' families were known to run up considerable charges.⁵⁴³

"10. the Vice-Kapellmeister will make sure that the orchestra is on such an excellent level that it will bestow honor to himself and he will be remunerated with princely benefits accordingly."

According to Haydn's letters, "the prince gave unusually high salaries" not only to the Kapellmeister but also to the top-level musicians employed, a situation that parallels the elevated salaries of principal players nowadays, which will be given greater attention in *Of Rowe and Race*.⁵⁴⁴ The Kapellmeister received a per annum salary and orchestral musicians

⁵⁴¹ See, *Groves* vol. 4 5th edition, (Eric Blom, ed.) 1961 p. 151.

⁵⁴² Carl Ferdinand Pohl. *Joseph Haydn* originally published in 1875. Available at: https://archive.org/details/bub_gb_wp6yAAAIAAJ and the *American Cyclopaedia* for more general information.

⁵⁴³ Documents report on these contractual matters; reproduced from the German language texts, *Haydn-Studien* III:2 1974.

⁵⁴⁴ *Ibid.*, for contemporary parallels, see further the *FAQs* and in particular, *Of Rowe and race*.

were paid monthly salaries. The comparatively low turnover within Haydn's 'core' orchestra and the high number of 'superstar' international musicians within the orchestra's ranks can be attributed to three main reasons: the inspiration gleaned from working with Haydn, the pleasant (albeit oft-stressful) work sphere, and lastly, solid, and favorable contractual terms that were substantially better than orchestral positions elsewhere in Europe.

A trip down musical memory lane teaches us that high salaries "so startlingly out of line that one might wonder if it could be a misprint or a wild rumor" were commonplace for 18th century operatic celebrities.⁵⁴⁵ Salary reports from Kapellmeister Haydn's Esterházy musicians show that while certain superstar vocalists received competitive fees, their remuneration did not reach the heights of London theaters. The highest paid member of the orchestra, the Konzertmeister Tommasini earned less than 50% more than other contracted musicians. Well-remunerated, yes, but certainly not exorbitantly paid considering that the Konzertmeister carried additional responsibilities as the Kapellmeister's assistant within his position of leadership.⁵⁴⁶

A glance at an orchestral musician's contract dated and signed by Nicolaus Prince Esterházy on 1 March 1767 is useful not only as a marker to compare to the Kapellmeister's contract, but as an early and telling example of musicians' employment agreements. It shows how much, or more accurately, how little leeway they had to negotiate individual demands and how much control their patrons exercised. The "live-in" musician was paid, housed, and assured of "light and heat" – no small matter in the hinterlands of 18th century Europe.

"We take Carl Schiringer into our Service as a double bass player, and We graciously authorize a yearly provision or salary, namely:

In cash every month....20 Florins⁵⁴⁷

*For parade money, daily (the same amount as the other musician...17 Kreuzer⁵⁴⁸
Lodging, candles, wood One suit of clothes each year or two suits every two years."⁵⁴⁹*

⁵⁴⁵ See, Judith Milhous and Robert D. Hume. "Opera Salaries in Eighteenth-Century London" 1993 pp. 26–83, particularly pp. 71-73. Available at: <http://www.jstor.org/stable/831805>

⁵⁴⁶ See *Haydn-Studien* III:2 1974, *supra* at fn. 543.

⁵⁴⁷ The Holy Roman Empire (seat of the ruling Habsburg monarchy in the Austro-Hungarian region) used several standards of coinage. Here the f (or Fl) f refers to Florins, divided into 60 Kreuzer. See, currency convert at: <http://www.pierre-marteau.com/currency/converter.html>

⁵⁴⁸ See, *Haydn-Studien* III:2.

⁵⁴⁹ *Ibid.*,

In return, the musician will perform the following duties:

1. He will perform assiduously with choral and instrumental music at the hours designated, early and/or late, and to perform as long as we determine. We shall order, not only at Eisenstadt but also the musician shall provide diligent service in other locations where his services are required.
2. To show total obedience to the Kapellmeister and to perform without any form of verbal remonstrance that which the Kapellmeister commands in his service to the Prince.
3. He shall conduct himself with quietude and grace as is suitable to a respectable part of the Prince's household, and he shall not engage in any sort of disorder or disturbance.
4. He shall not take leave of his duties without Our⁵⁵⁰ permission from Eisenstadt, Vienna or any other location at which the Court is sojourning for a period of time. Nor shall the musician miss any performance of instrumental and/or choral music. He must report in a timely fashion for all musical activities to the Kapellmeister.

The second clause underlines the Kapellmeister's powers while the third clause outlines grounds for dismissal. Records from Haydn's preeminence as Kapellmeister attest to cases of excess drinking as cause for discharge from service.⁵⁵¹ Several hundred years later in the new world (U.S.), evidence to support the notion of orchestral musicians as subordinates emphasizes the importance of maintaining respectful silence during rehearsals, the ultimate sign of 'quietude and grace' at the workplace.⁵⁵² The fourth clause finds articulation in both Dutch orchestral CAOs and U.S. orchestral CBAs. The contract closes with the direct statement: "if the abovementioned terms/conditions are acceptable as satisfactory, Our Princely accord will be granted."⁵⁵³

Comparing the individual Kapelle musician's contract to Joseph Haydn's 1761 contract, a contrast to the Kapellmeister's freedom to give notice and the orchestral musician's lack of freedom concerning the termination of the contract can be noted. Haydn was obliged to give six months' notice while the individual musician had to ask for leave from services with permission considered on a case-by-case basis.

12. ...if the Vice-Kapellmeister should wish to test the waters elsewhere, he must provide his Serene Highness with six months' notice.⁵⁵⁴

⁵⁵⁰ The use of the Royal 'we' is used throughout the document, here, however 'Our' could also refer to the joint permission of Prince and Kapellmeister.

⁵⁵¹ H.C. Robbins Landon's *Haydn Chronicle and Works* provides examples.

⁵⁵² See, *Lancaster Symphony Orchestra v. NLRB* 822 F.3d 563 (2014) discussed at length in the Back in the USA movement.

⁵⁵³ János Harich. "Das Haydn-Orchester im Jahr 1780" *Haydn Jahrbuch* 8 1971 p. 134.

⁵⁵⁴ Translation by the author, original in German: C.F. Pohl. *Joseph Haydn I* 1878 pp. 391-394. Available at: https://archive.org/details/bub_gb_wp6yAAAAIAAJ

The musicians' contracts did not allow for the half-year leeway granted to their leader, the Kapellmeister, which speaks to the importance of the latter's position. Haydn's loyalty to 'his' Prince remained undiminished throughout Nicolaus' reign. Although besieged by offers to travel and perform throughout Europe, Haydn did not entertain any such offers until 'his' Prince's death, and the subsequent threats to reduce the size of the exceptional orchestra. Several of the restrictions found in the 1761 employment contract were dispensed with two decades after Haydn had proven his mettle to his employer. The prolific composer's fame had spread far beyond the confines of Esterházy estates: Haydn was the premiere composer of the day as well as an irrefragable maestro and orchestral manager.

A brief comparison of the salaries of the Esterházy musicians to other employed persons in mid-late 18th century Austria-Hungary shows that the Prince's musicians were certainly not underpaid. The Prince's musicians received an average of 300-350 Florins per annum, except for the Konzertmeister (concertmaster /orchestra leader), who received 520 Florins. A hired Coachman earned 20 Florins per annum, a schoolteacher, 120-150 Florins and a Government civil servant (Amtsdiener) 400 per annum.⁵⁵⁵ With cradle-to-grave guarantees for social and economic benefits as well as a solid salary, the Kapelle musicians were more than adequately paid-in-kind and cash. Their wives and children were clothed, housed, and entitled to pensions. Even though the Kapelle musicians did not enjoy job protection spelled out in their written contracts, they did have a powerful interlocutor in the form of 'their' beloved Papa Haydn, who championed their rights at regular intervals, petitioning for clemency in dismissals and pensions.⁵⁵⁶

8.2.4 To London town: Haydn's encounter with the free market and freelancers

The prolific composer's reputation caught the attention of the London-based German violinist-entrepreneur Johann Peter Salomon, who was eager to introduce Haydn and his compositions to London and, of course, earn hefty percentages for his services. Haydn declined the impresario's offer at first: taking leave of his trusted home for decades and the "well-loved prince" was not part of his life planning. As if fate intervened, at a precarious juncture in terms of Haydn's future following the death of Prince Nicolaus, the impresario redoubled his efforts to encourage Haydn to leave

⁵⁵⁵ For statistics with regard to salaries: See, R. Sandgruber. "Wirtschaftsentwicklung Einkommensverteilung und Alltagsleben zur Zeit Haydns." In Katalog: *Joseph Haydn in seiner Zeit*. Eisenstadt 1982, S. 72, also cited by Spitzer and Zaslav, *supra* at fn. 18 p. 403.

⁵⁵⁶ For more information, H.C. Robbins Landon's *Haydn Chronicle and Works* 1976 is an invaluable source.

the Esterházy court for an extended visit to England in 1791. With some panache and a great deal of wit, the entrepreneur approached Haydn with a tantalizing proposal, not to speak of play on words (accord refers to a chord in music and an agreement in regular parlance): “I am Salomon from London who has come to fetch you. Tomorrow we shall make an accord.”⁵⁵⁷ That “accord” turned out to be lucrative for both parties. Haydn became the ‘lion’ of London’s entertainment hungry society. From the royals to the crowds who flocked to the city’s large theaters, Haydn attained star status. An adoring London public and an enormous fee (2000 pounds) was the perfect antidote to the problematic musical situation at home. As Haydn’s Scottish biographer J. Cuthbert Hadden (1861–1914) reported, “it is only in England,” said Haydn, “that one can make 4000 gulden in one evening.”⁵⁵⁸ To quote one of Haydn’s primary biographers, Carl Ferdinand Pohl: “Haydn returned from London with increased powers, unlimited fame, and a competence for life. By concerts, lessons, and symphonies, not counting his other compositions, he had again made 1200 pounds, enough to relieve him from all anxiety as to the future. He often said afterwards that it was not till he had been to England that he became famous in Germany; by which he meant that although his reputation was high at home, the English were the first to give him public homage and liberal remuneration.”⁵⁵⁹

8.2.4.1 *London independents: the rise of the concert hall as cultural hub*

A closer look at the ‘independent’ musicians ‘across the channel’ in London follows a description of Kapellmeister Haydn’s London sojourn during the latter part of his career. London boasted a less stratified social world in which orchestral musicians mingled with their noble patrons after performances, a concept that would have shocked the persons who moved in the much more hierarchical ‘Kapellen’ circles.⁵⁶⁰ The metropolis counted more venues, more patrons, and a greater diversity of musical activities than any other European capital in the 18th century. Musicians were not ‘tied’ to one court or one patron but free to move from one venue to another. Forerunners to modern-day ‘gig’ musicians, the London performer was likely to play for large audiences at one of London’s massive gardens, to perform in a private ‘royal’ band of musicians, accompany theatrical performances at Drury Lane or one of the many theaters at Covent Garden, or if lucky, take his place within the ranks of the exclusive

⁵⁵⁷ Class notes taken by the author, Professor Leon Plantinga’s ‘Music History of the Classical and Romantic periods’ Yale University 1981.

