

## Music and Ethics: A Plea

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Volume 11, Number 1-2, March 2010

Éthique, droit et musique  
Ethics, Law and Music

URI: <https://id.erudit.org/iderudit/1054019ar>

DOI: <https://doi.org/10.7202/1054019ar>

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### Publisher(s)

Société québécoise de recherche en musique

### ISSN

1480-1132 (print)

1929-7394 (digital)

[Explore this journal](#)

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### Cite this document

Trottier, D. (2010). Music and Ethics: A Plea. *Les Cahiers de la Société québécoise de recherche en musique*, 11(1-2), 15–19. <https://doi.org/10.7202/1054019ar>

What links music to ethics? Or to ask the question differently: to what extent can this perspective generate new knowledge about music? One answer would be to claim that this kind of knowledge contributes to a better understanding of how music is perceived in societies; say, its transformation into an art object or into a common good valorized by the community. Values and norms agreed upon and imposed by society are also reflected in the way music is communicated, used, thought, judged and transformed. As Brigitte Des Rosiers indicated in her introductory words to the 2007 conference:

As we all know, ethics have assumed a very important place at the forefront of societies and of cultural practices whose existence, legitimacy, and relevance to the common good are constantly challenged. Music occupies a primordial role in our societies: as the fruit of diverse human interactions within interdependent spheres themselves subject to specific norms, music has emerged at the centre of ethical preoccupations.

The conference moved quickly to these epistemological issues with the opening presentation by Jean-Jacques Nattiez at the Auditorium Centre d'archives from Montréal, with the title "Wagner's anti-Semitism: A Question of Aesthetic, History and Ethics" (a foretaste of the book *Wagner antisémite* that he plans to publish in 2013 at Actes Sud). In light of twentieth-century history, should one who enjoys Wagner feel guilty about liking music in which, as demonstrated by Wagner scholars, the signs of Wagner the anti-Semite are perceptible? Are we not invited, as listeners, to distinguish what informs our musical listening and what anchors it to a dark and abject past? Or should we judge musical works based on the knowledge we have of the past, or even impose our own values on them? Questions of this type produce a situation where music, just as with other art objects, creates stakes that go beyond aesthetic appreciation and interacts with other issues such as values, norms, and the common good. In considering one's subjective relation to music as a social event, moral realm lurks just beneath the surface because what is also at stake is who we are as human beings, living and thinking musically.

## Music and Ethics: A Plea

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Regarding the ways in which music is used for political purposes, we can assess the consequences of this reality, especially in the choice of music according to political ideals and specific behaviors. There is a strong possibility that the creative sphere produced by music can nurture the expression of ideologies at political gatherings or other similar situations. Yet the question can be asked whether music created and performed in a specific political context, for example in the case of an extreme right-wing gang, is still the reflection of the ideology promoted by these people. The words that come with the music, in this context, can be viewed as a predictor for the ethical judgment that musicologists and ethnomusicologists place upon this music. But before the expression of any judgment, it seems crucial for music scholars to pursue their work as they do for any musical material, so that they might understand the intrinsic parameters of the work; in so doing, it is possible to grasp the correlations between musical meanings and political (and moral) ones.

The example of a far right-wing gang is indeed an extreme case, but it shows nonetheless the difficult situations about which musicologists and ethnomusicologists can be invited to deliver judgment. What about the moral or immoral nature of music, in addition to its legal or illegal character? If there is no doubt about the fact that, in the eyes of the law, any expression of hatred will be judged illegal, this does not mean that the same criteria can be applied to the music if we ignore the verbal utterances (if this were at all possible). How

can we demonstrate that musical structures are in themselves homologous with a gang's ideology of hatred, if, for example, we have to take a decision on the legality of its diffusion (on the radio, for example)? It is certainly possible that a subtle and detailed analysis of musical structures might reveal choices that denote ideological properties of the music itself. Or, as should also be acknowledged, the internal organization of the music might not share anything in common with the ideology of the gang in our example.

Ethics concerns the object itself, of course, but the context of reception cannot be ignored. If in a particular case it appears difficult to make a decision about the meaning of the musical object, the legal perspective can be moved to the side of the object's transmission and the use that is made of it. In such cases, it is not so much the music itself that is judged as the people who listen to it and use it. To come back to music created and performed in the context of extremist movements, scholars should pay heed to the manner in which the creation, transmission and reception highlight the particular meanings to which a given music might give rise. If the music from a gang of extremists were to be limited to their own initiatives, a music and verbal text based on gestures whose function and meaning are known only to them, then the value of the musical object becomes revealed through the effects that are assigned to it. As Jean During clarifies in a current book in which ethical issues on music are discussed:

The ethical concern, as soon as it is concretely envisaged through the question of the *effects* of music, tends toward some subtle differentiations: then we have to distinguish *the* music, with its own affective regimes that can take on a variety of meanings from one context to another. (During 2008, 16)

From this perspective, the question of what links music to ethical modalities has to take into account the Greek inheritance of the word *ethos*.<sup>1</sup> For the Greeks, music was directly concerned with *ethos* to the extent that its contribution to education was posited as an essential factor in the well-being of the public life; the harmony offered by music, well-thought and well-integrated into public life, thus resulted in political harmony that gave everyone the chance to attain happiness. This homology can nowadays appear somewhat simplistic, but the Greeks were strongly attached to it. This explains why their theory of *ethos* was based on the belief that

music contributes to specific ethical attitudes and could even transmit them, which accounts for the important place that music occupies in a fundamental dialogue, such as *The Republic* by Plato.<sup>2</sup> In brief, what the Greek inheritance teaches us about the intersection of music and ethics, and legal considerations that arise in its public uses, is the singular value of musical behaviors that we adopt by virtue of belonging to communities and adhering to their norms. From Greek antiquity until now, the ethical resonances of music draw attention to the connections we have with others.<sup>3</sup>

Whether we are much interested on music as an autonomous object or the contexts through which music emerges, the ethical interrogation remains the same and can be addressed in a minimalist understanding of the word, that is, ethics as Ruwen Ogien has suggested it: "The non-nuisance of other"<sup>4</sup>, one criterion that we might use to assess the moral value of music. Furthermore, a profound ethical dilemma also comes up in relation to music: should we resort to a maximalist ethics or to a minimalist ethics? We are far, however, from maximalist approaches to music because few scholars will argue for the idea that listening to specific musics can transform us morally in positive ways—even though this idea is still spread nowadays in the media and some writing, for example, on the question of Mozart and child development. On the other hand, as music scholars, it is our duty to highlight the ethical stakes of music, either by particular aims that call for attention, or when fundamental social norms are attacked (for example when a person or a group of persons are the object of discrimination). That explains why a minimalist ethics has better chance with music, especially around the idea that music or musical behaviors harmful to others have to be severely criticized and subjected to legal sanction. Musicologists and ethnomusicologists have a role to assume, which depends on their specific knowledge and the epistemic perspective through which their approach to the subject is built, allowing for a real contribution to the quality of ethical judgments called for in specific musical cases.

Ethical stakes relating to how music is used deepen when we add legal modalities related to its transmission as a consumer good. Among the subjects discussed at the 2007 conference, the redefinition of the copyright law cut to core of the discussions, music being, among all the arts, the most concerned by this reality. The long history of music produced

<sup>1</sup> In regards to this, the *Grove* has an entry for "ethos" but does not have one for the word "ethics" (see Anderson and Mathiesen 2009). This can best be interpreted through the importance of Greek legacy. However, an entry will have to be created one day or another to resume the relevance of ethics in musical scholarship.

<sup>2</sup> As Georges Leroux summarizes in a footnote in his translation of Plato's *Republic*: "Plato insists [...] on the contribution of music and poetry for the moral training of the guards, with the aim of their own task, the guard of the public life".— « Platon insiste [...] sur la contribution de la musique et de la poésie à la formation morale des gardiens, en vue de leur tâche propre, la garde de la cité » (Leroux in Platon 2002, 581).

<sup>3</sup> From this perspective, to understand the auditive suffering in the clinical cases she has worked on, the music therapist Édith Lecourt proposed to locate this reality "in the (sound) relation with the other" [« dans la relation (sonore) à l'autre »] (2008, 46). That formula can be broadened to include all the sound connections in society.

<sup>4</sup> « La non-nuisance à autrui » (Ogien 2007, 196).

under copyright laws to guarantee the artist an income (taking into account his or her labor) seems to be in danger at a time when downloading from the internet has produced a new logic of musical exchange integrated in our lifestyles. Some think that this new regime is unacceptable and should be firmly resisted (i.e. music industry and some artists), whereas others see a unique moment in the liberation from an industry that often defended its own interests and tried to impose musical conditions (i.e. a lot of music lovers and some underground artists). Against the position that essentializes the rights of the author in our relationship with music and the one that denies the right of artists to protect their work, it is important to consider the reasons why the copyright law developed, in addition to the way it has structured our musical world. But if it assumes an important role in the development of music in Western world, copyright law now seems totally dissociated from the reorganization of music governed by the internet and new social conditions; changes in law are inevitably called for in the current context, and it is incumbent upon legislators and music industry to lend an ear to new musical behaviors. We see the urgency of these questions and their resonance in the media when we listen to current debates in Western culture, and are confronted by the challenges of thinking about the reorganization and reconfiguration of our relation to music that has become more obvious than ever.

