

## Musicians as Workers: Putting the UK Musicians' Union into Context

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*Abstract:* This article reports initial findings of research into the history of the British Musicians' Union (MU), which traces its roots back to 1893. It argues that, as the only organization that has been involved in all the major agreements within the UK's music industries, the MU is uniquely placed to provide a prism through which to view the professional lives of musicians—and the industries they work in—over a period of 120 years. It is further argued that understanding musicians as particular sorts of workers can shed further light on the complex relationships within those industries.

*Résumé:* Cet article expose les premiers résultats d'une recherche sur l'histoire du Syndicat des musiciens britanniques (British Musicians Union, MU), qui existait dès 1893. Il avance que, en tant qu'unique organisme ayant été impliqué dans tous les principaux contrats au sein de l'industrie de la musique en Grande-Bretagne, le MU est idéalement placé pour servir de prisme à travers lequel examiner la vie professionnelle des musiciens—et l'industrie dans laquelle ils travaillent—sur une période de 120 ans. Il argument également le fait que concevoir les musiciens comme une catégorie particulière de travailleurs peut permettre d'apporter un meilleur éclairage sur les relations complexes qui se nouent dans cette industrie.

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What happens when instead of thinking of musicians as artists or creators, we think of them simply as workers? This article explores this dynamic and makes some tentative suggestions. It is born out of a major four-year research project on the history of the British Musicians' Union (MU), which has received over \$900,000 in funding from the UK's Arts and Humanities Research Council (AHRC) and Economic and Social Research Council (ESRC). The project began in April 2012, and will run until 2016. This paper presents some preliminary findings from the research and locates them within a larger context.<sup>1</sup> Of necessity it takes a broad overview, but in doing so it seeks to highlight the idea of musicians as workers and, via some

examples, to think through some of the implications of such an approach.

The article falls into six parts. It begins with a brief history of the Union and then goes on to examine the notion of musicians as workers. The third part explores the project's methodology. Fourthly, I examine how musicians' working patterns have affected the Union's outlook, while the fifth section examines some of the key issues which the Union has faced. The sixth and concluding section considers the implications of the evidence gathered here. The overall aim of both this article and the wider project is to build on existing histories of musicians' working lives and the industries in which they work. A history of the Musicians' Union provides a prism through which to do this and it is to that organization that the article now turns.

## Part One: A Very Brief History of the Musicians' Union

The Musicians' Union was formed as the Amalgamated Musicians' Union (AMU) in Manchester in 1893 by Joseph B. Williams, who was to lead it for its first 31 years.<sup>2</sup> Significantly, Williams was a theatre musician, working in The Comedy Theatre in Manchester. The AMU emerged at a time of growth both in the musical profession in theatres and music halls, and in trade unionism as a variety of emergent trade unions sought to recruit a wider range of workers. In the case of musicians there was always a tension between those who thought musicians should be in a union, which would primarily try to get favourable wages and conditions from employers, and those who thought they were better represented within a professional association more orientated towards upholding standards of entry to the profession. The splits within the music profession at this point have been described by Cyril Ehrlich (1985) as those between "gentlemen" and "players." The "gentlemen" can be seen as a London-centred elite of orchestral musicians organized within the London Orchestral Association (LOA), while the "players" were those working in the music halls and theatres, often in the provinces. It was the latter which the AMU represented and it was initially stronger in the north of England. So Williams can be seen as a "player" and the AMU as the representative of these particular sorts of musical workers.

There were tensions between the LOA and AMU from the start with the LOA accusing the AMU of being a type of "organised tyranny which is the curse of modern trade unionism in this country" (LOA 1894). While the two organizations were to bicker for years, there were always those who saw merit in *all* musicians, or at least all *professional* musicians being represented by one organization. This came to pass in 1921, when the AMU merged with LOA (by

then known as the National Orchestral Union of Professional Musicians) to form the Musicians' Union (MU). This organization has represented the UK's professional musicians across all genres ever since. In 2013, it reported having 30,446 members, a level just below what it was in 1969.<sup>3</sup> This comes within a broader context in which UK trade union membership has declined from over 13 million in 1979 to 6.5 million in 2012 (DBIS 2013). So, unlike many unions, the MU has maintained a consistent level of membership. One seeming consequence of this has been that, unlike many unions in recent years, it has not sought to merge with other unions. It thus remains a small, independent union, which can trace its history back over 120 years. During that time, it has been at the centre of all the major agreements which have shaped the working lives of the UK's musicians; however, it has not been subject to systematic analysis. This project aims to change that. In addition, and as previously noted, the project also wishes to consider musicians in a particular way—as will now be shown.