⁵⁵⁸ See, J. Cuthbert Hadden. *Haydn*. <https://www.gutenberg.org/files/3788/3788-h/3788-h.htm>

⁵⁵⁹ See, Carl Ferdinand Pohl. *Joseph Haydn*, *supra* at fn. 554.

⁵⁶⁰ Simon McVeigh’s illustrative contribution replete with salient details on the social scene in London can be found in “Italian Violinists in Eighteenth-Century London” Reinhard Strohm ed. *The Eighteenth-Century Diaspora of Italian Music and Musicians* 2001 pp. 139-176.

King's Band of Musick in which musicians benefited from a lifelong appointment without signing an exclusivity contract.⁵⁶¹

In England, the professionalization of orchestras was part of a well-developed cultural scene that revolved around theatrical performance. Theaters located in Covent Garden and Drury Lane held a special designation as 'patent theaters' while the King's Theatre at the Haymarket held a monopoly on opera performance.⁵⁶² Musicians who worked in the English theater orchestras held celebrity status and were favored as individual performers by audiences who flocked to the halls to hear 'their' musicians. Although contracting orchestras was the prerogative of the violinist-leaders (Konzertmeister), the London theater orchestral players were known to exercise their rights of protest. When a manager at the King's Theatre attempted to lower the salaries of the orchestra's wind players (who apparently had less to play than the string players), the entire collective of musicians took action to overrule him.⁵⁶³ Perhaps important to keep in mind is the fact that these late 18th century musicians wielded more power to affect a management decision than their contemporary counterparts in Dutch and U.S. orchestras, as future *movements* will illustrate.

Flexibility and entrepreneurship were the keys to success in a market teeming with opportunity and excellent wages. Significantly, entrance into the musical circus was not only open to English musicians, as lists of musicians replete with Italian and German names prove.⁵⁶⁴ A 'constant stream' of singers and instrumentalists arrived from the Continent to perform at London's two Italian Opera Houses; the glamorous, foreign superstars commanded exorbitant salaries.⁵⁶⁵ Yet, as foreign musicians entered the mix of the lower-level musical supply chain (the orchestral/opera pit musicians) xenophobia was stirred by London's scandal sheets and less successful locals rose in status and remuneration.

⁵⁶¹ Information gleaned from Chapters 4, 7 and 10 of Deborah Rohr's excellent monograph *The Careers of British Musicians 1750-1850: A Profession of Artisans* 2004.

⁵⁶² The website of the Royal Society at <http://www.royalsocietyofmusicians.org/> details, "The Royal Society of Musicians is Britain's oldest music charity organization, and its aims remain as relevant today as they were in the earliest years – to provide immediate financial assistance to musicians unable to work due to accident, illness or old age. Being a charity run by musicians for musicians, the Society is uniquely placed to fully understand the challenges faced within the profession."

⁵⁶³ For a full description, see Curtis Price, Judith Milhous, and Robert Hume. *Italian Opera in the Late Eighteenth-Century London* Volume 1: The King's Theatre Haymarket 1778-1791 p. 187.

⁵⁶⁴ See, Anne Jarvis. "German Musicians in London, c. 1750–c. 1850" 2007 pp.37–47 and Thomas McGeary. *The Politics of Opera in Handel's Britain* 2013.

⁵⁶⁵ Comic opera and tragedies were performed in separate opera theatres, the two merged in 1756. See E. J. Dent. "Italian Opera in London" in *Proceedings of the Royal Musical Association* 71st Sess. (1944 - 1945), pp. 22-28.

Wordsmith, spy, and master-pamphleteer Daniel Defoe⁵⁶⁶ whom history revered as the ‘father of the English novel’,⁵⁶⁷ penned a passionate plea to form an Academy of the Arts to support homegrown talent and initiate a national opera company to complement the well-developed national theater tradition.

“Our nobility and gentry have shown their love...by supporting at such prodigious expense the Italian opera, improperly called an academy. but they have at the same time shown no small partiality in discouraging anything English and overloading the town with such heaps of foreign musicians...Would it not be a glorious thing to have an opera of our own, in our own most noble tongue, in which the composer, singers and orchestra should be of our own growth.”⁵⁶⁸

The call to take to the stage with ‘national music’ has echoed from Defoe’s time to the present day in many settings including the Netherlands and the United States. A sidestep to include this call for local talent is warranted here.

8.2.5 Dutch national music *uber alles*: the ‘Nuis’ norm:

As Defoe’s passionate appeal shows, the call for promoting national music supported by political, and in some cases, grassroots support has wound its way through music history. In both jurisdictions that provide a focus for this enquiry into the ‘modern’ orchestral musician, national art influences the agenda to set repertoire requirements (Dutch music for Dutch audiences), directly linked to financing the orchestra that performs the mandated repertoire. Such a policy was articulated in the Netherlands in the late 1990s, when in an attempt to promote ‘fatherland culture’ (vaderlands cultuur), State Secretary for Culture, Education and Science Aad Nuis⁵⁶⁹ announced that orchestral subsidies would be tied to a ‘7% minimum norm of Dutch music performance.’⁵⁷⁰ Fierce recriminations resounded not only from Dutch orchestras and their collective representative body (Contactorgaan van Nederlandse Orkesten (CNO)), but also from constitutionalists who intoned the 19th century Dutch statesman Johan Thorbecke’s admonition that the government should refrain from engaging in artistic

⁵⁶⁶ Daniel Defoe, of Flemish ancestry was born in London in 1660.

⁵⁶⁷ Author of the ever-popular *Robinson Crusoe* (1717).

⁵⁶⁸ Daniel Defoe. “Augusta Triumphans. Way to make London the most flourishing city in the universe: A Proposal to prevent the expensive Importation of Foreign Musicians” London 1728. Available at: <http://name.umld.umich.edu/004843563.001.000>

⁵⁶⁹ Aad Nuis served as State Secretary for Culture, Education and Science from 1994-1998.

⁵⁷⁰ See, Kaspar Jansen “de Nuis-norm” *NRC Handelsblad* 8 november 1996. Available at: <https://www.nrc.nl/nieuws/1996/11/08/de-nuis-norm-7331090-a1191461>

judgments.⁵⁷¹ During the years of ‘mandatory percentages of Dutch music,’ audiences were exposed to compositions that would otherwise never have been performed. Tellingly, colleagues from the radio orchestras frequently tasked with this repertoire were wont to say, ‘here we go again, another week to rehearse music found in the basement that should have stayed in its box.’ To quote the famed Dutch-international conductor, Hans Vonk, “there is a huge difference between what might be historically interesting and what is ‘great music.’ More often than not, we had to perform music was neither interesting nor great. Then again, this is not always so bad, as one might say that the act of bringing these works to light is important in and of itself.”⁵⁷² Although the Nuis norm was dropped as a mandatory factor for determining Dutch orchestral subsidies in 1998, critics point out that other links between subsidies and cultural outputs in recent years obscure the stately separation in which the government does not meddle with the arts as envisaged by Thorbecke.

Campaigns for American music ‘for Americans first’ have resounded since the 1960s when the National Endowment for the Arts was in the flush of its initial glory. ‘American music for American audiences’ spearheaded by the League of American Orchestras found repeated resonance in the critical circuit in the decades that followed. “On the upside, many composers would have no place for their works to meet the public if these grants were cut. A composer who writes a symphony with no orchestra to perform it takes us back to Schubert’s time (early 1800s) when an artist without patronage was doomed to starvation.”⁵⁷³ Going beyond the commission granted to a single composer, the notion of linking the performance of ‘national’ music to ‘national’ subsidy opens the door to a critique of cultural policy well beyond the boundary of this research. Although it might seem admirable to ‘promote one’s own,’ most musicians agree that such endeavors should best be regulated in terms of intrinsic artistic quality not the land of origin.

8.2.6 A consideration of the civic musicians in Leipzig

Leipzig, the Lutheran stronghold where Bach spent his last decades (1723-1750) was not only a center for musical performance. Along with Amsterdam, the city was an

⁵⁷¹ Johan Thorbecke is the father of the modern Dutch state (1848) serving three times as Prime Minister. His oft-cited admonition “kunst is geen regeringszaak, inzonderde de regering geen oordeel, noch enig gezag heeft op het gebied der kunst.” (Art is not the business of government as the government does not hold an opinion or power in the cultural field) seems to be ignored by cultural policies in recent years.

⁵⁷² Reminiscences concerning ‘national music requirements’ with Maestro Hans Vonk.

