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Sara Soltani

# The Power within Music

## Human Rights in the Context of Music

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EMA, The European Master's Programme  
in Human Rights and Democratisation



**EIUC**

European Inter-University  
Centre for Human Rights  
and Democratisation

SARA SOLTANI

THE POWER WITHIN MUSIC.  
HUMAN RIGHTS IN THE CONTEXT OF MUSIC

## FOREWORD

The European Master's Degree in Human Rights and Democratisation (EMA) is a one-year intensive programme launched in 1997 as a joint initiative of universities in all EU Member States with support from the European Commission. Based on an action- and policy-oriented approach to learning, it combines legal, political, historical, anthropological, and philosophical perspectives on the study of human rights and democracy with targeted skill-building activities. The aim from the outset was to prepare young professionals to respond to the requirements and challenges of work in international organisations, field operations, governmental and non-governmental bodies, and academia. As a measure of its success, EMA has served as a model of inspiration for the establishment of six other EU-sponsored regional master's programmes in the area of human rights and democratisation in different parts of the world. These programmes cooperate closely in the framework of the Global Campus of Human Rights, which is coordinated and managed by the European Inter-University Centre for Human Rights and Democratisation (EIUC), based in Venice, Italy.

90 students are admitted to the EMA programme each year. During the first semester in Venice, students have the opportunity to meet and learn from leading academics, experts and representatives of international and non-governmental organisations. During the second semester, they relocate to one of the 41 participating universities to follow additional courses in an area of specialisation of their own choice and to write their thesis under the supervision of the resident EMA Director or other academic staff. After successfully passing exams and completing a master's thesis, students are awarded the European Master's Degree in Human Rights and Democratisation, which is jointly conferred by a group of EMA universities.

Each year the EMA Council of Directors selects five theses, which stand out not only for their formal academic qualities but also for the originality of topic, innovative character of methodology and approach, potential usefulness in raising awareness about neglected issues, and capacity for contributing to the promotion of the values underlying human rights and democracy.

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- Parodi, Caterina, *Blood or Soil, Which One Is Thicker? The Obligations of EU Member-States for the International Protection of Stateless Children*, Supervisor: Dr. Daria Davitti, University of Nottingham
- Soltani, Sara, *The Power within Music. Human Rights in the Context of Music*, Supervisor: Dr. Eva Maria Lassen, University of Southern Denmark/Danish Institute for Human Rights

Like past editions, the selected theses demonstrate the richness and diversity of the EMA programme and the outstanding quality of the work performed by its students. On behalf of the Governing Bodies of EIUC and EMA and of all participating universities, we congratulate the authors.

Prof. Manfred NOWAK  
EIUC Secretary General

Prof. Ria WOLLESWINKEL  
EMA Chairperson

Prof. George ULRICH  
EMA Programme Director

This publication includes the thesis *The Power within Music. Human Rights in the Context of Music* by Sara Soltani and supervised by Eva Maria Lassen, University of Southern Denmark.

#### BIOGRAPHY

Sara Soltani was born as a daughter of two Persian musicians in Austria. After her education at the local music conservatory and music high school, she studied Cultural and Social Anthropology (BA), Political Science (MA) in Vienna and Human Rights and Democratisation (MA) in Venice and Copenhagen.

#### ABSTRACT

‘Music has an elaborate history in human civilization’<sup>1</sup> by providing one of humanity’s most essential cultural expressions and being instrumentalised in diverse ways. The power of music to mobilise people through propaganda, express rights claims through protest songs or simply define one’s cultural identity has been examined in various disciplines. Yet, music as a research subject in the field of human rights is still in its infancy. This thesis analyses the field of music through four human rights perspectives.

The first perspective focuses on the instrumentalisation of music to promote human rights. The case study of the West-Eastern Divan Orchestra shows an example of a musical sphere where musicians from Palestine, Israel, Iran, etc meet in respect of the principle of non-discrimination and equal treatment.

The second perspective presents the inherent role of music in the field of cultural rights. Within this context, the Austrian association United Heartbeat has served as a case study. This case study can be relevant for the human rights discourse on two levels. Firstly, the association gives people, who were forced to leave behind almost every cultural right, part of their cultural identity back. Secondly, this access to music not

<sup>1</sup> David M Washington and Devin G Beecher, ‘Music as Social Medicine: Two Perspectives on the West-Eastern Divan Orchestra’ [2010] *New Directions for Youth Development* 127, 129.

only gives them the right to participate in their 'own' cultural life but also in the culture of the receiving country.

The third perspective demonstrates the challenges and discriminations that minorities and musicians of colour face within the field of music. Especially in the world of classical music, cultural stereotypes and social constructions often hinder non-discriminatory policies and equal treatment. Music does not only function as a medium for inclusion but also for exclusion and as a marker of hierarchy.