## Part Two: Musicians As Workers

As already noted, the basic philosophical approach adopted by the project is to treat musicians as workers. At one level, this may not be considered to be a radical approach. Indeed, it is an approach which has been adopted to a greater or lesser extent elsewhere (Ehrlich 1985; Mulder 2009). However, it is an approach which is out of sync with common sense or media projections of musicians. Generally such accounts might present musicians as artists, creators, celebrities and stars, but less often as workers, as people doing a job. But once a decision is made to treat musicians as workers a number of consequences follow, as this section demonstrates in its examination of how musicians are defined, why these workers might choose to join a union and how the working practices they engage in affect how they are organized *as* workers within a trade union.

To raise issues of definition is to raise questions such as: What is a musician? What do they do? Where do they work? For the Union this has often been a practical, rather than philosophical, question, and at various times it has had to decide whether, for example, DJs and singers can join, whether part-time musicians can join, whether composers can join *as* composers and so on. Such issues have recurred throughout the Union's history and its responses at any particular time can tell us much about the professional and wider status of musicians at that point. At the heart of this is a dilemma the Union has faced throughout its history as to whether to be a craft union, where only those with

certain training and reputation can join, or to be a more general union, open to anyone who practices music, whether professionally, semi-professionally or—possibly—even on an amateur basis.

The practical questions posed here are answered in a partial way in the Union's rulebook, which has always taken the line that membership is open to "anyone following the profession of music" (Musicians' Union 2013: 237). In reality what this has meant has always been open to interpretation. John Morton, who served as General Secretary between 1971 and 1990, attempted to clarify this in a 1985 interview by repeating this line, but narrowing its scope to performers, teachers and writers (Morton 1985). Importantly for Morton, these people had to be professional because, as he stated, "if they are amateurs in the purest sense, we wouldn't be able or want to recruit them" (Morton 1985). In the early days of the Union it is clear that, as musicians applied to join at local branch level, it was at such a level that status as a musician was effectively defined. Such questions of definition became more complicated as the musical profession itself became more complex, and the question of who was eligible to join was a recurring one.

If the Union's stand is that membership is open to "anyone following the profession of music," the next question to ask is—which of these people might end up as members and which not? Over the years there have been three overlapping considerations affecting the likelihood of any individual musician joining the Musicians' Union.

The first of these concerns is who is *allowed* to join? This comes back to what a musician is. The MU has tended to define their members by their main instrument. Indeed this is how they are listed in the various handbooks that have been produced over the years of (and for) Union members. Notably, because musicians such as singers and DJs do not necessarily *have* instruments in the traditional sense, they have sometimes been precluded from attaining membership. For many years, singers were represented by another union, the Variety Artists' Federation, while the position of DJs has until recently been somewhat ambiguous. Historically, as the MU has tended to recruit locally, it was unlikely that many DJs went to their local branch to apply. However, as DJing itself became more complex and DJs have moved from *playing* records to *producing/making* records, so perceptions changed, and the MU does now have a category of DJs as a section of membership—a situation which dates from at least the late 1990s (Lee 1997).

The next issue concerns who was *forced* to join. The vacillations of UK law have meant that legally the Union has not always been allowed to enforce a closed shop whereby all workers in one workplace have to join a union as a condition of employment.<sup>4</sup> However, at various points it has been able to

enforce *de facto* closed shops so that, for example, for many years all musicians appearing on television effectively had to be members, and most orchestral players were likely to be members. Our initial interview research (see below) suggests that there existed a range of scenarios whereby a mixture of peer pressure and a feeling on the part of employers that it was often simply easier to get things done if a *de facto* closed shop was in place contributed to this situation.

Finally, there is the question of who *chooses* to join? Individual musicians choose to join the union for various reasons. Some might do so for ideological reasons. Our interviews (Hyde 2012; Watson 2012) also suggest that for many years, once a musician attained a certain amount of paid work, joining the Union was simply what one did. Joining engendered a degree of professional status, helping to distinguish such musicians from amateurs. In recent years, a key motivation has been the fact that membership gives access to certain services, and it is noticeable that many of the benefits of Union membership now come from services such as cheap insurance for instruments and public liability, or help getting recalcitrant promoters to pay up, rather than from the results of direct negotiations with employers. Thus the Union's current Regional Organizer for Scotland and Northern Ireland, Sheena MacDonald, was keen to point out, "I think that we have a really responsive service to members" (MacDonald 2013).