⁵⁷³ Conversation with the successful U.S.-based composer, Jennifer Higdon.

important music publication hub and a university center. As ‘civic servants’ musicians were named and ranked according to their musical duties (*Kunstgeiger* or artistic violinists; *Stadtpfeifer* city wind players) and paid accordingly. Neither salaries nor benefits, however, came close to the generous Esterházy remunerations received by Haydn’s hand-picked orchestra members.⁵⁷⁴ Furthermore, the civic musicians could not support themselves by playing only one instrument but were forced to take up multiple instruments in order to make ends meet.⁵⁷⁵

One of the world’s most famous orchestras,⁵⁷⁶ the Leipzig-based Gewandhausorchester regales online visitors with the following information:

The earliest roots of the Gewandhausorchester can be traced as far back as 1479. In this year Leipzig City Council appointed three musicians - Kunstpfeifer (‘artistic pipers’) - as municipal employees. This small ensemble remained in civic service until 1840, by which time their number had increased to seven. The musicians played a central role in Leipzig’s cultural life, performing at functions in the City Hall, providing the musical accompaniment for services in the city’s churches and participating in theatre productions, as well as forming a part of the orchestra of the Große Concerte (‘Grand Concerts’).⁵⁷⁷

Another important step on the road to the professionalization of the orchestra took place at Leipzig with a direct relation to the city as an educational center. Many ‘student musicians’ trained in other fields of study performed in student orchestras and freelanced as musician-trainees in professional ensembles. The formation of orchestral academies added to freelancers’ woes in the 18th century, just as these academies are impinging upon the scarce amount of work available to 21st century orchestral freelancers. Regardless of their place in time, these academies showcase excellent students who receive low honoraria and willingly took and take the place of bonafide professionals. To fill the employment-related gaps between the civic employees⁵⁷⁸ and the ‘student’ free-market performers who received little or no social benefits, the students formed a collective, an Orchestral Institute (Orchesterinstitut) in 1786. Perhaps coincidence, or just merely historical happenstance, most of these student-musicians were. . . law students. The Institute’s bylaws included significant controls

⁵⁷⁴ Arnold Schering. “Die Leipziger Ratsmusik von 1650 bis 1775” 1921 pp. 17-53.

⁵⁷⁵ Ibid.,

⁵⁷⁶ Although such lists are notoriously subjective, often based on critics’ ‘pets’, the Gewandhaus always places at the top of such rankings, see Bachtrack’s listing as reported by *The Guardian* (2015) at: <https://www.theguardian.com/music/tomserviceblog/2015/sep/04/top-10-orchestra-conductor-bachtrack-list>

⁵⁷⁷ See, <https://www.gewandhausorchester.de/en/orchester/history/>

⁵⁷⁸ *Kunstgeiger* and *Stadtpfeifer*, above.

placed firmly in the hands of the orchestral musicians themselves: the power to hire, fire, rule on dismissals, and establish a pension fund.⁵⁷⁹ The seeds of the powerful Gewandhaus musical tradition sown in the 15th century sprouted into musicians' empowerment, with musicians seen as employees worthy of protection by the end of the 18th century.

8.3 Beethoven: the mantle of revolution

While Haydn's many letters do not speak of encounters with the Leipzig orchestras, they do reveal another encounter that foreshadows musical change in the widest sense of the word. En route to London in 1790, Haydn stopped in Bonn to meet the young grandson of a Flemish Kapellmeister, the pianist/composer Ludwig van Beethoven⁵⁸⁰ whose unorthodox approach to the performer-composer professional life and astonishing compositions galvanized fellow musicians as they shifted from subservience to entrepreneurship in the 19th century. It was not only Beethoven's craft that moved the masses, to quote his contemporary, E.T.A. Hoffmann: "[his] music stirs the mists of fear, of horror, of terror of grief, and awakens that endless longing which is the very essence of romanticism."⁵⁸¹ It was also the force of his persona that changed the course of the conductor's role, the piano as instrument, the development of the concert hall and for the purposes of present research, the orchestra.⁵⁸² To paraphrase Roland Barthes' perceptive prose inspired by Beethoven's mix of the heroic and the tragic: "he won for artists the right to reinvent themselves."⁵⁸³

As the first bona-fide freelance composer, Beethoven was highly dependent on concert ticket sales at newly created venues. He spent much of his musical life in Vienna during the turmoil of the Napoleonic Wars and his compositions bore witness to the events of the day as exemplified by his *Eroica* (Heroic) Third Symphony. Sketched in 1803, the composer sought to honor the enlightenment ideals of the French Revolution dedicating the work to Napoleon Bonaparte. The composer's choice to remove the dedication of this monumental symphony after Napoleon declared himself Emperor

⁵⁷⁹ See, Hans-Joachim Nösselt. *Das Gewandhausorchester*. 1943 pp. 52-57.

⁵⁸⁰ Beethoven was twenty at the time.

⁵⁸¹ E.T.A. Hoffmann quoted by Arthur Locke Ware. "Beethoven's Instrumental Music: Translated from E. T. A. Hoffmann's 'Kreisleriana' with an Introductory Note" 1917 p. 128. Available at: <http://www.jstor.org/stable/738009>.

⁵⁸² Of the many excellent resources on Beethoven, one of the most thorough and readable: Jan Swafford, *Beethoven: Anguish and Triumph: A Biography* 2015.

⁵⁸³ Quoted by Ivan Hewett. "The Irresistibility of Beethoven." *Regina Leader-Post* 2 November 2019.

in late 1804 was decisive; for Beethoven, the people who upheld ideas of freedom and equality were heroic, not the newly proclaimed monarch. Like the messages posted on new media platforms nowadays, his rejection of Napoleon's actions carried persuasive power.⁵⁸⁴ This musical detour from Haydn to Beethoven is intended to introduce another level of thinking about orchestral musicians, the music they play, and the fruits of their labor. Within Haydn's lifetime, the role of the highest rank musician, the Kapellmeister-leader with his administrative and compositional exigencies, changed definitively. The section to follow outlines several reasons why.

8.3.1 *The advent of social change: public space and concert space*

The current of social and industrial change that followed the revolutions in the late 18th century brought significant change to the lives of musicians in the 19th century. The rise of a middle class hungry for consistent access to forms of musical entertainment (previously reserved for church and court) and a new-money urban elite eager to show their wealth in public places changed the course of orchestral history.⁵⁸⁵ The transfer of the orchestra from royal courts to the public domain brought about changes in the ways in which orchestral musicians sought employment. Although the main sponsors of musical activity in Europe's 18th century were still the court and the church, entertainment entrepreneurs and a burgeoning music publication industry were answering to increased audience demand were to transform the music 'industry.' The rise of the public concert in the important music capitals of London and Paris answered the wishes of a new class of patrons. As an emerging patronage spread its largesse, composers took the opportunity to experiment. Haydn composed his late symphonies (1791-1795) upon invitation by the impresario-composer Johann Salomon for subscription performances at London's Hanover Square Room. The popularity of this series inspired similar formulas across the continent: classical music performance as fashionable form of public entertainment from Stockholm to Vienna. As detailed earlier in the *movement*, at the age of 59, Haydn not only expanded his use of orchestral forces but became a 'globetrotting' musical celebrity creating an example for many a 20th century counterpart.

⁵⁸⁴ Recall a quote attributed to Metternich, "A single newspaper article is worth to Napoleon more than a battalion of thousands of men." For more on the importance of propaganda to Napoleon, see Robert B. Holtman *Napoleonic Propaganda* 1950.

⁵⁸⁵ The pre-19th century music patrons held outdoor spectacles to mark special events: royal birthdays, triumphs at the battlefield etc., The 'story' of the premiere of Handel's *Water Music* 1717 commissioned by the British King George I to accompany a royal jaunt on the Thames provides a good example.

Even the setup of the large (800 seat) concert hall reflected the new spirit of patronage in which the music lover rather than the monarch or bishop would exert influence on musical entertainment. With a tip of the hat to the ecclesiastical patrons of the recent past “the spatial arrangement of the Hanover Square Rooms, for example, resembled a church, with the audience seated as if it were a congregation, the orchestra positioned in a chancel-like space on a raised dais fenced off by a rail, and an organ taking the place of the altar. . . [it] gave architectural expression to the growing and powerful sacralisation of music.”⁵⁸⁶

8.3.2 Bigger is better: the growth of 19th century orchestras

In the 19th century, orchestral musicians transitioned from the status of subordinates serving the aristocracy, the church, or the municipality. In the early part of the century, musicians in Europe and the United States competed for employment at municipal theaters and private subscription concert venues. Many musicians previously employed at courts and Kapellen became precarious free agents, performing in the public domain in fledgling orchestral organizations under spurious contracts controlled by impresarios. Collective organization would have to wait for several decades. Regardless of precarity in terms of employment protection, the number of orchestras in Europe and the United States increased rapidly.

As a result of the demands of inventive composers such as Ludwig van Beethoven and the eccentric genius Hector Berlioz, orchestral forces underwent expansion and instruments underwent seismic changes (think of the differences between the 18th century delicate fortepianos and the powerful metal framed, double action 19th century pianofortes, the precursor of today’s concert grand pianos). By the last quarter of the 19th century, large-scale symphonies, operas, and tone poems were standard fare and the numbers of musicians in the opera house pits and onstage at newly minted halls grew exponentially.

Musical genius was not the only fuel to fire the demand for grand halls and great orchestras. Large buildings signified power, a new urban power emanating from a rising middle class eager to set forth and make their mark in hallowed urban centers once the provenance of the landed aristocracy. The origins of Amsterdam’s premier music venue, Het Concertgebouw (literally, Concert Building) provides a good example of urban initiative in the hands of newly empowered middle class. Prior to

⁵⁸⁶ Tim Blanning. *The Triumph of Music* 2008 p. 135.

raising money for the new hall in 1882, concertgoers had to content themselves with closed concerts at the Felix Meritis society located on the posh Keizersgracht (King's Canal).⁵⁸⁷ Until the mid-1860s, the society was restricted not only to those with money (yearly subscription fees were steep by local standards) but those who professed Christian faith: the Jewish civic leaders and merchants were excluded. When a limited public company (Naamloze Vennotschap, N.V.) was set up in 1882 to invest in a 'temple dedicated to musical performance' on the outskirts of the city, 'all citizens' were invited to purchase shares regardless of religious affiliation and monies were raised for the creation of het Concertgebouw within months.⁵⁸⁸ Expanding upon the metaphor of a concert hall as the apotheosis of civic pride and bourgeois patronage, Willem Mengelberg,⁵⁸⁹ the Concertgebouw's controversial maestro for fifty years associated the orchestra's concert hall with an ideological revolution.⁵⁹⁰

*"The concert hall is a product of the middleclass culture of the 19th century. The entire symphonic oeuvre and style reflects the spirit of a society that grew from the ideology embodied by the French Revolution (author's translation)."*⁵⁹¹

The lauded musicologist Charles Rosen speaks of a concomitant expansion of musical style that embraced the 'sweep' of operatic melodies underpinned by accompanying harmony as a change from the equal voices prevalent in the counterpoint that dominated composed music in the Baroque era that had paved the way. Succinctly put, the change from Bach's ingenious counterpoint to the symphonic structures of the unique constellation of talent— Haydn, Mozart, Beethoven – whose compositions called for larger musical gestures. The classical symphony was born, and with it, the modern orchestra.⁵⁹²

The transformation of the orchestra from civic or Kapelle ensembles to the larger symphonic orchestras in the 19th centuries brought fundamental changes in the size of the complement, leadership, and organization – all of which were connected to

⁵⁸⁷ Loes Gompes & Merel Ligtelijn. *Spiegel van Amsterdam* (in Dutch, for more information on Felix Meritis).

