

Working for Music?

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The International Federation of Musicians:

This paper is very much a work in progress!

In it I present my initial thoughts on some recent research which I've been undertaking on the International Federation of Musicians, or Federation International des Musiciens, FIM.

So, I'd like to start by asking how many have actually heard of FIM?

And how many of you had heard of them before I mentioned just now or you read my abstract.

Interesting....

Anyway, the rest of my talk falls in to five parts.

I'll start with the origins of FIM and how my interests in it developed.

Then I'll say something about my methodology

Thirdly I'll look at what FIM did in its early days and what its doing now

Fourthly I'll present some initial findings, especially related to popular musicians.

Finally I'll make some concluding remarks about where next, including some reflections on the formation of a new organisation and details of a forthcoming conference on more of this sort of work.

Part One: Background on FIM and how my interests in it developed.

FIM is the collective organisation for Musicians' Unions across the globe.

So it's an attempt to unite all the representative groups of musicians across the globe, a rather ambitious projects I'm sure you'll agree.

It was founded at a meeting in Zurich in 1948 when representatives of 9 European musicians' unions gathered together having been called to the meeting by the President of the Swiss Musicians' Union, Rudolf Leuzinger.

Anyway, over 70 years later it's still going and currently has 69 members – 37 in Europe and North America, 18 in Africa, 9 in Latin America and 5 in Asia and the Pacific, including the MEAA (Media, Entertainment and Arts Alliance) in Australia.

Some countries having more than one member owing to how musicians are organized there (e.g. Belgium, Germany, Slovenia, Sweden and Uruguay – <https://www.fim-musicians.org/wp-content/uploads/FIM-members-2018-06-15.pdf>) and you can see more details on its website which I've put on the powerpoint.

My own interest in FIM was sparked by previous research which I conducted with John Williamson on the history of the British Musicians' Union, which was founded in 1893 and is still going strong today.

That was a four year project which did various things, of which I would highlight two.

The first of these is our book *Players' Work Time*, available at all good book stores.

This was our attempt to provide an account of musicians' working lives and the industries they work in over a 120 period.

Secondly, it led to the establishment of the Working in Music Network, which is a loose coalition of people interested in that topic. This organisation will hold its third conference in Turku in April 2020 and I'll come back to that later. See <https://wim.hypotheses.org/>

Meanwhile apart from my own interest in what broadly be called the political economy of the music industries, one reason why the MU was of interest was because it had not received much academic attention before and what coverage there *had* been tended to be critical. So there are senses in which the account John and I provided was a revisionist one.

The International Federation of Musicians has also received comparatively little academic attention. So again I had the field to myself. Excellent.

A key idea that informed our work on the MU was to look at musicians as workers. We didn't claim any originality in this – in fact we cited other people who have also done this. But we *did* suggest that if you start to look at musicians as workers then certain things happen. One of these is to think about the different types of musician and the different places in which they work.

And that led us to see that certain things affect musicians' working lives – prime amongst which are changing technologies, the state of the music industries (plural), competition from other musicians, and gender. It also, of course, matter where you are and what genre you are working in.

As a sweeping generalisation musicians can be characterised as working in international industries wherein there is intense competition and the supply of labour generally exceeds the demand for that labour. The overwhelming majority of musicians are self-employed freelancers and that can militate against the sorts of industrial organization traditionally associated with trade unions.

In short, the Musicians' Union is more like a federation of small businesses than it is a traditional trade union. This has a number of consequences for how the union works. However, these need not detain us.

But we also need to consider the fact that another key aspect of the music industries is that they have been international for centuries. Prior to the advent of recording musicians would travel across continents to perform and you can probably all think of relevant examples here.

There can be seen as being two sides to this – one is the spreading of musical knowledge and influence, generally a good thing (until we get to cultural imperialism) and the second is that such movement can often have a detrimental affect on local musicians in terms of loss of employment opportunities. So, attempts to restrict the movement of musicians have also been an important part of the history.

In any case my point here is that if you are faced with an international industry as a worker you might need to organise internationally and in many ways FIM is an attempt to do just that. So let's return to FIM and research on that.

