

## Economics and ethics of music

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Robert Simpson, *The Proms and Natural Justice*. London: Toccata Press, 1981, pb £1.95.

Alan Peacock and Ronald Weir. *The Composer in the Market Place*, London: Faber Music, 1975, hd £5.50

**E**ach of these books defends government intervention in the production of music. Simpson's argument is primarily ethical; Peacock and Weir's is economic. Both ultimately fall by not considering ethical and economic considerations simultaneously.

The ethical principle which Simpson puts forward is that no one person should be in control of organising the Proms for an indefinite period of time. The tenet of natural justice which supports his claim is equity. However, it is not made clear to whom an injustice is done when the principle is violated. Simpson trots out a list of composers whose work was never performed during the 14 years William Glock organised the Proms. But this shows nothing. To have included any performance of a musical piece otherwise omitted would have meant excluding something which was in fact performed. Simpson does not present a list of works which might have been omitted for natural justice to have been sustained.

The best system he can imagine is one which would not systematically exclude any composers over a period of time, but would lead to the widest range of composers being represented. This seems to suggest that "all composers are created equal" and thus that the principle of equity refers to the make-up of the concerts over a period of time. This presents the thorny problem of what to do about audiences who don't have such an egalitarian view, who have been displeased with programmes to date and would be more displeased with even greater representation of hitherto slighted composers.

Simpson does have concern for the concert-going public but has taken no pains to ascertain what it is they want. He realises his proposal is to the benefit of the musical consumer with eclectic tastes (due to the resultant broader scope) or a preference for modern music (due to the sympathy of most music administrators - some of whom are modern composers themselves - for modern composers). What he doesn't pursue is whether this is what the public wants and what he doesn't propose is how we might find out if they did. My objection to Simpson's argument does not stem from any prejudice against modern music per se, as I have a strong interest in composers such as Rautavara and Sallinen. I just don't ascribe my musical tastes to the rest of the concert-going public.

Attempting to take the consumer into consideration, Simpson compares his proposal of a regular change in Proms leadership to parliamentary democracy with its regular changes of government. He misses the crucial difference between voters selecting their leaders regularly and the BBC regularly dishing out a plum to whomever it wishes every five years. His proposal to change organisational leadership at defined intervals in no way guarantees any response to consumer demands. One does not often hear calls for a regular replacement of the chairman of Marks and Spencer or Laker Airways. Why not? Such commercial organisations must meet the consumers' demands or perish. Leaders of such organisations have clear signals as to whether or not they are producing the goods the public want. The BBC, however, whether it has a Proms planner installed for life or for three years has no way of guaranteeing that consumers' tastes will be taken into account.

The principle then should have nothing to do with the tenure of the organiser but should be concerned with producing concerts which are what the concert consuming public wants. Even Simpson realises his principle is not inviolate as he does maintain that it was ethically acceptable for Henry Wood to have control of the concerts from their inception until Wood's death in 1944.

The best part of the book is chapter three, "Resources", which presents a detailed explanation of how the BBC could save vast sums on the Proms by using BBC orchestras, while at the same time improving the performing capability of the orchestras involved. Although concerned to cut costs, Simpson does not believe that as a matter of principle the Proms and the BBC should pay for themselves. He sees subsidisation through taxation as a necessary condition for the BBC to carry out its functions as a service. But subsidisation can only mean that payment is divorced from control of content. For example, some 40% of licence fees are paid by the working class, but 90% of BBC control is in the hands of middle class bureaucrats.

Peacock and Weir look at a similar problem from a different perspective. Their book is first a work of economic history and second of applied economic theory.

The first task it performs well, examining the music market from 1900 to 1970. The history revolves around the three basic rights granted under the 1911 Copyright Act: mechanical, performing and publishing rights. They chronicle the changing economic and technical conditions facing composers and present the history of such important institutional forces as the Performing Right Society.

The second task is performed rather less well. This is due to the fact that Peacock and Weir take the institution of copyright for granted. Far more interesting would have been a discussion of how non-governmentally imposed rules of conduct which might arise spontaneously in the market deal with the problems of production of music and the distribution of its earnings, or comparative analysis of results which actually obtained with those of a totally free market or of a fully controlled economy.

The authors tacitly assume that such institutions as copyright are just and therefore regard ethical arguments as unnecessary: "To a considerable extent the history of the market for musical composition over the last seventy years is the history of the composers' battle to overcome persuasive attempts to restrict by law the

right in his intellectual property, both in terms of the length of life of his copyright and the area of its operation." (p.18) The assumption that copyright is just may be based upon the supposition that it is economically efficient, that in its absence musical compositions would be underproduced. But is economic efficiency the same as, or even one criterion of, justice? Whether this question underlies some of the "persuasive attempts" mentioned above is not indicated in Peacock and Weir's economic history, in spite of the fact that it would appear to be an important consideration.

The idea of intellectual property rights to ensure production of ideas is not appealing on empirical grounds. There are no recognised intellectual property rights in scientific laws, conversational witticisms, disco dances or chess combinations and yet our environment abounds in them. Undoubtedly society would produce more chess variations were copyright accorded to them, but it seems unsatisfactory to have to pay five pounds every time one plays the Fried Liver Attack in the Two Knights Defence. One is led to the absurdities of the Galambosians who, it is rumoured, have to put a dime in a box every time they employ the concept "Liberty", the proceeds to be given to Tom Paine's heir, when he can be found. We have to say "it is rumoured" because the Galambosians are in the curious position, for propagandists, of not being able to divulge their ideas on anything, since these ideas are held to be the private property of Dr Galambos. Moreover, there is the difficult problem of how to deal fairly with ideas independently (and perhaps simultaneously) developed. While one can easily see this problem cropping up in the sciences or in industry, it might seem unlikely that two people would ever independently create the same string quartet. Yet musical composition is heavily dependent upon core melodies and basic themes and at any given time certain musical clichés are common currency.

Would new musical compositions be underproduced in the absence of copyright? Peacock and Weir point out that most composers of serious music currently earn less than one-fifth of their total income from

musical composition. But the money they make from other endeavors such as lecturing, musical journalism, pedagogy and administration is often directly affected by the quality and volume of their compositions. Even if copyright were unavailable, musical composition would pay because it would affect remuneration in other aspects of a composer's career. Similarly, as much modern serious music is currently written to commission it can be supposed that composers would be content with slightly higher commissions as compensation for the lost flow of earnings which would have accrued from royalties.

Looking at governmental involvement in the production of music, it is by no means clear that the number of works commissioned by the government is the "correct" number. Who is to say that the public has benefited from Anthony Hedges' "Scenes from the Humber", commissioned for the opening of the world's longest mainspan bridge? Perhaps its production was as much a social waste of resources as the Humber Bridge itself.

Both books contain useful and interesting information and are worth reading, but a book still needs to be written wedding an economic and ethical analysis of the production of music.

**Free Life**