⁵⁸⁸ *Ibid.*,

⁵⁸⁹ Willem Mengelberg was principal conductor of the Concertgebouw Orchestra Cordial contacts with the Nazi occupiers' following the German invasion of the Netherlands in 1941 shed a different light on Mengelberg the man vs. Mengelberg the artist. To many, his fame was equivalent to infamy: in 1945, the Dutch authorities banned Mengelberg from conducting in the Netherlands, commuting this 'sentence' to 6 years in 1947. See, https://www.naxos.com/person/Willem_Mengelberg/30349.htm for a succinct biography.

⁵⁹⁰ For a 2016 appraisal see: <http://www.businessinsider.com/best-concert-halls-in-the-world-2016-10?international=true&r=U.S.&IR=T/-2-symphony-hall-boston-usa-2>

⁵⁹¹ See, Rudolf Mengelberg *50 Jaar Concertgebouw 1888-1938* p.33. "De concertzaal is een product der burgerlijke beschaving der negentiende eeuw. De geheele symphonische kunst en de stijl harer beoefening weerspiegelt den geest eener maatschappij, voortgekomen uit de ideologie der Fransche revolutie."

⁵⁹² See, generally, Charles Rosen. *The Classical Style: Haydn, Mozart and Beethoven* 1971.

the social changes sketched above. By the mid-19th century, separate hierarchies and separate organizational structures led to the establishment of the modern orchestra. From private ensembles under the aegis of the church, courts, princes or other aristocrats, the European and U.S. orchestras soon to be described metamorphosized into organizations formed to provide music for a paying audience in a commercial venue – a far cry from the audience-elites invited to the Esterházy palace. Haydn’s London visits can be placed within a context of this metamorphosis as his visits paved the way for a cross pollination of extra-musical ideas. The titan Beethoven takes center stage as we move closer to modernity in the orchestral arena.

8.4 Musicians as heroes: the rise of the superstar

Beethoven’s stature as a heroic musician who defied all odds to create works of genius was idolized by a new generation of music critics. Post-Beethoven, the hunger for musician superstars on the part of new audiences led to a ‘hero worship’ of solo performers as well. The Italian violinist Nicolo Paganini (1782–1840) was compared to the devil and caused audience frenzy long before he placed his bow on the string. Appearances by the virtuoso pianist/composer Franz Liszt (1811–1886) caused “women to throw their clothes onto the stage and taking his cigar butts and placing them in their cleavages.”⁵⁹³ The sensation dubbed ‘Lisztomania’ was akin to a ‘dangerous disease.’ To assuage fears of contagion, a Munich-based journalist assured his fellow citizens, “Liszt fever, a contagion that breaks out in every city our artist visits, and which neither age nor wisdom can protect, seems to appear here only sporadically, and asphyxiating cases such as appeared so often in northern capitals need not be feared by our residents, with their strong constitutions.”⁵⁹⁴

Equally prolific as writer and music educator, Liszt was also a pioneer in his use of music to achieve political aims, a talent for self-promotion. Beyond their stage shenanigans and celebrity status, artists exemplified by Paganini and Liszt commanded exorbitant fees which in turn inspired conductors to pressure their impresarios for equal treatment. Later in the 19th century, the cult of the ‘great conductor,’ the musical genius who special powers to control musicians and mesmerize audiences, took shape. By the early 20th-century, orchestral conductors, the ‘lions of the podium,’ had achieved celebrity on par with soloists. Orchestral musicians were eclipsed by the clamor for stardom on the part of soloists and conductors, a subject of interest to a discussion of financial issues that face rank and file orchestra musicians past and future.

⁵⁹³ Story told by the renowned pianist and historian Steven Hough July 2019.

⁵⁹⁴ Dana Andrew Gooley. *The virtuoso Liszt 2004 pp. 201–35.*

8.4.1 Musical bridge to the superstars and arbiters of musical taste: the maestros

Our scrutiny of the orchestra, its inner workings and outer trappings continues with an analysis of the role played by the personage ‘conductor:’ the musician responsible to guide the orchestral collective toward a unified artistic goal, the final arbiter on the concert podium. In order to comprehend the hierarchy within the orchestra, and orchestral musicians’ tacit acceptance of a conductor/maestro’s authority that can even engender questionable workplace practices, attention must be paid to the kingpin at the top of the orchestral hierarchy.

Since the rise beginning in the mid-19th century of the modern maestro as a force to be contended with both on and off the podium, conductors have inspired research in the fields of history (autobiographies and biographies of the greats), sociology (studies on authority and the impact of authority on a defined collective), and cultural economics (superstar conductors vs. rank-and-file musicians).⁵⁹⁵

In a letter penned during the period Josef Haydn was in musical command at Esterházy, Wolfgang Amadeus Mozart received invaluable advice from his father-mentor Leopold. To be a well-respected conductor, “you must make every effort to keep the whole orchestra in a good mood, to compliment them and keep the players well disposed towards you by means of a little flattery. . . even the worst violist is most touched if one gives him a little praise privately, and will be all the more eager and attentive.”⁵⁹⁶ In Haydn and Mozart’s time, the conductor was more often than not a time-beating lead violinist or keyboard player who could only hope for the good will of the orchestra, especially if he was a visiting guest. Remarks made by the violin virtuoso Louis Spohr upon his invitation as conductor and soloist with the London Philharmonic several decades later in 1820 reveal the obsequious nature of the conductor: “I took the liberty, when the execution did not satisfy me, to stop and in a very polite but earnest manner to remark on the manner of execution.”⁵⁹⁷ Until the mid-19th century, a conductor was ‘part’ of the orchestra, most often leading from the concertmaster seat or sitting behind a keyboard instrument in the midst of the orchestra.

⁵⁹⁵ For an excellent introduction to the conductor’s world see: the Cambridge Companion to Conducting; Elliot Galkin. *A History of Orchestral Conducting in Theory and Practice*; Gustav Meier’s *The Score, the Orchestra and the Conductor* and Gunther Schuller’s *The Compleat Conductor*. Carlos Kleiber’s DVD, ‘I am lost to the world’ and Leonard Bernstein’s extraordinary set of six Charles Eliot Norton Lectures at Harvard “The Unanswered Question” 1973 available on YouTube.

⁵⁹⁶ Letter from Leopold Mozart to Wolfgang Amadeus concerning rehearsals for the younger Mozart’s opera *Idomeneo*, dated Christmas 1780. Mozart *Briefe und Aufzeichnungen*, Vol. III p. 70 (translated by the author).

⁵⁹⁷ Quote taken from Louis Spohr’s *Autobiography* (translated from the German) 1865 p. 81.

It was the French mastermind composer and prolific essayist Hector Berlioz' 12-page pamphlet entitled *L'art du Chef d'Orchestre* that instructed the conductor not to sit in the midst of the orchestra as in the 18th century but to actually turn his back to the audience and focus on the musical interpreters.⁵⁹⁸ The Frenchman differentiates between 'mere time-beating' and 'creating a musical form' by becoming the 'eyes and ears' for the musicians to be able to transmit the composition set forth in the score. To Berlioz, technical proficiency such as score-analysis and a sixth sense for listening were but points of departure. A maestro must also "possess other indefinable gifts without which an invisible connection between the conductor and those whom he leads will not occur. Without those gifts, he will not be able to communicate feelings to the musicians and consequently, his authority, his power, and his ability to shape the musicians through his directions will fade away totally."⁵⁹⁹

8.4.2 *A triumvirate of showmanship*

The triumvirate of Hans van Bülow, Richard Wagner, and Franz Liszt all renowned as conductors (and in the case of the latter two, composers)⁶⁰⁰ revolutionized the profession by superimposing their supersized personalities on orchestral musicians, singers, and audiences. Wagner and Liszt took off from Berlioz rewriting a script for the larger-than-life persona of the romantic hero who could mesmerize both audience and musicians with the wave of a baton. Carefully crafting every move, from the use of a baton to how to bow effectively and expand upon large gestural commands and visual cues for the orchestra, these conductor-personalities were wizards to observers. A 19th century musician reported upon witnessing Richard Wagner in action: "the effect was tremendous . . . when he conducts, he is almost beside himself with excitement. He controlled the orchestra as if it were a single instrument and he was playing on it."⁶⁰¹

Descriptions of the virtuoso travelling maestro Hans van Bülow, who toured Europe's cultural capitals with his excellent Meiningen orchestra in the late 1880s, provide a litany of traits that soon became associated with maestros of note. Masters of the pen and arbiters of public taste, the ever-powerful music critics observed that van Bulow personified "all the virtues and vices subsequently associated with that species: a talent for discipline and skillful rehearsing, conducting from memory, a picturesque

⁵⁹⁸ The 1855 version in its entirety, in French is available at: <http://www.hberlioz.com/Scores/Chefdorchestre.htm>

⁵⁹⁹ *Ibid.*,

⁶⁰⁰ Not to forget not Franz Liszt's pianistic prowess that mesmerized audiences throughout Europe.

⁶⁰¹ A report from an American music student in Germany recounted by John Henry Mueller, *supra* at fn. 24 p. 313.

histrionic presence, personal readings, speeches from the stage, and public idolatry.”⁶⁰² Critics the likes of George Bernard Shaw were soon to lament that the conductor’s personality and egocentricity often outweighed musical integrity, and the simple ability to keep the orchestra in motion.⁶⁰³

*“I never go to hear a work without fearing that, instead of exquisite threads of melody, wonderful in their tenuity and delicacy, and the surpassingly strange and curious sounds and measures, ghostly in touch and quaint in tread, unearthly, unexpected, unaccountable, and full of pictures and stories, I shall hear a medley of thumps and bumps and whistles and commonplaces: one, two, three, four: one, two, three, four; and for Heaven’s sake don’t stop to think about what you are doing, gentlemen, or we shall never keep the thing together.”*⁶⁰⁴

A permanent fixture of present-day top-tier orchestral activity, the phenomenon of the touring orchestra was aided by the great railway expansion mid-19th century and fed by media hypes concerning the conductor’s magical powers both on and off-stage.⁶⁰⁵ Media hype in the 21st century will be discussed in a different context in the *intermezzo* devoted to the effects of the *#metoo movement* on the orchestra.