Meanwhile, the Union has always had to contend with the great diversity of musical employers. Musicians are employed in various contexts from local gigs, through to recordings, mega-gigs and orchestras. Historically in live music, jobs have existed in cinemas, theatres, circuses, cruise ships, music halls and holiday camps. The Union's archive (see below) shows the diverse range of work musicians have been involved in, especially with the onset of broadcasting in the 1920s and the expansion of recording during the 1930s. Musicians record in studios and they broadcast in various places. In all these situations there will be varying levels of musical skills involved, for various time periods, in various locations and for various employers. In the UK, outside of the large orchestras, very few musicians have permanent, full-time employment, and musicians' working lives are shaped not only by the instrument(s) they play, but also by the genres and ensembles in which they work.

To the informed observer of the music industries, all this might appear to be obvious. However, what is rarely considered is what these factors mean for those who wish to *organize* musicians *as* workers—to represent their interests and to try and improve their wages and working conditions. For the Union this has meant developing knowledge of their entire musical world and

the trends that it encompasses. Organizationally, it has meant that the Union has not only worked regionally but also occupationally, so at various points it has had sections for composers, for dance bands and for session players. It currently has nine sections, with officials dealing with orchestras, session work, folk, jazz, theatres, orchestras and so on.<sup>5</sup> Thus, the working conditions of musicians have had implications for their organization within a trade union. The desire to delve further into this necessitated the development of research tools to which I now turn.

### Part Three: Some Reflections on Methodology

This section examines the methodology underpinning the project. In order to examine musicians as workers, we designed a three-part methodology. The first step was a desk-based review of the existing literature so that the project could build on previous research. The second was work within various archives which contain details of the Union's work and the issues it has engaged with on behalf of working musicians. The third is a series of interviews with key personnel. While each will be outlined briefly, inevitably not all parts of the methodology are drawn upon for the empirical evidence presented here. Thus the aim of this section is to illustrate how the issue of musicians as workers might be explored, within a broader context of offering some preliminary findings.

In terms of existing literature, it is notable that there are comparatively few academic articles on the British Musicians' Union. While there are articles which examine either particular eras (David-Gillou 2009) or aspects of the Union's work (Cloonan and Brennan 2013) and others which mention it briefly (e.g., Frith 1978; Street 1986), there is comparatively little to build on, especially when compared to the work that has been done on musicians' unions in the US (e.g., Anderson 2004; Gorman 1983; Seltzer 1989) and Australia (Michelson 1997). Works on the music industries tend to mention the British Musicians' Union in passing and, as will be shown, usually in disparaging terms. However, it has generally been either neglected or completely overlooked in most of the substantial accounts of the music industries (see Burnett 1996; Jones 2012; Longhurst 1995; Negus 1992; Wikström 2009). Perhaps the most informative, if partial, account comes in Ehrlich's (1985) overview of the music profession over a broader 200-year period.

The Union has also largely been ignored within trade union studies. Major accounts of British trade unionism (e.g., Clegg et al. 1964; Flanders 1968; Pelling 1992; Reid 2004; Wrigley 2002) barely mention it. Particular

facets of the Union's work have been examined as part of broader studies of both studies jazz (McKay 2005; Nott 2002; Parsonage 2005) and broadcasting (Baade 2012; Doctor 1999) in Britain and give more prominence to the role of the MU than the trade union histories do.

Outside of the academy, some members of the Union have been interested in its history, and this has resulted in two studies. The first was written by a former general secretary, E. S. Teale (1929), and covers the early years of the AMU. The second was commissioned by the Union itself to cover its first 100 years and, while it is well informed, it is an authorized, largely journalistic, account (Jempson 1993). More broadly, there are numerous references to the MU in the trade and other press where journals such as *The Stage*, *ERA* and *Music Week* have regularly reported on various aspects of the Union's work, such as negotiations with management or campaigns to improve the working musician's lot. However, while all these offer interesting materials, they generally provide limited detail and seldom display the sorts of dispassionate analysis and critique which is the hallmark of the best academic work and to which this project aspires.

This comparative lack of literature on the MU can be seen as somewhat surprising in a context where, as noted above, it can lay claim to be the *only* organization to have an involvement in or influence on all of the major agreements that underpin working relationships in the UK's music industries. Without an account of its history the story of the UK's musicians as workers runs the risk of being radically impoverished.

The second part of the methodology entails archive work. The Union's own archive is located at the University of Stirling, and includes national and local records going back to the formation of the AMU in 1893.<sup>6</sup> This has allowed us to piece together a new history of the Union,<sup>7</sup> based on such sources as minutes of national executive meetings, minutes of biennial conferences and accounts in the Union's journal<sup>8</sup> and its activists' newsletter, *Bulletins to Branches*. These provide an invaluable starting point for further investigation, both within the archive and beyond, and are drawn upon throughout this article. However, of necessity these accounts are partial and inclined to be positive towards the Union. In order to get a more rounded view we are also looking at other archives, such as the BBC Written Archives Centre (based in Reading),<sup>9</sup> the Orchestral Employers Association archives (based at the Borthwick Institute at the University of York),<sup>10</sup> and the Trade Union Congress (TUC) (based at London Metropolitan University).<sup>11</sup> This archival work will help to give a much fuller picture than has been previously available. In particular, many of these sources help to show how employers have viewed their workers and their representatives.