But that in turn raises the question of how to do that, so let me say a few words about methodology.

Part Two: methodology

Here I just want to mention three things quickly: literature review, archives and interviews.

In terms of the literature review of FIM itself didn't take very long. There is very little written on FIM and what there is tends to treat the organisation in passing. I have found one article which comments on FIM's negotiations with the International Federation of Phonographic Industries and the European Broadcasting Union (Miis-ciamarra 1981), another which looks at trade union organisation in the international entertainment industries (Fattmann 2002) and some works which mention it in passing (Parker 2002, Williamson and Cloonan 2016).

So, we have a 70 international body which has tried to represent musicians within the international music industries and virtually nothing written on it. Open goal or what?

The next thing was to see what FIM itself has.

In fact it has some archival stuff in its office in Paris and some in the Friedrich Ebert Foundation in Bonn.

These include minutes of all its Congresses (21 so far) and all of its Executive Meetings (106 up to 2017).

There are also reports from the General secretary to conference which can re examined.

So a lot of minutes! Thus far I've read most of the Congress reports and I will draw on a couple today.

Another archival source is the Musicians Union's Archive at the University of Stirling. These contain Executive reports to its biennial conference which in recent years have included reports on international activity. There are also copies of the *Musician* journal which also has occasional references to FIM's work. I've gathered this material but have yet to systematise it.

I also hope to get interviews with key FIM personnel, including its current staff (3 people). I've also chatted informally with its current President, John Smith, the former General Secretary of the MU and my next task is track down a few activists and former employees.

One problem here is that all this might be one sided and so I need to see what might be available in places such as the IFPI.

But I think that the main point to emerge is that FIM needs to be put in a bigger picture of viewing it as an international Federation of National trade unions which is trying to negotiate with employers across international boundaries. Frankly, I need to do more on this, but I do wonder about how applicable models from elsewhere

might be for the music industries. In other words what is particular about trying to organise musicians across international boundaries and what is particular to them I guess that ill find out.

Part Three: FIM – then and now

I want begin this section by examining the topics which the first FIM meeting addressed in August 1948.

Here it first received reports from each of the delegations. Perhaps the most self aggrandising account came from the British Musicians' Union whose General Secretary Hardie Ratcliffe was reported as saying that:

No employer could afford to employ musicians without a previous agreement with the Musicians' Union regarding the salary and conditions of work. This was the direct consequence of the fact that the union had for several years organized *everybody* who earned money playing music (minutes 4).

That this was a somewhat hyperbolic account is less important here than the fact that Ratcliffe's intervention raised at least two important points – whether all musicians should be in the same union and whether they should be in a union of performers, alongside actors and so on.

Such issues were to rumble on for years and I have already noted that some countries have had more than 1 member and that's been the case throughout FIM's history.

Meanwhile on the second day of the founding meeting it was reported that 'it was unanimously decided to set up an International Organisation of Musicians' (minutes 7), a draft constitution of which had been drafted by the Swiss SVM (Schweizerischen Musiker-Verband)

Debate then turned to the relationship which members of the new organisation had with their domestic collective trade union organisation. Should members be obliged to join the collective body of trade unions in their country?

To an extent this debate revealed different conceptions of musicians – whether they were best thought of as workers – thus located within bigger trade union collectives, or artists – and so perhaps more independent.

Such conceptions were shaped by national histories. In the end the British and Swedish delegations – who both wanted to insist that the organisation's members must join their local trade union federation - relented and so FIM members were free to decide whether or not to join their national collective trade union organisation.

There was also debate about whom the new organisation should cover. Here Bernet Kempers of the Dutch KNTV said that: 'He expected that an International Musicians' Union would fight against untrained or half trained musicians. Semi-professionals and amateurs should not be protected' (minutes 10).

In response, one of the British delegates Van Philips replied that 'we were not creating an academy of music but a mass organization' (minutes 11).

So, should a musicians' union be open to anyone playing music or just full time professionals? Again, this was partly a question of ideology and conceptions of musicians.

All this related to a common theme, which was that of competition. So the Dutch delegate complained that that 'the number of those wishing to enter the profession had risen to an appalling degree' (minutes 5) and Belgian delegate complained that 'anybody could enter the trade without special qualification' (minutes 3).