8.5 Fanfare for the common musician: the ascendancy of the U.S. orchestra⁶⁰⁶

*“Europe gave America the gift of music and America, in return gave Europe the music business.”*⁶⁰⁷

In the late 20th century, the American musicologist Philip Hart conjectured that orchestras in the United States are a hybrid combination of their European predecessors with a uniquely ‘made in the USA’ mission and structure.⁶⁰⁸ Although Europe provided the model and the repertoire to form the foundation of the American orchestra, the U.S. orchestra developed along different lines from its venerable European predecessors.

⁶⁰² Ibid., p. 314.

⁶⁰³ The prodigious playwright George Bernard Shaw (1856-1950) spent part of his early career in London as a music critic who wrote under the pseudonym *Corno di Basetto*.

⁶⁰⁴ One of many selections from the prodigious pen of George Bernard Shaw, a review penned 9 July 1889. *London Music in 1888-89 as Heard by Corno Di Basetto* (pp. 155-156) and *Music in London 1890-94* (vol. 3 pp. 80-82).

⁶⁰⁵ A perusal of press clippings from major newspapers in Europe and the United States from 1860-1920 bears witness to behavior akin to Lisztomania as audience reactions to charismatic maestros, the ‘rock stars’ of the late 19th and early 20th centuries.

⁶⁰⁶ Reference to the quintessential U.S.-born 20th century composer, Aaron Copeland’s masterpiece, *Fanfare for the Common Man* 1942.

⁶⁰⁷ Norman Lebrecht. *Who Killed Classical Music?* 1957 p. 58.

⁶⁰⁸ Philip Hart, *supra* at fn. 28 pp. xiv, xv, and 1-3. His allusion to the term ‘European’ refers to the orchestras of the 18th and 19th centuries in Austria and Germany.

This section seeks to highlight a few of these lines. The first mention of public concerts in the new world dates back to 1729, just about one hundred years after the religious sect, the Pilgrims, sailed from Leiden to establish their settlements on the east coast of the country.⁶⁰⁹ Although the old-time religion of the Protestant founding fathers frowned upon secular music-making, religious convictions could not inhibit the positive social and economic value of the music trade: instrument making and music printing thrived alongside public and private performance. Reviews of concerts given by European-trained newcomers in Boston bear witness to the popularity of these ventures in the mid-1730s.⁶¹⁰ The vision of an ‘American dream’ transmitted through the ideals of the American Revolution, with its potential for building an idealistic world brought thousands of hopeful immigrants to the new republic. With a rapidly increasing population base and the expansion of urban centers, old-world culture prospered along the eastern seaboard.⁶¹¹

In Europe, musicians and musical institutions benefited from centuries of aristocratic and ecclesiastical patronage.⁶¹² For aristocrats, church leaders, and monarchs music was a means to achieve than two ‘ends’ – to glorify a higher deity and to exhibit wealth and power. In ‘the colonies’ known then as ‘America,’ “the primary support for music-making was generated chiefly by the musicians themselves working singly or in groups.”⁶¹³ Aristocratic and/or ecclesiastical support was contrary to the ideals of the early-day American revolutionaries and court-sponsored music was synonymous to the decadence of the old world ‘royal’ oppressors. While news of individual affluent patrons, mainly southern plantation owners who supported small groups of European-trained musicians can be found in published reports, no evidence of real, structural support for the arts along the lines of European models can be found in the early years in the ‘new world.’⁶¹⁴ From the onset, organized ensembles in early America did not benefit from the support of power brokers on any level, from the municipal to the state or eventually federal levels post-1787. ‘Paying the piper’ was relegated to the whim of the individual patron or more often the ingenuity of the musicians themselves. The

⁶⁰⁹The term ‘new world,’ found in *Mundus Novus: Letter to Lorenzo Pietro di Medici* (George Tyler Northup translation) 1916 pp. 1–13.

⁶¹⁰ See, Richard Crawford’s excellent introduction “A Historian’s Introduction to American Music” Speech revised into an article 1979, pp. 263-302. Available at: <http://www.americanantiquarian.org/proceedings/44539323.pdf>

⁶¹¹ See, John Henry Mueller, *supra* at fn. 24 for further elaboration.

⁶¹² See, Richard Crawford, *supra* at fn. 610 p. 273.

⁶¹³ *Ibid.*, p. 275.

⁶¹⁴ Philip Vickers Fithian. *Journal and Letters of Philip Vickers Fithian 1773-1774: A Plantation Tutor of the Old Dominion* 1990. Available at: <http://www.gutenberg.org/files/40044/40044-h/40044-h.htm>

distance between the musician and the nucleus of power and wealth stood in sharp contrast to the established sponsorship that promoted European collective music-making for centuries. Thus, with regard to musical culture, state-supported funding has lagged behind artistic aspirations from the earliest days of the fledgling republic to the present time.

The nation's oldest professional music organization, the United States Marine Band, affectionately dubbed 'the President's Own' due to its command performances for the presidents was founded in 1798. While the stage could have been set for cultural subsidy at the twilight of the 18th century at least for that special ensemble, no move was made to create centralized support the arts on the part of the U.S. government. With the notable exception of schemes set up during the Great Depression of the 1930s, and the National Endowment of the Arts (NEA) grants first initiated in the 1960s supported in principle by President John and First Lady Jackie Kennedy,⁶¹⁵ subsidies akin to the European models of structural state support for the arts have been lacking. Since its initial golden years, the NEA has suffered ups, and sadly in recent years, dramatic downs based on eroding political support from the Trump administration that has vowed to defund 'superfluous' cultural projects that detract from important mainstream and 'real American' projects.⁶¹⁶

Conversations with orchestra directors in Europe revealed their affirmations of a 'Europe first' outlook concerning the orchestra's golden period of development in the mid-19th century. Yet, although Europe was the 'cradle of orchestral evolution' pre-19th century, the major U.S. orchestras developed at the same time as the great European orchestras with a parallel development in concert hall construction. Like their European counterparts, America's nouveau riche embraced the idea of building concert halls, and funding performances to build a civic legacy.

Social stature and wealth were the musts: the commodities in a brave new world where Europeans were startled by new social realities in which "coachmen shared tables with gentlemen."⁶¹⁷ According to Napoleon's effusive counsel, Louis Auguste Félix de

⁶¹⁵ President and Mrs. Kennedy's friendships with musical luminaries exemplified by Aaron Copeland and Leonard Bernstein sowed the seeds for a favorable political climate for arts funding.

⁶¹⁶ For a riveting account of the demise of the NEA in the 1990s see, Patricia Koch's "The Contest for American Culture: A Leadership Case Study on The NEA and NEH Funding Crisis" available at: <http://www.upenn.edu/pnc/ptkoch.html> and for a more contemporary update, Naomi Adiv "Goodbye to the NEA?" Available at: <https://theartsjournal.net/2018/02/07/goodbyenea/>

⁶¹⁷ In French, Louis Auguste Félix de Beaujour. *Aperçu Des États-Unis . . . Depuis 1800 Jusqu'en 1810 Cahiers 3*. Republished by Nabu Press 2010.

Beaujour, America was in the sway of a “frantic love of money” that had its roots in “the political equality which reigns... leaving people no other distinction besides wealth.”⁶¹⁸ Civic pride turned backwater towns to cities, and musical performance was considered to be a means to refine the new nation’s rough and tumble cities. A lack of distinction based on birth or military rank encouraged a novel type of philanthropist thrilled by the possibility of making his/her mark through legacies intended to sponsor educational institutions and the arts. Orchestras as collective protagonists were at the vanguard of a movement to remake a nation of rough and ready entrepreneurs; in Alexis de Tocqueville words – the ‘ultimate pragmatists’– into culturally aware consumers ready to use music as a vehicle for community enhancement.⁶¹⁹

FOUNDATION YEARS U.S.-EUROPEAN ORCHESTRAS

U.S. Orchestras

New York Philharmonic Society 1842
 The New York Symphony Society 1878
 (merged to form The New York Philharmonic
 Symphony Society 1928)
 Boston Symphony Orchestra 1881
 Chicago Symphony Orchestra 1891
 Cincinnati Symphony Orchestra 1894
 Philadelphia Orchestra 1900
 Minneapolis Symphony Orchestra 1903
 St. Louis Symphony Orchestra 1907
 Cleveland Orchestra 1918
 St. Paul Chamber Orchestra 1959

European Orchestras

Staatskapelle Dresden founded in 1548
 London Philharmonic 1813
 Vienna Philharmonic 1842
 Berlin Philharmonic 1882
 Concertgebouw Orchestra 1888
 (Royal Concertgebouw as of 1988)
 London Philharmonic 1932
 Netherlands Chamber Orchestra 1955

Historians Philip Hart and John Henry Mueller speak of an American revolution in terms of the rapid development of the orchestra in the 19th century.⁶²⁰ Westward expansion through legal acquisitions such as the Louisiana Purchase 1803, and less savory exercises in land-grabbing opened up new, vast territories for development and expansion. The hope for unlimited wealth and opportunity brought thousands to the

⁶¹⁸ Ibid.,

⁶¹⁹ Alexis de Tocqueville. *Democracy in America*.

⁶²⁰ See Philip Hart. *Orpheus in the New World*, *supra* at fn. 28 and John Henry Mueller *The American Symphony Orchestra*, *supra* at fn. 24 for further elaboration.

new country, with musicians aplenty. Over two hundred well-trained musicians who had studied with the famed German violinist Louis Spohr took the chance to start over in the U.S. mid-century. New York's Germania Music Society, the first fully professional ensemble to perform exclusively symphonic repertoire in the United States, was founded in 1848. It comes as no surprise that the scramble to reach America's shores in that year of European political turbulence intensified. Germany and Austro-Hungary's loss was the U.S.'s gain in terms of cultural enrichment: transposing their *kultur* to new soil, the Germania Society toured throughout the United States' territories, reaching an estimated one million new listeners.⁶²¹ The resourceful conductors who molded America's orchestras in their formative 19th century years (Ureli Corelli Hill, New York Philharmonic Society 1842; Theodore Thomas, Chicago Symphony Orchestra 1890 to mention but a few) and the sharp-quilled music critics whose prose filled local papers became the talk of towns where culture and social success became closely aligned. These influencers made their mark on the great orchestral organizations that proliferated and prospered throughout the 20th century.