However, the archives also have limitations. For example, minutes of meetings might obscure more than they reveal, and the collections are often incomplete. We hope to mitigate some of this by the third strand of the research. This entails a series of interviews with MU activists, officials and those who have interacted with the Union over the years. The latter group includes not only employers from various areas, but also members who have come into conflict with union policy over the years. Once again, the aspiration is to provide the most rounded view possible. As this work has progressed it has become apparent that the project not only needs to examine musicians as workers, but also as workers with certain attributes working under various conditions. In other words, we need to consider musicians as *particular sorts* of workers.

#### Part Four: The Work that Musicians Do

One striking characteristic of the majority of musicians' employment patterns is that they do not have regular jobs. In recent years, at any given moment it is likely that under 10% of the Musicians' Union's membership would have been regularly employed by the same employer on a permanent contract. Short-term contracts and a portfolio career have been the hallmarks of professional musical life for many years. This situation of having most of its members in irregular employment has a number of implications for the Union. In order to give some flavour of this, two examples of these implications will now be examined—the Union's activities, and its relationship with significant organizations in the music and related industries.

With reference to the MU's activities, its founder and first General Secretary, Joseph B. Williams, set out its purpose as being to protect its members from "amateurs," "unscrupulous employers" and, perhaps most tellingly, "ourselves" (cited in Jempson 1993: 7). Initially, and in the days before recording and broadcasting, the Union tried to counter all these threats by enforcing compulsory membership in as many live venues, over the largest geographic area, as possible. Within the Union's archive, the minute books of various local AMU branches record numerous attempts to ensure that local music halls and other places which regularly staged live music employed AMU members only. Regular visits by Union officials to recalcitrant venues are also well-documented. But as time wore on, and the nature the entertainment industries changed, musical employment diversified and went beyond live performance, making membership enforcement ever more problematic.

The key here was changing technology as first radio, then cinema, recording and finally television emerged. All of these had major impacts—and



further diversified—the places within which musicians worked. In addition, even those musicians fortunate enough to secure recording contracts and/or regular broadcast appearances were often not employed by the organizations using their labour, but self-employed and sub-contracted for strictly limited periods of time. Therefore, the Union has had to cope with temporary workers such as session musicians in recording studios and freelance players in orchestras working under a variety of terms and conditions. While such aspects continue to be covered by a range of collective agreements with bodies such as the British Phonographic Industry (now BPI) for recording sessions, the Association of British Orchestras (ABO) for freelance orchestral players and the BBC for its orchestras and freelance players, these tend to cover a minority of the Union's membership, and for the majority the general trend has been for the MU to find itself less and less involved in direct negotiations with employers and more and more in the provision of services.

Meanwhile there are two notable employers in the UK who also helped to shape the Union's activities, especially following the end of the Second World War in 1945. The first of these was the British Broadcasting Corporation (BBC), the UK's public sector broadcaster, which, since in its early days in the 1920s, has employed significant numbers of musicians. Throughout its existence it has consistently offered: (i) regular employment in its various orchestras;<sup>12</sup> and (ii) a series of irregular employment opportunities in its radio and television programs. In its relations with the BBC, the MU's role came to be: (i) to ensure that all the musicians the Corporation used were members; (ii) to secure them the best possible terms and conditions; (iii) to ensure that the BBC used as many live musicians as possible; and (iv) to continually pressure the Corporation into expanding its use of musicians.

One aspect of the Union's commitment to ensuring work for live musicians was that it continuously tried to restrict the BBC's use of both commercially released records and those recordings which the Corporation made of its own orchestras and other musicians which it employed. Until the late 1980s the former was ensured through a series of agreements on the use of records, known as "needletime," which will be explored further below. Meanwhile an ongoing series of Recording Agreements between the Union and the BBC regulated the latter. While the rise of the record was ultimately to prove irresistible, the Union did its utmost to delay its impact and to ensure that the BBC was committed to the provision of live music and thus *working* opportunities for live musicians.