Much of the rest of the meeting concerned debate over the draft rules, but included discussion of what to do if there was more than one musicians' union in a country (it was decided to let the EC sort this out, minutes 13) and the immediate setting up of a committee on mechanised music (minutes 15). This reflected another common theme – the dangers to musical employment created by changing technology, of which more soon.

It was decided that the new organisation would be called FIM and based in Switzerland.

A year later, in October 1949, FIM had its first ordinary Congress, which was held in Vienna.

Here two recurrent themes – technology and the relationship with the record industry – were aired early on.

In terms of technology, in his opening address the President, William Batten, warned of 'the great dangers arising from the ever improving mechanisation of music including broadcast and television.. which were threatening musicians of the world' (1949 minutes 4)

With regard to the record companies, this first meeting also saw the IFPI, VP, one Heinrich Landis, in attendance as a guest and he assured delegates that 'a good deal of the problems of the musicians could be solved together with the friendly organisations of records (sic) manufacturers and broadcasting companies' (ibid).

However, later the BMU GS Hardie Ratcliffe said that he did not want Landis present for all things as he 'wanted to tell the truth about this Organization' (1949 minutes 11). It was reported that during a discussion about the IFPLI the 'atmosphere grew tense' (ibid 12) as delegates criticised EC decision to invite Landis and the meeting was adjourned for 10 minutes to let things calm down.

Clearly the relationship between FIM and the record industry was a vital one, but also a divisive one.

It was later agreed that Landis would only report to the meeting (ibid: 13, 7 votes to 5).

Ratcliffe later says that he was astonished that the GS, Leuzinger, had spoken in his report of collaborating with the IFPI. In Ratcliffe's view: 'The record manufacturers wanted to establish the right on the record, the musicians wanted to establish the right on their performances. In his opinion the two extremes were diametrically opposed' (ibid 20).

So, again we have debate whether, as workers, musicians' interests can best be forwarded by working alongside employers or by opposing them.

Further debate followed and what was at stake was whether FIM could best establish better conditions for performers through working with the IFPI or through applying pressure via the International Labour Organisation.

The debate on technology focussed on the public use of recordings and the so-called performing right – i.e. the right of performers on the recordings to get compensated for the public use of their work. This is a *key* part of the history of musical labour in the recording era and has too often been ignored.

There was some philosophical discussion here as Leuzinger argued that there was a debate as to whether the rights of performers 'was considered as a connected right of copyright – consequently as an individual right – or... whether it was considered and treated as a social right (protection of the whole injured profession' (ibid: 22).

In response Ratcliffe suggested that:

'... from the juridical point of view the individual right was justified and had to be defended. But practically we had to aim at an individual right which would work in favour of the collectivity. It did not matter for the time being how we would achieve this aim. *The secondary use of records must be restricted by all means*, and the musicians as a whole should be able to claim money for it' (ibid: 24, emphasis Cloonan).

In other words Ratcliffe suggested that:

- (i) the use of records outside of being played in the home should be heavily restricted,
- (ii) on the rare occasions it was allowed then performers should be paid and
- (iii) that such payments should be made to a collective organisation, as was the case in the UK.

Think about this. Limited use of recorded music in radio, tv, shops, public places etc and collective payment for such usage.

In response Leuzinger praised the BMU for getting the BBC limited to 22 hours music a week and said that: 'The idea of the BMU that no records should be played where living musicians could be engaged was showing the way to be followed by us' (ibid: 24).

Ultimately it was agreed to appoint a committee to determine FIM's policy about the use of mechanical music (ibid: 25). That Committee met overnight and came up with answers to 18 questions, only for the meeting to decide that no policy be agreed (ibid: 29). However the Congress adopted a resolution that: 'no resolution on the policy of FIM regarding mechanical music be adopted' (minutes 29)

But the important point to remember here is that early on FIM laid down as marker that it was against the public use of recordings.

Another perennial issue was the issuing of work permits to foreign musicians wishing to work in a particular country. Here the conference received various reports of how relevant unions were sent applications for approval and in general there was an acceptance that exchanges of musicians were fine as long as the domestic unions had some control over the amount coming in. This mixture of nationalism and internationalism was to continue down the years.