The city of Chicago and its cultural ambassador, the Chicago Symphony Orchestra (CSO), provides a prime example of how important music has been to civic identity in the U.S. Chicago, the pride of the heartland was incorporated as a town with a population of 200 in 1833.⁶²² By the mid-1800s, the boomtown had become a cultural hotspot with a fine arts museum, a state-of-the-art public auditorium, and many theaters. Before the turn of the 20th century, Chicago was the world's fastest growing city with a population of over 1.5 million. The author of a 19th century history of Chicago opined that classical music was one relevant impetus for raising the standards of 'the people,' a means to the noble end of civic improvement, and "one of the most powerful civilizers is Music."⁶²³ In 2019, Chicago Mayor Rahm Emmanuel intervened to broker peace during the CSO strike.⁶²⁴ Stressing that the orchestra was vital to the well-being of the city on multiple levels, the Mayor offered a change of location and approach to achieve settlement in the seven-week dispute that centered on pension and salaries (see the FAQs for more).

8.5.1 From cooperative to top-down management

Focusing briefly on the first 'official' U.S. orchestra, the New York Philharmonic,

⁶²¹ Ibid.,

⁶²² Chicago information gleaned from Donald Miller's thoroughly researched account *City of the Century: The Epic of Chicago and the Making of America* 1997.

⁶²³ I.D. Guyer. *History of Chicago; Its Commercial and Manufacturing Interests and Industry* 1862 p. 180.

⁶²⁴ See, <http://www.chicagosymphonymusicians.com/press-for-cso-musicians-strike.html>

highlights several points pertinent to an inquiry about ‘where is the orchestra going and how did it get there? For almost seven decades (1842-1909) the Philharmonic operated as a musicians’ cooperative in which the musicians held the power to choose colleagues, repertoire, and even guest conductors. Bowing to external pressure from powerful patrons who provided significant financial support, the player-members were forced to renounce their control of orchestral affairs. The ‘board run model,’ dominant in the U.S. to the present day in which orchestral patrons pledge support and in return take on the responsibility to select the music director was institutionalized. This ‘top-down’ orchestral model was already in place at orchestras in Boston, Chicago, and Philadelphia. At the New York orchestra, Gustav Mahler was engaged as music director by the board of patrons established under a 1909 agreement, however, the musicians were not permitted to vote for or against the appointment of the music director. Further impingement in terms of the players’ rights to participate in repertoire decisions took place after the prominent philanthropist Joseph Pulitzer bequeathed an extraordinary generous sum of \$1 million to the Philharmonic Society in return for the promise that the repertory he favored (compositions by Beethoven, Liszt, and Wagner) would be given pride of place on the concert stage.⁶²⁵

8.5.2 A brief recapitulation of early days in U.S. unions

One of the most feted of all European 19th century composers, the musical whiz Jacques Offenbach (1819-1880) credited with singlehandedly creating the popular operetta genre visited the United States in 1877 to conduct his successful compositions in Philadelphia and New York. Of the many remarkable discoveries he made during his trip, he was most impressed by the extraordinary power of musicians’ representation. “The musicians in this country are supported by a large and greatly powerful organization, a type of society that if one is not inside it, there is no salvation. All individual musicians who want to play in an orchestra must firstly join and become a member.”⁶²⁶ Parallel to the growing union movement in other areas of labor, the U.S. musician unions first formed as locals before their end-of-century national unification. Pledging to protect the individual through the acts of the entire membership of the local, these early unions were open to professional instrumentalists.

In 1896, members of eighty-four musician unions (locals) attended the first of many

⁶²⁵ For a perspective on what \$1 million could buy at that time, it is worth taking note that Marshall Field’s gift of \$1 million established an entire museum: the Field Museum of Natural History 1893.

⁶²⁶ Jacques Offenbach. *Offenbach en Amérique: Notes d’un musicien en voyage* 1877. Facsimile Publisher 2013.

annual National League of Musician Conventions.⁶²⁷ According to lists of individual members at the Indianapolis convention, over 50% were of German origin with the remainder comprised of other immigrant groups. A mere 2% were categorized as Americans, a majority of those “our colored brethren” represented in the New York union.⁶²⁸ The U.S. musicians’ union and its role in the orchestral workplace will be explored further in the *movements* that come to grips with individual musician’s efforts to seek workplace-related justice concerning discrimination and in relation to collective bargaining and orchestral industrial actions in the late 20th and 21st centuries. Due to the closed shop nature of unions in the United States, any professional musician including conductors seeking work was required to join with a choice of over 75 local musician unions that existed by the end of the 19th century.⁶²⁹

The trials and tribulations of a power struggle that engendered a split between the two main pre-20th century musicians’ representation groups, the National League of Musicians (NLM) and the American Federation of Musicians (AFM) were reported in national newspapers as a fundamental difference of opinion concerning the identity of the working musician, a question of relevance to a meaningful modern identity.⁶³⁰ Yet, while broadsheets and tabloids ramped up the dispute as a clash between artistes vs. wage slaves, the real differences were fundamentally linked to the core mission of the two organizations. The NLM promoted ‘fraternal relations’ first and foremost. The concerns of labor movements and the methods espoused were far from the ‘aesthetic’ embraced by some NLM members who sought more social than economic support.

Reflect for a moment on the industrial foment in late 19th century America. In 1887, the year Samuel Gompers, the American Federation of Labor’s President extended an invitation for musicians to join the AFL, there were 1,486 strikes across the country that often led to brutal actions on the part of employers, strikebreakers, and riot police.⁶³¹ To some musicians, the AFM’s hard-core approach to labor and its support of collective bargaining brought musicians dangerously close to turbulent industrial actions. Under the weight of Gompers’ influence, the two groups eventually merged in 1896, as the artist vs. worker question was subsumed in a struggle for adequate wages. More than a century later, the apposition that characterized the NLM-AFM

⁶²⁷ American Federation of Musicians *Proceedings of the Convention* Indianapolis 1896 pp. 43-44.

⁶²⁸ *American Musician* April 19, 1990 p. 7.

⁶²⁹ *Ibid.*,

⁶³⁰ James P. Kraft. “Artists as Workers: Musicians and Trade Unionism in America 1880-1917” 1995 pp. 512-543.

⁶³¹ *Ibid.*, p. 526.

debate could be found in the musician disagreements that caused a rift between Dutch orchestral musicians⁶³² who sought to take real action against reorganization-dismantlement plans in 2012-2013 and their more recalcitrant colleagues, a subject that will be distilled in the *movement, Requiem for an orchestra*.⁶³³

The big take away from a passing glance at the early history of U.S. unions that is of relevance to 21st challenges with regard to unions, and their musician members can be encapsulated as follows:

1. Closed shop nature of unions
2. Importance of the 'local' in bargaining
3. Price lists
4. The strongmen: leaders⁶³⁴

The first two listed subjects will be further fleshed out in reference to specific cases and disputes. While a savvy observer may comment that the last two subjects on the list bear little direct reference to contemporary union-musician issues, both are of importance. The price lists, the rate schedules for musical engagements published by unions starting in the 19th century are highly relevant to discussions that are taking place in the Netherlands at the present time in relation to proposals for a minimum wage for freelancers, including freelance musicians. The price list system that recommends minimum rates for different sorts of musical engagements is 'alive and well' in the U.K. and the U.S. where the unions offer sample contracts and suggestions to benchmark minimum standards for freelance musical engagements. Within the realm of antitrust law, the role of the 'price list' and the 'leaders' in a seminal case decided at the U.S. Supreme Court will be discussed in a subsequent *movement*.⁶³⁵

8.5.3 The U.S. musical commander-in-chief on the podium

"I never use a score when conducting my orchestra. Does a lion tamer enter a cage with a book on how to tame a lion?"⁶³⁶

⁶³² Particularly the musicians of the Dutch Radio Orchestras and the Holland Symfonia players [eventually Het Ballet Orkest (Dutch Ballet Orchestra)] forced to reorganize in 2012-2013 were divided between those who were desirous of real actions, those who preferred 'ludicrous' actions such as carrying a coffin into the Concertgebouw Hall to signify the death of an orchestra and those who were against any action.

⁶³³ Conversations with Reinbert de Leeuw, Dutch composer, pianist and proponent of contemporary music.

⁶³⁴ Although female musicians were permitted to join unions, they did not hold leadership roles. *Of Rowe and race* will provide more information on this subject.

⁶³⁵ *American Fed'n of Musicians v. Carroll* 391 U.S. 99 (1968).

⁶³⁶ Maestro Dmitri Mitropoulos who stood at the helm of the Minneapolis Symphony before taking on that coveted position with the New York Philharmonic Orchestra in the 1950s. For reference to the quote, see: <https://www.quoteswave.com/authors/dimitri-mitropoulos>

Taking a closer look at U.S. orchestras mid-19th century shows evidence that the role of the conductor as a central, authoritarian figure at the helm of a musical organization was in a nascent state. For example, during the first five years of New York Philharmonic history well-documented in online archives, the conductor's position of leadership was rotated between several different musical leaders, certainly not entrusted to one 'maestro.' The *Founding Constitution of the Philharmonic Society of New York* ratified in April 1842 stipulated that a conductor should be chosen democratically, one distinct individual per concert.⁶³⁷ Program texts disseminated during the orchestra's 50th anniversary year celebration in 1892 spell out:

*"The Conductor of the concerts need not be a member, but, like the other officers, he is elected by ballot from time to time, as a rule at the beginning of each season. If the Conductor chosen happens to be an Actual Member of the Society, he is ex officio a member of the Board of Directors. Otherwise, his powers are limited to the musical direction of the rehearsals and concerts (emphasis added)."*⁶³⁸ *Within 50 years, the humble time-beater became an influential arbiter of public culture and taste, the orchestral controller and on both sides of the Atlantic. Orchestral discipline and unity often lacking in accounts of 19th century orchestras became the norm in the early years of the 20th century.*⁶³⁹

The great maestro personalities of the first half of the 20th century can be epitomized by Leopold Stokowski, the charismatic music director of the Philadelphia Orchestra (1919 to 1936) who was also a hit in Hollywood as the music director of Disney's *Fantasia*. Equally renowned was the 'electrifying' Italian maestro Arturo Toscanini whose political principles exiled him from fascist Italy to make musical furor and recordings that 'staggered belief' in his new home in the U.S. Both maestros achieved heroic status augmented through the marketing of their countless recordings.⁶⁴⁰

The combination of heroic status and unlimited power was at the center of musician-fostered protests discussed in the FAQs. Musicians at the Cleveland Orchestra were amongst the first in the nation to seek the right to contract ratification. Their struggles with both the national union (AFM) and the local union led to litigation, strikes, and eventually after many long years, victory.⁶⁴¹ One of the many contractual points that

⁶³⁷ See, New York Philharmonic, The Leon Levy Digital Archives, available at: <https://www.nytimes.com/2018/04/23/arts/music/new-york-philharmonic-archives.html>

⁶³⁸ For the complete text surf to: http://www.archive.org/stream/cu31924022356822/cu31924022356822_djvu.txt

⁶³⁹ John Henry Mueller, *supra* at fn. 24 p. 343.