The other major employer was the UK's orchestras, centred on London, but with a significant number of regional organizations. The history of these orchestras is complex, but the general trend is that they were to enjoy

something of a boom following the establishment of the UK's Arts Council at the end of the Second World War, as the Arts Council became a key provider of funds for the orchestras.<sup>13</sup> The orchestras became important not only as significant employers and as a focus for MU campaigning on arts funding, but also for union activities. Orchestras were to emerge as one of the few places to guarantee permanent contracts for musicians. In addition, the very way orchestras are organized has implications for the roles which their members come to have as representatives of the broader profession. Large orchestras routinely have players' committees, and our interviews suggest that members of such committees were often—or became—MU activists. Thus the nature of orchestral employment provided routes into trade unionism activism for such musicians which were not generally available elsewhere. Put starkly, orchestras often had shop stewards; rock bands did not.

In part, this relates to another issue: that of what being a union member *means*, in terms of how members experience the larger organization of which they are a part. Many trade union members experience the union presence in their workplace on a daily basis. However, only for a few musicians (primarily in orchestras) does the union play a significant role in their daily working lives. The presence of stewards in orchestras means that such members can experience the union on a daily basis, while the lack of a union presence at gigs or in recording studios means a corresponding lack of direct union experience for many pop bands. Importantly, as positions such as steward can provide a direct road into activism, it is little surprise that the Union's General Secretaries and key officials have often come through this route. While it might be a little speculative to suggest that this led the Union to take a disproportionate interest in the orchestras as the pop world boomed, it seems at least plausible to suggest that the fact that the Union appears to have struggled to recruit and/or properly represent popular musicians may not be solely due to the working conditions of such musicians militating against union membership.

Overall, there is a situation where the minority of MU members who have permanent jobs seem to form a disproportionate number of MU activists and senior officials. On the other hand, the great majority of MU members are effectively freelance workers and the Union is in great part made up of self-employed small business people. Thus a key issue is what *type* of worker most MU members are. As many of them are self-employed freelance workers, this results in a set of requirements and expectations of their Union that is different from those in industries where regular, "permanent," employment is the norm. Effectively a lot of MU members are small and medium enterprises (SMEs). They are more petit-bourgeois businessmen and women than they are proletarians.

In its early days the AMU set out to recruit *all* professional musicians to its ranks and to drive non-members out of the profession. However, attempts to enforce a closed shop across all aspects of professional music-making were ultimately to prove futile, and, having tried—and failed—to enforce a closed shop in the early days, it seems that as the years progressed the Union became increasingly pragmatic. This becomes more apparent when some of the issues which it has confronted on behalf of its members are examined.

## Part Five: Three Emerging Issues

As a trade union with a 120-year history, the MU has confronted numerous issues over the years, and there is not space to do them all justice here. All of these have been shaped by musicians' *working* conditions, which were also the reason why the AMU was founded in the first place. However, a number of themes recur in the history, and here three key ones will be briefly examined—technology, relations with key organizations and competition.

In many ways the history of the music industries and of musicianship itself is a history focused on changing technology. For the MU a seminal moment came with the invention of the “talkies” and the end of silent cinema. The context here is important. As noted earlier, the MU was formed via an amalgamation in 1921, and this new union was soon in conflict with the new form of cinema entertainment. As is well known, *The Jazz Singer* was released as the first “talkie” in 1927. Within the UK, as soon as 1932, 4,000 cinemas were showing “talkies,” while only 900 remained silent. The impact of the talkies on musicians' employment was both immediate and dramatic. In the 1931 census it was reported that 7,458 male and 2,013 female musicians were unemployed—some 38% and 32% of their respective totals. However, Ehrlich (1985: 211) suggests that these are *underestimates* and that by 1932, 12–15,000 musicians may have lost their jobs because of the talkies. The devastating effects on musicians' employment had obvious effects on the newly formed MU's membership levels. When combined with the economic crisis of the early 1930s, the arrival of the talkies helped precipitate a situation whereby Union membership declined from just over 20,000 in 1928 to 6,740 in 1936.<sup>14</sup>

The “talkies” were the Union's first major brush with technology, and henceforth it tended to treat technology as a threat to the employment of live musicians, something which it was obliged to try to contain. Initially it simply opposed the talkies, and its journal was full of assurances to members that the public would tire of mechanical music and return to those cinemas

which still used orchestras. It took some years for it to realize that it was fighting a losing battle. Henceforth, as successive technological innovations seemingly threatened the employment of live musicians, the MU sought to restrict the impact as much as possible. It therefore opposed, and advised members against, recording, and it opposed the playing of records on both the radio and in public places such as discotheques, seeking to limit their use as far as possible.

The MU's actions in opposing technological innovation have resulted in the Union attracting some academic disdain. Writing in the 1970s, Frith argued that the MU "has always been out of touch with the particular needs of rock musicians" (1978: 162), while almost ten years later Street suggested that often, "While inspired by a desire to protect members, the MU's policy appears as merely reactionary" (1986: 147). While there may be some validity in such claims, viewing the situation through the prism of musicians as workers has the potential to offer more insight than simply seeing their representative organization as "out of touch" and "reactionary." After all, workers who are being threatened with replacement by new technology do not expect their union to stand idly by.