However, the manner in which this was to be played out caused a row between the British MU and the Italian MU. The BM took the view that this was a national question for unions to deal with internally and therefore not a matter for FIM. However, the Italian MU insisted that the matter was very important and should be discussed.

It was reported that the debate became so heated that an adjournment was called for (ibid: 30), so again note the *real* tension. It was eventually agreed that both FIM and the national unions should try to control the international exchange as far as possible and that such exchanges should only be agreed provided that both the union of the country of origin and the receiving country had agreed (ibid: 30). All this was expressed as being guidance to FIM members (ibid: 33), something which was to characterise an organisations which could only offer advice as it was in no position to force its members to take particular forms of action.

In addition, the role of perhaps the key musicians' union, the AFM was debated (ibid: 17) and its role has also proved to be difficult over the years.

So, in sum in addition to lots of organisational issues, the main issues discussed concerned the allied issues of technology and copyright, relationships with the record industry, the international exchange of musicians and the position of the world's largest musicians' union, the AFM.

Now let me fast forward to 2016 and the last FIM Congress. What was discussed – the best way to ensure that the performing right is protected and the money collected distributed in the digital age, continuing concern about musicians rights and the best way to ensure equality.

So, the key issue was what was the best way for an international body such as FIM to pursue performers' rights in the internet age.

If the technology here was new, the debates were old. Should FIM work via partnerships with employer organisations such as the IFPI or organisations such as the International Labour Office (ILO)?

In fact there was much closer working with the record industry via close links with the UK's Phonographic Performance Ltd (PPL), the record company owned body which collects copyright fees for the public use of performances on records.

FIM and the IFPI could now find common issue on wanting more money from ISPs which provided access to music and both were anti piracy.

So in many ways a lot hadn't changed, the issue was still about how to get performers paid and the best way to go about this.

But the power of trade unions has diminished since 1948 and rather than rely on their industrial muscle the move now was towards legal remedy, often via joint campaigns with employers.

This moves me in to part four – initial findings.

Part Four: Initial Findings

I think that what I've discovered so far is that the British MU has dominated FIM from the start. All of the Presidents thus far have been from the UK and it has contributed the most towards the funding of the organisation. This has been very important.

But the MU has dominated FIM not only practically, but ideologically.

The reasons for this are not simply imperialist, they are practical and relate to the British Musicians' Union's *comparative* strength.

Cutting a very long story short, because of the somewhat unique circumstances in the UK, in the post war period the MU was able to influence in key areas of musical employment, because of its relationship with PPL.

In recording, it could influence the use of records via its agreement with PPL which, as just noted, is the organisation in the UK which controls the public use of recordings. It is owned by the major record companies and the MU was able to use the threat of recording strikes to ensure that PPL never allowed too much use of recordings in public.

This overlapped with another key area of musical employment, broadcasting, which in the UK after the war was a monopoly – the BBC. Now, the BBC is the biggest employer of Musicians in human history and its outfit has long been reliant on music. Again, the MU was able to use the threat of strike action to get the BBC to (i) give good conditions to the musicians it employed and (ii) limit the use of records which might be used to replace live musicians. As the BBC needed a PPL licence to play records, the MU was able to insist that PPL/BBC heavily restricted the use of records.

In the world of live music, big venues which used recordings also had to have a PPL licence. Here the Union was able to ensure the provision of work in such venues by getting PPL to put conditions in to its licences which obliged them to employ musicians.

If this helped in the popular field, in classical music the Union has always been strong in orchestras and able to influence terms and conditions there.

All this was to change in 1988 when a Monopolies and Mergers Committee report led to the lifting of what were viewed as “restrictive practices” and the end of the Union being able to pressurize both the BBC and PPL.

However, between 1948 and 1988 the MU was not only the most powerful union within FIM - partly because FIM subscriptions were per member and the MU had the most members - but it was also the template for action.

In essence FIM can be seen as an attempt to replicate at international what the MU had achieved at UK level and the main focus here was on the musician as performer.