⁶⁴⁰ One of Maestro Stokowski's many experiments involved switching the traditional placement (seating) of wind and string groups a move both visually and audibly challenging. For details concerning Maestro Toscanini's incredible musical and personal contributions see, Harvey Sach's biography, *Toscanini: Musician of Conscience* 2017.

⁶⁴¹ For excellent information on the inside story in Cleveland see, Michael Charry, *George Szell: A Life of Music* 2011, pp. 92-95.

sparked musicians' indignation and calls for action was related directly to their music director's wide-ranging powers. The Cleveland Orchestra contract 1960-61 contained the clause:

*"The musician will observe all reasonable rules of conduct and other such regulations which the conductor may make from time to time; he will accept at all times the opinions and wishes of the conductor concerning his services; when required by the conductor he will perform obligate or solo parts standing and in front of the orchestra without additional pay; the musician at all concerts will appear in the dress officially designated by the conductor."*⁶⁴²

8.5.3.1 *The economy of scales: conductors, fame, and money*

"The 'great conductor' is a mythical hero. . . artificially created for a non-musical purpose and sustained by commercial necessity."⁶⁴³ A dichotomy between conductors' salaries and the salaries of the orchestral musicians who 'produce' the music has been a bone of contention for orchestral musicians especially during periods of economic crisis as interviews and information presented in the FAQs support. The British cultural commentator Norman Lebrecht sharpened the debate on 'how much is a conductor worth' with the publication of a critique of what he dubbed 'the Maestro Myth:' a bold exposé of a music impresario led international conspiracy of price-fixing that leads to an outrageous salary scale for conductors and controls on soloists who will appear with the maestro, tacitly increasing the conductor-music directors' powers. The impact of the conductors' cartel of heavyweights and the inflated fees for 20th century superstar conductors has indelible impact on orchestral finances. But, according to the wisdom of managers, the dichotomy between musician salaries and conductor's fees will carry on. "In order to compete at the highest levels, an orchestra has to engage big name conductors and those individuals cost a small fortune, there is no way to bargain with the major league music managers, you either join them or you lose out."⁶⁴⁴

In the Netherlands, in the midst of the 2007-2008 financial crisis, the Dutch Parliamentarian Jasper van Dijk (SP Socialist Party) submitted a series of questions to Ronald Plasterk, the Minister of Education, Culture and Science with specific regard to conductor's salaries. Basing his queries on concerns expressed in a leading Dutch newspaper, his questions were based on the rationale that if the state subsidizes culture, it was only fair to ascertain the extent of an imbalance in payment between orchestral

⁶⁴² Julie Ayer, *supra* at fn. 77 p.49.

⁶⁴³ *The Maestro Myth*, *supra* at fn. 54 p. 1.

⁶⁴⁴ Conversations with Rob Groen, Dutch impresario.

musicians and their musical leaders.⁶⁴⁵ Although the question has been reframed by labor groups and politicians ever since, no further action to mitigate the ‘inflated salaries’ issue has been undertaken.⁶⁴⁶

8.5.3.2 *Conductor’s contracts*

The modern maestro is expected to bring more than musical mastery to the podium. An ambassador of musical good will and a link to the community, the U.S. variant is also expected to aid in fund-raising. In terms of authority over the musicians, some conductors hold total power over artistic matters including the hiring and firing of musicians while other contracts limit these powers, opting for a collective responsibility for hiring and firing.⁶⁴⁷ One may ask what type of contracts do conductors have in comparison to orchestral collectively bargained contracts? “Individualized contracts vary depending on several factors including the conductor’s desirability and lead to very open contracts needless to say, a lucrative ones at that.”⁶⁴⁸ Orchestras from the managerial and musical points of departure put their faith in leaders who are invested with curatorial and innovative powers, “a reinventor who needs to be in tune with the musicians, the community, the world beyond while remaining obedient to the score, a tall order.”⁶⁴⁹ If a principal conductor is designated Music Director he/she is obliged to direct a set number of performances each season and is granted the freedom to accept other guest obligations, a freedom usually not accorded to the orchestral musicians. Contracts in the 21st century typically call for a minimum number of weeks with the home orchestra, ten weeks at the lower end to sixteen weeks as an average. The sizeable number of obligations placed upon a music director is in direct contrast to the short time a modern-day conductor stays with his/her main orchestra, and the trend towards holding multiple positions. “Many conductors hold multiple positions at the helm of orchestras internationally – remember Kurt Masur who was at the helm of the New York Philharmonic for 11 years? In 2002, he simultaneously held a top position with the London Philharmonic and the Orchestre National de France along with New

⁶⁴⁵ For the parliamentary intervention see, Kamervraag 14 august 2008 kenmerk 2070825550, in Dutch. The full text of the newspaper article can be read at: <http://www.volkskrant.nl/archief/dirigenten-kosten-ons-te-veel-geld~a921230/>

⁶⁴⁶ For that matter, although the subject of inflated salaries for maestros, soloists and orchestral CEO salaries is discussed with great frequency in the U.S. as well (see Adaptistration and ICSSOM posts) no resolution to the subject is in sight. Similar to discussions of highly inflated commercial CEO salaries the ‘they will leave us for another position elsewhere’ argument is oft cited as a reason to perpetuate the system.

⁶⁴⁷ The orchestras of Berlin and Vienna give their chief conductors one vote along with the rest of the orchestra to determine audition results.

⁶⁴⁸ Conversations with insider Harald Eggebrecht, Munich-based classical music expert and prolific author.

⁶⁴⁹ Conversations with Marin Alsop, Music Director Baltimore Symphony Orchestra, and the Vienna Radio Symphony Orchestra.

York. Of course, the great Mariss Jansons directed both the Royal Concertgebouw and Munich's great Bavarian Radio Symphony Orchestra simultaneously and the list goes on. . . Jaap van Zweden heading both the New York Philharmonic and the Hong Kong Philharmonic to great success. This makes the feature of 'stand by one orchestra' difficult, there are few coveted conductors let alone conductors with music director quality and all are very much in demand.⁶⁵⁰

8.6 Back to Haydn

This *movement* leaves the reader to ponder a number of substantial themes with variations based on historical reflection. Haydn's Kapellmeister role combined the functions of composer-in-residence, music director and personnel manager, a position unparalleled in scope when we consider the orchestral organization in the centuries that follow. But perhaps of more merit than a précis of Haydn's numerous roles is an emphasis on how he was able to excel in a variety of roles with various skill sets. A 'Papa' to his much-loved musicians, a diplomatic interlocutor on behalf of these musicians, a composer of consummate originality, and a true friend to the Esterházy princes whose status did not imply equal footing with a musician maestro changed the role of musical leader into a Kapellmeister. In later life Haydn was, indeed, a Kapellmeister nonpareil.

Can one picture the famed American composer John Adams taking roll call as a personnel manager? Or for that matter, any eminent composer regardless of nationality pleading with management to desist from docking pay and initiating dismissal charges against a section player who arrived late to a concert in a state of inebriation? The aforementioned examples reflect actions that Papa Haydn carried out on a regular basis during his decades at Esterházy. Even the most beloved 'contemporary' maestro of them all, Leonard Bernstein,⁶⁵¹ called Lenny by musicians as a sign of affection would not be bothered by the daily quibbles and quandaries so inextricably linked to the ups and downs of orchestral life, dismissing troubling issues with a wave of the hand, and the comment, "try not to make your problems mine." To most musicians, a successful relationship with a conductor is based on mutual respect, and to quote Thorsten Veblen, an "instinct of workmanship" at rehearsal.⁶⁵²

Music directors in the 21st century could be characterized as jetsetters who spend

⁶⁵⁰ Conversations with Marco Riaskoff, Amsterdam-based impresario, founder of the world-renowned Meesterpianisten (Master Pianists) Concertgebouw series.

⁶⁵¹ Leonard Bernstein's conducting career spanned almost 50 years from 1943-1990.

⁶⁵² Adopted from the title of Thorsten Veblen's best-known work *The Instinct of Workmanship* 1914.

more weeks as guest conductors than leading their ‘own’ orchestras. “You can only imagine what that means in terms of solidarity with the orchestra when crisis arises – the maestro is more often than not somewhere across the ocean, both physically and mentally.”⁶⁵³ Another issue associated with maestro-musician issues that goes beyond pay disparities and conductors’ absenteeism from ‘home’ orchestras relates to the legendary autocratic personality-type associated with the great 19th and 20th century conductors who spent decades with ‘their’ orchestras: from Leopold Stokowski in Philadelphia to Arturo Toscanini at the Metropolitan Opera and NBC Symphony; Fritz Reiner at the Chicago Symphony, George Szell in Cleveland and, perhaps the most authoritarian of them all (and according to biographers, by far the richest), Herbert von Karajan of the Berlin Philharmonic⁶⁵⁴ who reputedly declared: “there are two places where democracy is not helpful: in music and in the army.”⁶⁵⁵

Endemic to the era of the all-powerful maestro with his power to hire and fire at whim are the power struggles between strong-willed orchestral musicians, principal players who ‘took the heat’ and triumphed. From the annals of the Chicago Symphony under the irascible Fritz Reiner era, a story illustrates the battle of the wills between the tyrannical maestro and an affable, albeit iron-willed principal trumpet player, Adolph (Bud) Herseth.