Consequently, it is my conviction that music scholars, whether they are musicologists, theorists, ethnomusicologists, composers, performers or teachers, have a contribution to make to these issues related to music in public spaces and the media. It is also my conviction that an interdisciplinary dialogue is desirable in order to probe the questions raised by the transformation of the musical object. The first decade of the twenty-first century has shown that nothing can be taken for granted in the connections of music to social, law and political structures, as we have inherited them over the last two centuries. The musical reorganization that we have observed since the arrival of the internet—and that has been strengthened in the last years—requires an open-ended debate among scholars of all horizons. And I want to focus on this in particular because I have all too often noticed the absence of music scholars when these issues have come up in the media, on television or on the radio, for example, regarding new musical technologies, the management of our sonic environment

and copyright law. Yet, if music scholars have a lot to learn from their colleagues from other research fields, they also have a say in the debate and can reveal issues, problems and facts that they are the only ones to perceive from their university vantage points. Just as a philosopher of ethics has a role in highlighting problems linked to ethics in our democratic debate (see Weinstock 2006, 9), so music scholars have a role to place their knowledge at the service of a better understanding of what is at stake in the intersection of music and morality.

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It is with this set of ideas in mind that we propose this current issue that has been divided into four parts, each with three essays. Most of the articles pursue what we might generally gather under the category of “applied ethics”; the texts start from specific cases linked to the musical realm and work outwards to ethical considerations. Yet, at times when issues about professional ethics are raised and where the moral implications of the musical object is taken into account, the reflection sometimes moves toward “fundamental ethics”, which seeks to understand and reform the functions of principles, norms and values on the basis of our moral judgment and of our behaviors, either concerning the role scholars have in their object of study or in the way that their work can be perceived. Equal value has been attributed to both ethics and morality, which tend to be confused in the everyday language, albeit the word “ethics” is more often evoked to denote what is at stake in our behaviors, whereas the word “morality” refers more to the norms and values that we inherited, a difference that Roger-Pol Droit has highlighted (2009, 22) and that is worth noting here.

The first part, “Ethical Stakes in the Use and Representation of Music”, reveals the insights that can be gained from reflections on ethics that takes into account contemporary musical developments. Laurent Aubert is concerned with the preservation of oral traditions in a context where the process of transmission has significantly sped up. The status of music changes very quickly and scholars will have to adapt to migratory flows and propose applied approaches. For her part, Tracey Nicholls develops an ethical analysis of the place and perception of women in music improvisation, and takes into account gender studies. She assesses the consequences resulting from the refusal of these women to identify themselves with gendered categories. Jean Fiset has

provided an essay where literary writing is the starting point to interrogate the troubled connections that might emerge in the relations we have with the musical object. *La baine de la musique* by Pascal Quignard informs his reflection at the same time as he considers the effects that music might create in contexts far removed from its common usages, here the extreme case of the Shoah. In general, these three contributions to this volume show how the representation of music is unstable and subject to many arbitrary decisions.

The second part, “Ethical Stakes and Moral Values in Music History”, turns to our vast repository of music history to demonstrate the ethical foundations on which music can ground itself, or the ethical difficulties inherent in certain musical ideas. Stephen Rumph studies Beethoven’s *Fidelio* as an example in which allegory generates new ethical considerations on the political scope of the work. The social scope of the characters and their actions reveals the political and aesthetic purposes pursued by Beethoven in his opera. In the next essay, Esteban Buch analyzes the moral values that Heinrich Schenker used in his *Harmonielehre*. The emergence of a musical avant-garde pushes Schenker to defend tonality as a moral duty, which in turn produces a legalistic manner of argumentation. Naomi Waltham-Smith provides a philosophical reflection on the specificity of classical style considered from an ethical point of view. She proposes seven theses on minimal violence that informs the principles governing the grammar of this music. These three texts reverberate with the moral and political resonances that music produces for those who compose it and think about it.

The third part, “Ethical and Epistemological Stakes in the Work of the Ethnomusicologist”, highlights the necessity of ethical reflection for a better understanding of the consequences of scholarly work. Monique Desroches shows the limits of a code of ethics that might be suitable for all fields, especially because material reality can force scholars to modify their premises. Basing herself on many concrete examples, she proposes qualities that scholars might develop in order to transform their field into a suitable ethical site, for example in the relations they foster with others. Jean During examines the ethical realm of musical traditions of Eastern as understood through legal issues anchored to Western values. In a world of globalization, it is up to scholars to develop a new framework to evaluate the ethical trans-

formations inside the musical practices. Kay Kaufman Shelemay returns to the scholarly context that led her toward the study of the Beta Israël from Ethiopia; she communicates here tricky political experiences that affected her relationship to the community after the publication of her findings. She advocates the importance of defending the scholarly status of our work while taking into account the subjects involved in the study. These three contributions show just how ethics in music affects scholars in the relations they have with their objects of study.