Inevitably this meant that FIM worked in the same areas as the MU – control of the public use of records, broadcasting and copyright reform.

So in recording in 1954 it negotiated with the IFPI whereby national unions would receive 25% of the monies which IFPI received for the public use of records. This was later used to limit the secondary use of records (Mis-cimarra 1981: 52).

In broadcasting the International Federations of Performers (IFF, of which FIM was a part with FUA) brokered a deal with the EBU whereby from 1 February 1957, recorded television programmes could not be shown in another country unless the performers in the original country received additional payments (ibid: 53/54). In fact this was something of a compromise as the FFF had originally wanted to ban such “relays” altogether.

In copyright FIM supported the development of the International Convention for the Protection of Performers, Producers of Phonograms and Broadcasting Organizations which was agreed in Rome in 1961. In essence this was a step on the road to getting performers’ rights in recordings of their work recognised on an international scale.

Of course, all these agreements evolved over the years and there is much more that could be said but I want to come back to the BMU.

One important factor in FIM’s actions is that the MU had firm views of what factors had made it a successful union.

These can be paraphrased as being, density and unity.

In terms of density, the MU was clear that its strength derived from its ability to recruit as many Musicians as possible, including popular musicians, arguably the key beneficiaries of the performing right.

The ideal mechanism for the MU to recruit as many musicians as possible was the “closed shop” agreement whereby employers agreed that they would only employ union members. No Union membership, no job.

Allied to this the MU’s conviction that in order to be a successful Musicians’ Union, such Union’s had to organise musicians across all genres and whether they were full time or part time. This can be contrasted with other countries where classical and popular musicians were in different unions or where musicians were part of broader performer collectives. Again this had implications for popular musicians.

There were constant tensions.

One of these was between individual and collective rights. For example, was the performing rights in records best looked after via collective payments to organisations such as unions or via individual payments to members? The MU model was firmly of the former.

Secondly, if FIM was seeking to unite musicians across the globe, then what should its approach be to musicians in the Soviet bloc? In fact FIM saw itself as being non political and so it allowed unions from the Soviet bloc to join, and also remained aloof from both the western International Confederation of Free Trade Unions and the eastern World Federation of Trade Unions (which included some communist unions from the west, especially France and Italy, Fattmann 2002: 10).

Before I conclude I just want to reiterate that one key development of our work on the MU has been the development of the WIMN Network and so if you are interested in musical labour please come to the Working in Music Conference in Turku in April 2020. The CfP is out, the keynotes include former Pink Floyd manager and Stones in The Park promoter, Pete Jenner and the website is up. It’s gonna be fab so just grab me after for more details.

And keep an eye on the WIm website and twitter account – @working_music.

Concluding remarks and next steps

Let me now move to some concluding remarks

Given the fact that our history of the MU pretty much sees its power waning after 1988, it is tempting to just assume that the same is true of FIM.

So, it might be tempting to see it as an outgrowth of the British Musicians’ Union whose fortunes have floundered along with its founder.

But I think that that would be wrong for at least three reasons.

1. We don’t know for sure and I need to do more research!

So my next steps will be to look at a lot more minutes and also to start undertaking some interviews, including, I hope, with some industry reps.

I also think that I need to read more about international federations of trade unions.

2. FIM offers one of the few places where it has been possible to do *comparative* analysis, to see why the position of musicians in country A differs from their position in Country B and what the factors underpinning such differences might be.

In recent years a lot of its work has been in the developing world and it appears to have been successful in both training local activists and preventing the dismantling of some orchestras (Brazil and Argentina).

3. The music industries are becoming increasingly global and, if nothing else, FIM attempts to offer an international response to this.

It might be overstating things to suggest that FIM is, in the words of my title, working *for* music. It is, however, trying to ensure that the interests of those people who actually *make* the music are not ignored.

Like other industries, the music industries are founded upon the actions of workers, and in seeking to represent the interests of those workers on an international stage for 70 years FIM has made an important contribution to the history of the music industries.

Understanding the nature of the contribution will help us understand more about the working lives of musicians. And if you're not interested in that, then maybe you shouldn't be here!!!!

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