“It was during our first series of recordings with Reiner. We did Ein Heldenleben all day Saturday and Zarathustra (two of the major Richard Strauss tone poems known for difficult orchestral writing, author’s note) the next. When we came to the exposed high octave in the middle of the piece, I played it. Reiner looked at me with a little bit of a smirk on his face, and everybody knew what was going to happen. . . He looked at me and said in his thick Hungarian accent, ‘May I do it again?’ We did it six more times and it was clear he was waiting for me to miss it. Fortunately for me, shall we say it was one of my lucky days and I hit it every time. . . I ended up playing it eight times in a row for him.”⁶⁵⁶

Herseth told Reiner he might as well let the rest of the orchestra go home; he wasn’t going to miss the passage. And with that, at the intermission break of the recording session, Herseth played the infamous ‘lick’ over and over again while he strolled off

⁶⁵³ ICSOM chairperson and LA Philharmonic violist Meredith Snow commenting at the ICSOM conference Washington D.C. 2016.

⁶⁵⁴ At the time of Maestro von Karajan’s death his net worth was estimated at over €250 million, see <https://www.welt.de/kultur/article1573132/Das-Privatleben-des-Herbert-von-Karajan.html>

⁶⁵⁵ Quoted by the Boston Symphony Orchestra’s popular Music Director Andris Nelsons. See: <https://www.egonzehnder.com/insight/interview-with-conductor-andris-nelsons>

⁶⁵⁶ As retold by the legendary Bud Herseth on a National Public Radio (NPR) interview available at: <https://www.npr.org/sections/deceptivecadence/2013/04/15/177335679/appreciating-a-pillar-of-the-chicago-sound-trumpeter-bud-herseth>

the stage.”⁶⁵⁷ Bud Herseth was a star in his own right, holding an incredible record: he held the position of principal trumpet with the Chicago Symphony Orchestra for over five decades of incomparable performances (1948-2001). Needless to say, most orchestral musicians did not fare as well as the unusually gifted and strong Herseth in their encounters with authoritarian maestros. For the ultimate degradation for love of music, take a listen to the immortal Arturo Toscanini at work in the 1940s, decimating his least-favorite section, the bass section, at <https://youtu.be/tg5GPaUJ3aw>

For all the tales of immediate dismissals, public humiliation and fear and loathing at the symphony hall at the whim of despotic music directors (George Szell fired 22 of the 94 musicians his first year at the Cleveland Orchestra, 1946)⁶⁵⁸ there are many who applauded the ‘musical results’ gleaned by the ‘absolute’ maestros. “A conductor has to be a true unifying force for approximately 100 musicians, there has to be belief in the authority to accomplish that mission, you don’t just organize the musicians in the technical sense, you also must be able to inspire them musically. A complex path to follow and frankly the old days of absolute authority have their temptations now that we are in an age where individual opinion is of increased value.”⁶⁵⁹

If media reports by the like of the *Wall Street Journal* (WSJ) are to be trusted, the passing of Cleveland’s great conductor, the much-feared, much-revered George Szell, engendered a ‘backlash’ on the part of the ‘militant musicians’ who felt that their path to a more democratic orchestral institution was a possibility.⁶⁶⁰ After twenty-four years of what critics called the greatest orchestral productions, the Cleveland musicians went on strike for better employment conditions and pension rights. “It was as if the yoke of the great master was lifted, and we could raise our voices for freedom and more realistically a better working life. Never forget, although our musical lives were often tense especially at rehearsals, Mr. Szell was a visionary, as strict with himself as he was with us. He did what he did as the servant of art, the voice of the composer. He admired the great Toscanini who said, ‘democracy in politics, aristocracy in music.’ Mr. Szell made musical aristocrats of us: our situation as subordinates to a musical martinet and his passing pushed us forward to fight for our rights. We were not militants, we were democrats.”⁶⁶¹

⁶⁵⁷ Ibid.,

⁶⁵⁸ Michael Charry, *supra* at fn. 641 p. 86.

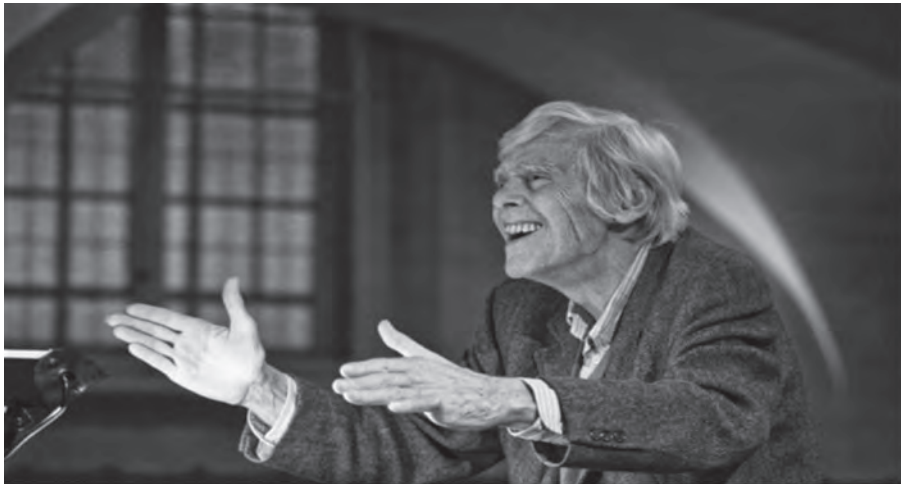
⁶⁵⁹ Conversations with maestro Christopher Keene.

⁶⁶⁰ Quoted by Julie Ayer, *supra* at fn. 77 at p. 76.

⁶⁶¹ Conversations with Kurt Loebel, Cleveland Orchestra violinist, and chairperson of the Cleveland Orchestra strike committee in 1970.

The legacy of strikes at the U.S. orchestral industrial turmoil that faced U.S. orchestras after dictatorial conductors passed away took its toll on orchestral organizations as managers became estranged from the employment-related demands of newly empowered musicians. As music directors began to spend less and less time with their ‘home’ orchestras, a power vacuum once filled by ‘the maestro’ become more and more evident “especially at bargaining time an ‘us and them’ musicians vs. management tug of war ensued. Just maybe, if music directors could have shown ‘more care’ for the institutions they represented, we might have been able to agree on important CAO terms with less controversy.”⁶⁶² A new breed of maestros who stand up for orchestras-in-turmoil, exemplified by maestros Donald Runnicles (Atlanta Symphony lockout 2014), Robert Spano (Atlanta Symphony lockout 2014), and Riccardo Muti (Chicago Symphony strike 2019) discussed in the *FAQs* shine an exemplary light.

Indeed, not all maestro’s past and present are or have been martinets and/or superstars. Most conductors are hardworking servants of the music intent on bringing home transcendent messages. The Dutch recorder virtuoso and musicologist Frans Brüggen founded an orchestra based on friendship, and commitment to historically informed



Frans Brüggen 1981

⁶⁶² Conversations with Marcia Peck.

performances on ‘period’ instruments. Their communal effort, the internationally acclaimed *Orkest van de Achttiende Eeuw* (Orchestra of the Eighteenth Century) was respected not only for its musical output but for its leader’s thoughtful approach to music-making and total lack of egocentrism – an antidote to the portrait of the vainglorious mega-maestro. Words to the wise, upon taking on the position of Music Director at the Netherlands Radio Chamber Orchestra (RKF) in 1992, long before subsidy cuts were to silence the orchestra, Brügger (the term maestro was anathema) presented the orchestra members with priceless advice for their musical collaboration. His ‘geloofsbrief’ (a statement of purpose) offered to members of the orchestra on 25 February 1992 is reproduced from author’s original copy in *Epilogue: Appendix 2*.

Remaining in the Netherlands for another universalist podium view, the internationally treasured maestro Bernard Haitink attributed three ‘secrets’ for conducting success:

1. Trust the musicians
2. Talk as little as possible
3. Every once in a while, ask them to play a bit more softly.⁶⁶³

8.7 Haydn’s last words of wisdom

Music historians have mused as to how Haydn could have accomplished so much musically while relegated to spend the bulk of his time managing and organizing several ensembles of musicians who were often required to perform several times a day? His unfettered musical genius leads to questions on the role of the conductor, the maestro as the musical and ‘spiritual’ leader for modern-day orchestras. Haydn’s personal and orchestral patron while paternalistic in demeanor was munificent in terms of largesse: Prince Niklaus’ unwavering support for the arts he believed in could provide a model for contemporary orchestral financiers whether governmental subsidy decision makers or corporate sponsors, who tend to kowtow to the whims of cultural politics. The controlled musical employment in the Esterházy Kapelle juxtaposed to the free-for-all lifestyle of the well-paid cadre of London freelancers in that capital’s thriving theaters in the late 18th century provides food for thought as we move forward in a portrayal of musician vulnerabilities and present-day orchestral challenges.

It would be academically naive to assume that Haydn’s orchestral musicians working under the protection of a benevolent Kapellmeister were ‘better off’ than orchestral

⁶⁶³ Recounted in an email May 28, 2014 from the extraordinary Chicago Symphony violist, composer, and writer, Max Raimi. Bernard Haitink passed away in 2021 leaving an immense void.

employees contracted by impresarios and symphonic organizations in subsequent centuries. There is no documentary evidence to support such a notion, yet it is tempting to look back in admiration at what Haydn was able to accomplish in tandem with his magnanimous supporter, Prince Nicolaus. That said, it must be underlined that as soon as Esterházy power moved from one generation to the next, musical and musicians' fortunes waned: Prince Nicolaus' penchant for lavish spending on architecture and cultural pursuits was curbed substantively by his successor. As cultural servants responsible to serve their master, the Esterházy orchestral musicians were totally dependent on a successor who paid no heed to musical excellence. From a coveted position in one of the most renowned orchestras of the 18th century to a precarious freelance existence was the fate of most members of Haydn's magnificent band after the newly appointed Prince shut down musical operations. The orchestra was disbanded in 1791, as France was on the revolutionary path destroying all vestiges of the aristocracy in its wake. A contract the likes of the Esterházy orchestral contract, which had offered a buffer against arbitrary behavior on the part of the employer was not to appear on the orchestral scene until the 1960s when musicians' unions supported by a community of activist orchestral players at top-tier U.S. orchestras called for improved employment rights.