In the 1930s, when the MU was under a great deal of pressure from the talkies and economic depression, its very future was in doubt. At this point it might not have been imagined that help was on its way via two organizations which were to have a profound impact on the Union's history. This leads to the second issue under consideration in this section: the relationship between the MU and two other key organizations—Phonographic Performance Limited (PPL) and the BBC.

Phonographic Performance Limited (PPL) is the collecting agency for royalties for performers. It was established in 1934 by the UK's major recording companies (which at this point consisted of just Decca and EMI) following a High Court ruling in 1933 when a café owner (Carwardine's in Bristol) was successfully sued in a test case by the Gramophone Company for a royalty for playing records in which the Company held copyright. Thus the right for copyright holders to receive payment for the use of their recordings in public was recognized in UK law. PPL was then established to provide a licensing system and collect fees on behalf of its members for these public performances. Its members then decided to allocate some of this income to the musicians who played on the records. Such musicians generally consisted of "featured" artists, who were named on records and whose reward was to become largely determined by the terms of their recording contract, and "session" musicians, who were often hired on a one-off basis. While direct payment to such musicians appears to have been made, eventually PPL

took the decision to make the payments to these musicians' representative organization—the MU. While the system took some years to formalize, by the 1950s the Union was receiving—on behalf of the “non-featured” musicians—significant sums of money from PPL. It placed these into a special account which was then used to provide employment by means of a series of live events such as May Day or other special concerts. This was a model borrowed from a similar scheme in the United States (Gorman 1983), and henceforth the PPL was to loom large in the MU's fortunes. In effect, the PPL money the Union received for the services of its members (and other musicians) in recording was used to provide employment in the live music sector.

Turning to the BBC, following its founding as the British Broadcasting Company in 1922, the BBC soon became a major employer of musicians. Over the years the relationship between the Union and the Corporation was often fractious and occasionally hostile. However, the Union quickly saw the merits of having a public broadcaster which was a major employer of musicians. It also saw little prospect of the commercial sector providing such largesse and so, in line with the BBC, it opposed the formation of commercial television in the 1950s, “pirate” commercial radio stations during the 1960s and the advent of legal commercial radio in the 1970s. For the MU, the best way to protect live music was through a well-funded public sector and here it had common ideological ground with the BBC. Its issues with the BBC came to be about the extent of support which the Corporation should provide.

Importantly, these relationships with two key organizations gave the MU a stake in the system. It therefore spent a great deal of time trying to influence both PPL and BBC policy and resisting any changes that would undermine its influence. One example of this influence is the succession of so-called “needletime” agreements which limited the number of records which the BBC could play. Here the PPL's rights included authorizing (or not) the broadcasting of recordings for which its members held copyright. The licensing regime it established meant that it was thus able to charge the BBC for playing records. In addition, because some in the industry felt that radio plays might have a negative impact on sales, the PPL imposed limits on the number of records which could be played.

The MU was not officially a party to these agreements. However, it had a concern that if the PPL allowed too much needletime, then the BBC would use recordings instead of live musicians and overall employment of such musicians would fall. It thus took a firm stand against any attempt to extend needletime. Its position here was bolstered by the fact that the Union's members provided the labour without which PPL members could not make recordings. Withdrawal of that labour implied that records could not be

made, and PPL's record company members were constantly wary of the MU's ability to call a recording strike similar to the ones which the AFM called in the United States in 1942-44 and 1948, and which severely disrupted the recording industry there. The MU thus used the spectre of strike action as a means via which to get the PPL to take a robust stance on needletime. In effect, because of musicians' location within the labour market, it was able to play off one key organization against another. The needletime system lasted for over 50 years, coming to an end in 1988 when a Monopolies and Mergers Commission report ruled that it was a restraint of trade (Monopolies and Mergers Commission 1988). Its importance here is that for a sustained period, the MU was able to limit the use of records in UK broadcasting by using a system within which it worked with one major employer of musicians, the BBC, and another employers' organization, PPL.

Throughout this period (and throughout the Union's history), the MU's main concern was to maximize the employment opportunities available to its members. Thus its aim in limiting needletime was to get more opportunities for live music by effectively forcing the BBC to fill the airtime allocated to music with live—not recorded—music. As late as 1970 one of the candidates in the Union's election for General Secretary, Harry Francis, was proclaiming that he was “opposed to all needletime” (Anonymous 1970).