The fourth perspective approaches the area under scrutiny through the field of freedom of expression through music. Two case studies of Iranian musicians serve as empirical approaches to censorship on music and the violation of freedom of artistic expression.

Finally, this thesis suggests avenues for further research within the field of music and human rights.

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TABLE OF ABBREVIATIONS

BASCA	British Academy of Songwriters, Composers and Authors
BBC	British Broadcasting Corporation
CAT	Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CRC	Convention on the Rights of the Child
ECHR	European Convention for the Protection of Human Rights and Fundamental Freedoms
EMC	European Music Council
ICCPR	International Covenant on Civil and Political Rights
ICERD	International Convention on the Elimination of All Forms of Racial Discrimination
ICESCR	International Covenant on Economic, Social and Cultural Rights
ILO	International Labour Organization
IMC	International Music Council
NGO	Non-governmental organisations
UDHR	Universal Declaration of Human Rights
UNESCO	United Nation's Education, Scientific and Cultural Organization
VOA	Voice of America



TABLE OF CONTENTS

Foreword	II
Biography	IV
Abstract	IV
Table of abbreviations	VII
1. INTRODUCTION	1
1.1 State of Research on Music and Human Rights	5
1.2 The Central Research Question	7
1.3 Methodological Approach	8
1.4 Ethical Considerations of the Research	9
1.5 Outline of the Research	11
2. GIVING VOICE TO THE VOICELESS. EMPOWERMENT THROUGH MUSIC	14
2.1 The Principle of Equality and Non-discrimination	16
2.2 Case Study: The West-Eastern Divan Orchestra	17
2.3 Equal in Music	20
2.4 Conclusion	21
3. CULTURAL RIGHTS AND MUSIC	23
3.1 We Think What We Hear – Music as an Inherent Part of Cultural Identity	24
3.2 Music and the Right to Participate in Cultural Life	28
3.3 Case Study: United Heartbeat	30
3.4 Conclusion	33
4. MINORITY RIGHTS AND MUSIC	34
4.1 Article 27 of the International Covenant on Civil and Political Rights	34
4.2 Members of Minorities and Musicians of Colour in Classical Music	36
4.3 Music as a Marker of Cultural Hierarchy	39
4.4 Conclusion	41

## THE POWER WITHIN MUSIC

5. FREEDOM OF EXPRESSION AND MUSIC	43
5.1 The Freedom of Artistic and Cultural Expression	44
5.2 Censorship of Music	46
5.3 Female Voice in Iran – The Embodiment of Rights	49
5.4 Case Study: I am a Female Musician, not a Political Activist	53
5.5 Case Study: The Tehran Flute Choir	56
5.6 Conclusion	60
CONCLUSION	61
BIBLIOGRAPHY	66
ANNEXES	73
Annex 1. Interview with the founder and conductor of West-Eastern Divan Orchestra Daniel Barenboim, 22 April 2017	73
Annex 2: Interview with the founders of Tehran Flute Choir (translated from Farsi) Firouzeh Navai, 13 May 2017	81
Annex 3: Interview with the founders of Bridge of Art (translated from Farsi) Firouzeh Navai and Saeid Taghadossi, 14 May 2017	83
Annex 4: Interview with the founder of United Heartbeat (translated from German)Eva Barwart-Reichelt, 19 May 2017	93

Music is so powerful because it is, first of all, a physical thing, a physical expression of the human soul; something that is not only in the thought. And it attacks...all the functions of the human being. It attacks the brain, and it attacks the heart, and it attacks the stomach, you know, the temperament...and that's what makes it so dangerous. Music is much more powerful than words.<sup>2</sup>

<sup>2</sup> Daniel Barenboim, 'Bring Music, Bring Life' (2010) 39 Index on Censorship 11, 14.

1.

INTRODUCTION

‘Get up, stand up, stand up for your rights’.<sup>3</sup>

It is not far-fetched to state that while reading this line, one can automatically hear the melody of Bob Marley’s song and feel the spirit of optimism, idealism and mobilisation flowing through one’s mind and body.<sup>4</sup> ‘Music has an elaborate history in human civilisation’<sup>5</sup> by providing one of humanity’s most essential cultural expressions and being instrumentalised in diverse ways. The American ethnomusicologist, Peter Manuel, even declares the progressive musical activism in the post-war and post-colonial decades a ‘global project’.<sup>6</sup> Protest songs written in the 20th century during socio-political and ethical urgencies present one form of this phenomenon.<sup>7</sup> This, in fact, shows that music is more than just some accumulation of sounds and entertainment. Besides Gospel, Soul, Jazz or Reggae, classical music has also served as a channel for political statements and expressions. Examples include ‘Finlandia’, by Jean Sibelius, written in 1899–1900 as a protest against the censorship during the Russian occupation of Finland, or Beethoven’s universalist politics, embodied in the unifying motif of the ‘Ode to Joy’ from his Ninth Symphony (which also serves as the anthem of the European Union today).<sup>8</sup>

<sup>3</sup> Marley B and Tosh P, ‘Get Up, Stand Up’, (19 October 1973) Harry J. Studios.