The fourth part, “Ethical and Legal Ramifications in the Use and Preservation of Music”, plunges into the tricky issues of the preservation of patrimony and the phenomenon of appropriation. Georges Azzaria recounts the purposes of copyright law and the obstacles that affected it during the twentieth century. The issue of appropriation in music lies at the heart of his reflections, and rather than a strict understanding of copyright law, the author argues for an approach where the nature of the transformation of preexisting music material is taken into account. The other part of music subjected to juridical considerations is concerned with the preservation of patrimony, and it is to this subject that François Boucher devotes his analysis, using the specific case of native culture. The difficulty for him is located in the politics of cultural property, which penalizes the native peoples and their desire to manage their own artistic activities, music being a concrete example. The last essay is by Marie-Christine Parent and, although it is not primarily devoted to ethics, we have included it for the summary it offers regarding the stakes raised by the idea of patrimony, concentrated here on Brazilian music. For her, the forging of musical patrimonies forces an interrogation of the criteria for the implementation of patrimony and the way musicians benefit from it. These three contributions strengthen the idea that laws on music are well-motivated, even though their implementation does not come without risks and that artistic reality must always be the first criterion of viability for these kinds of laws—which underscores why it is important to question them and show their limits and disadvantages.

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As a result of these issues, we have to argue in favor of a place for ethics and law in our musical institutions, so that music scholars of the future will be armed to understand the social, political and media exigencies to

which music is subjected. Thus, they will be able to defend a musicological point of view (broadly speaking) in the public sphere and nurture the interdisciplinary dialogue desirable between philosophers, sociologists, jurists, political commentators and other scholars, who are also thinking about the preservation and accessibility of music in our current world. Music scholars of the future will be greatly confronted by the challenge of formulating critical judgments on ethical debates that accompany the presence of music in our cultural and political worlds: we can think about fundamental problems such as the legislation on noise in social spaces where musicologists and ethnomusicologist might be invited to take a position<sup>5</sup>; we can think about summons to tribunals for plagiarism cases where musicologists and theorists might be invited to offer their opinions because of their background and their critical and historical listening; we can think about the use of music for torture or in military contexts where musicologists and ethnomusicologists might be invited to provide input on the basis of the links that unify music to politics and morality (recalling that music was long used as an artistic object subjected to control)<sup>6</sup>; we can think about legal cases concerning musicians sued for affronts to public decency where musicologists and ethnomusicologists will have to develop a critical discourse to untangle the specific regimes that belong to music, law and social norms. We can also argue that the place of music in our educational system touches on ethical issues, because music teachers will maintain that music education is essential for considering the value people place on it in our societies. Thus we can multiply such examples where music scholars play a major role in building consensus around political and social stakes where music is at the forefront.

It is my conviction that musicologists, theorists, ethnomusicologists, composers, performers and teachers have a point of view to articulate, and that they can contribute to political and legal decisions. Still, it remains necessary that they are trained for this! This is why it is desirable, as a mirror to this volume, that such issues linked to ethics be discussed from an interdisciplinary perspective and become the object of attention in the training that our universities provide to future scholars. The current stakes concerning music are too high to avoid hearing from people with extensive experiences with the musical fact. The current issue takes several steps in this direction. ◀

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<sup>5</sup> For example, the citizens of the Quebec province have been confronted by by-laws voted by the city of Granby August 30, 2009. This by-law aims to forbid in the city any loud working noises on Sunday; the city wanted thus to facilitate a peaceful moment for its citizens on "rest day". I give this example to show the relevance of this kind of debate pertaining to the management of our sonic environment. I believe that the experience and knowledge of musicologists and ethnomusicologists should be called upon to produce an informed judgment, albeit we have to know how to take a place in this sort of debate. For more information, see the following link [http://www.radio-canada.ca/regions/estrie/2009/08/25/002-reglement\\_bruit\\_dimanche.shtml](http://www.radio-canada.ca/regions/estrie/2009/08/25/002-reglement_bruit_dimanche.shtml), accessed on internet February 2, 2010.

<sup>6</sup> On this subject, I underscore the new publication by the American musicologist Jonathan Pieslak, Associate Professor of Music at CUNY. In his 2009 book, *Sound Targets. American Soldiers and Music in the Iraq War*, he studies a subject concerned with the use of music for military and recruiting purposes. Themes, such as music as a psychological tactic or as an arm for combat, are tackled, in addition to the place that heavy metal and rap has occupied in the Iraq War since 2003. It is noteworthy that his work has been conducted by means of interviews on American soil, and not on the "field" through observation. This kind of study constitutes a good introduction to ethical issues anchored to current musical phenomenon.