Although it was designed to provide work, by the mid-1960s the needletime system became increasingly anachronistic as a generation of musicians came to the fore whose main preoccupation was the making of records and who therefore *wanted* to hear their records on the radio. Effectively, a range of restrictive regulations which the Union negotiated came to mitigate against its ability to work for popular musicians, many of whom came to view the Union as either useless or a hindrance. For some, such as those who wanted to appear on television, the MU became something you *had* to join to get on, rather than being something that you might *want* to join. For musicians espousing freedom in the 1960s, the MU seemed to be about restrictions.

Meanwhile, even after the musical revolution of the mid-1960s, the Union still tried to prevent the playing of records at dance halls and on the radio—all in the name of providing employment opportunities for live musicians. It was able to do this by getting the PPL to put conditions in the licences it issued for large venues which stipulated that they must also provide employment opportunities for live musicians. Once again looking at the question through the prism of musicians as workers helps in understanding the Union's position. In part, the problem was that live music work *paid* better than recording. Even when record sales took off in the wake of the Beatles' success, it is well known that the recording deals were so bad that bands who

had hits still made most of their money from playing live. Thus the Union's attempts to, in the words of a longstanding campaign, "Keep Music Live" do make some sense.

However, as record contracts improved and bands moved from playing cover versions to playing their own material—meaning that songwriters began to earn money from having their *records* played in public<sup>15</sup>—the Union struggled to cope. In other words, changes in the status of musicians as workers caused problems for their *organization* as workers.

The use of records is related to the third issue under consideration here: competition. The Union has always been extremely sensitive to any form of competition which affected the professional status of musicians. Three main culprits can be identified here: amateurs, police/military bands and foreign musicians.

Amateur musicians caused perennial concern to the Union which was worried that they would either replace or undercut those musicians seeking to pursue a full-time career in music. But this was always a problematic area because the amateur/professional divide is not always clear and the Union's membership has long been made up of considerable numbers of *semi*-professional musicians. All this has meant that opposition to amateurs has mainly remained rhetorical and served as a reminder that musical services should be paid for. However, the continuing impact of the presence of a pool of willing amateurs was vividly illustrated during the 2012 Olympics in London when it was only after MU protests that it was agreed that musicians performing at the event would be paid (Hewett 2012; Lindvall 2012).

The spectre of military and police bands is perhaps less relevant now, but for many years MU publications were full of castigations of such organizations. Of particular concern were occasions where these bands performed public concerts which, in the Union's view, could—and *should*—have been performed by their members. The Archive has numerous accounts of the Union lobbying the Ministry of War and its successors to prevent public concerts by military bands which, in the MU's view, could—and should—have been performed by civilian musicians. In addition, for a number of years the Union routinely refused applications for membership from serving military and police personnel.

Finally, competition came from foreign musicians entering the country to work. This area is among the most controversial aspects of the Union's work over the years. While it has often been at the forefront of anti-racist initiatives,<sup>16</sup> from the outset the Union routinely opposed tours by foreign musicians on the grounds that anything a foreigner could do a British musician could equally do, given sufficient time. Eventually the Union conceded that

some foreign musicians were so talented that their skills could not easily be replicated. But it deemed such people to be few and far between and most likely to be working in the classical field.

While the Union routinely opposed tours by foreign musicians across the musical genres, it was in jazz that matters came to a head. This is a long story which has been covered in detail elsewhere (Cloonan and Brennan 2013) and can only be told briefly here. In 1935, as the popularity of touring US jazz bands grew, the MU managed to get the Ministry of Labour to agree that it would not issue work permits for foreign musicians without Union approval—which was routinely refused. This situation lasted until 1955 and is often referred to as a “ban” on US jazz musicians entering the UK.<sup>17</sup> This was possibly the most controversial action in the Union’s history and it is almost routinely derided in the existing literature on the subject. For example, Paul Oliver argues that the “ban” was “as inflexibly applied as it was stupidly imposed” (1990: 80). Furthermore McKay says that the “ban” “did sterling work over two decades in keeping professional British jazz and dance music white” (2005: 122) and notes that between the 1930s and 1950s “virtually every one of the music’s practitioners, nearly all of whom were black, were kept out of Britain by an overwhelmingly white organisation, The Musicians’ Union” (147).

However, this apparently inflexible and seemingly quasi-racist “ban” on predominantly black US jazz musicians needs to be put into a broader context where it is part of a bigger pattern of opposition to visits by *any* foreign musicians. Seeking to protect the employment of British musicians, the MU view was that limiting competition by preventing tours by foreign acts was one means of doing this. While the results of this are often distasteful, attempts to limit entry of foreign musicians have not stopped. Thus in May 2009, when the UK’s Migration Advisory Committee asked the government to exempt contemporary dancers and orchestral musicians from a new points-based visa system, the MU responded by noting that while it was not opposed to foreign musicians working in the UK “we do not agree with . . . the inclusion of orchestral musicians in the recommended shortage occupation lists, because we have yet to be convinced of there being a shortage of orchestral musicians in this country” (Smith 2009).

Overall, the MU’s opposition to the potential competition from amateurs, police and military and foreign musicians can be seen as reactions to the *working* conditions of musicians. However inept or opportunist some of its actions may retrospectively appear, viewing them through the prism of musicians as workers at least sheds some light on the complex interactions at work. Limiting the pool of labour has long been a tactic in the battle to improve wages and standards of employment. It should also be remembered



that the MU is a democratic organization and the project has yet to unearth any clamour from members for changes to such policies. They, as much as their representatives, seemed to be keenly aware of the nature of competition.

## Conclusion

This article has attempted to introduce a major project and to provide a different account of musicians from than that which is often portrayed in the media. It has suggested that the notion of musicians as (particular types of) workers gives a different prism through which to understand musical practice. An examination of the actions of the Musicians' Union over a sustained period suggests that while the Union was not indifferent to artistic standards, its view of the world was one which might find some empathy amongst right wing commentators as it has long recognized the *economic* importance of the making of music. In essence, the MU's job has often been to help the small businesses, which constitute the majority of its membership, to protect themselves by limiting competition within the highly competitive music industries, including that offered not only by police, military and foreign bands, but also by technological changes.

It is apparent that the interactions the Union has had with various parts of the music industries and its allied industries such as broadcasting—which are documented within its archive and elsewhere—can help us better understand the nature of payments to musicians as workers. Simply trying to understand *why* the MU acted *the way* it did *when* it did can provide key insights into the state of the music industries and the working lives of musicians at any given point in British life since the Union's formation.

Meanwhile, the concerns of its founder echo down the years. As noted earlier, Williams believed that the Union's main enemies were a combination of unscrupulous employers, amateurs and musicians themselves. It has been suggested to us during the research that here not much has changed in the intervening 120 years (Watson 2012)—the music industries still contain unscrupulous employers, a reserve pool of amateurs and semi-professionals helps keep wages low for all but an elite, and those musicians who work for low rates remain the enemies of those who are trying to improve pay. The fact that two of the three groups identified by Williams are fellow musicians competing for work illustrates that for the small entrepreneurs who make up the vast majority of the Union's members, the enemy is more often within than it is without. Considering musicians as workers might help to illuminate why this was—and arguably remains—the case. 🍀

## Notes

1. This article draws on work conducted with John Williamson to whom once again many thanks are due. For more on the project see <http://www.muhistory.com>.
2. For more on Williams see [http://www.muhistory.com/?page\\_id=372](http://www.muhistory.com/?page_id=372).
3. See [http://www.certoffice.org/CertificationOfficer/media/DocumentLibrary/PDF/154T\\_2012.pdf](http://www.certoffice.org/CertificationOfficer/media/DocumentLibrary/PDF/154T_2012.pdf) and [http://www.music.arts.gla.ac.uk/muhistory/?page\\_id=204](http://www.music.arts.gla.ac.uk/muhistory/?page_id=204)
4. The Employment Act of 1990 effectively ended closed shops in the UK.
5. See <http://www.musiciansunion.org.uk/contact/>.
6. See <http://libguides.stir.ac.uk/content.php?pid=337208&sid=2791968>.
7. See <http://www.muhistory.com> timeline section for this.
8. Having gone through several incarnations this is currently (2014) known as *The Musician*
9. See <http://www.bbc.co.uk/historyofthebbc/contacts/wac.shtml>.
10. See <http://www.nationalarchives.gov.uk/A2A/records.aspx?cat=193-oea&cid=2#2>
11. See <https://metranet.londonmet.ac.uk/services/sas/library-services/tuc/geninfo.cfm>
12. In 2014 the BBC maintained six orchestras, a choir and a big band.
13. For some of the machinations of this see Witts (1998).
14. See [http://www.muhistory.com/?page\\_id=194](http://www.muhistory.com/?page_id=194) and [http://www.muhistory.com/?page\\_id=196](http://www.muhistory.com/?page_id=196).
15. It should be noted that songwriters also received money for having their songs played in public as the songwriters collecting agency, PRS For Music, collects fees for such usage. In 2013 the fees constituted 3% of box office receipts.
16. For example, the Union withdrew musicians from the Scala club in Wolverhampton in 1958 after it imposed a “colour bar,” and it was an early campaigner against apartheid in South Africa.
17. The status of regulations as a “ban” is contentious and is considered by Cloonan and Brennan (2013).

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