<sup>4</sup> Peter Manuel, ‘World Music and Activism Since the End of History [sic]’ (2017) *XI Music and Politics* 1, 4

<sup>5</sup> David M Washington and Devin G Beecher, ‘Music as Social Medicine: Two Perspectives on the West-Eastern Divan Orchestra’ [2010] *New Directions for Youth Development* 127, 129.

<sup>6</sup> Manuel (n 4) 2.

<sup>7</sup> *ibid* 4.

<sup>8</sup> Tom Service, ‘Political Pieces: 10 of the Best’ *The Guardian* (London, 7 May 2015) <<https://www.theguardian.com/music/tomserviceblog/2015/may/07/10-best-political-pieces-classical-music>> accessed 6 April 2018.

The roots of the reflection on musical meaning lead back to ancient Greece, where Plato writes in his work *Laws* about the generally believed power and moral character of music that affects people's thoughts and actions in several ways. His concept of the relationship between musical laws and legislation is distinctive: 'It is to be remembered above all that our songs are our laws – a paradoxical assumption, but one which we should accept'.<sup>9</sup> According to Plato, in the ideal city, training in music is not intended to reach a level of musical expertise but rather to cultivate the soul. In his words, 'The vocal aspect reaching the soul we regarded as education in virtue and we named it *music*'.<sup>10</sup> Against this backdrop, how can music be related to human rights? Regarding this question, a British professor of politics, John Street, introduces a human rights approach, which can be used for the present thesis.<sup>11</sup> On one level, there is the instrumental view. This means, as the examples of protest songs showed before, that music can be used as a tool to promote human rights. On another level, these two elements are related through the musicians' embodiment of rights such as, above all, the active implementation of the freedom of expression or the right to participate in cultural life.<sup>12</sup> However, before embarking on a discussion on these two essential approaches, it is important to outline a third level, which lays a legal foundation for disciplinary scrutiny.

For instance, the *Universal Declaration of Human Rights* (UDHR)<sup>13</sup> of 1948 was confirmed by the General Assembly of the United Nations in 1966, when it adopted the *International Covenant on Civil and Political Rights* (ICCPR)<sup>14</sup> and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR).<sup>15</sup> The former covenant guarantees a variety of rights that are directly relevant to musical practice in different social contexts, such as freedom of expression (Article 19), freedom of assembly (Article 21), freedom of association (Article 22) and equally important,

<sup>9</sup> Plato, *Laws* (Thomas L Pangle tr, Basic Books 1980) 799e10-11.

<sup>10</sup> *ibid* 673a4-5.

<sup>11</sup> John Street, 'The Sound of Geopolitics: Popular Music and Political Rights' (2013) 11 *Popular Communication: The International Journal of Media and Culture* 47, 52f.

<sup>12</sup> *ibid*.

<sup>13</sup> Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) (UDHR)).

<sup>14</sup> International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).

<sup>15</sup> International Covenant on Economic, Social and Cultural Rights (adopted 16 December 1966, entered into force 3 January 1976) 993 U.N.T.S. 3 (ICESCR).

minority rights (Article 27). The ICESCR includes the right to participate in cultural life (Article 15), and artistic freedom and creativity are explicitly guaranteed by Article 15(3), under which states party to the treaty ‘undertake to respect the freedom indispensable for...creative activity’. Together, these three instruments form the International Bill of Human Rights.

In addition to this, soft law instruments functioning as guidelines with a regulatory nature relevant for the field of music have been developed. Under the United Nation’s Education, Scientific and Cultural Organization’s (UNESCO) *Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (2005)<sup>16</sup> and its *Recommendation concerning the Status of the Artist* (1980)<sup>17</sup> crucial conditions for all artistic activities and artists’ rights should be guaranteed.<sup>18</sup> The special rapporteur in the field of cultural rights, Farida Shaheed, puts it in following words:

Art constitutes an important vehicle for each person, individually and in community with others, as well as groups of people, to develop and express their humanity, worldview and meanings assigned to their existence and development. People in all societies create, make use of, or relate to, artistic expressions and creations.<sup>19</sup>

Artistic expressions and creations are seen as an integral part of cultural life. Through the debates within the human rights discourse on cultural rights and collective rights, the idea of developing a separate right to cultural identity was established by the international community. Even though minorities and indigenous people played an essential role in these debates, the right to cultural identity is not only restricted to these communities.<sup>20</sup> This new codification of cultural rights was suggested as an answer to the numerous violations, such as the oppression of indigenous people and forced assimilation of

<sup>16</sup> Convention on the Protection and Promotion of the Diversity of Cultural Expressions (adopted 20 October 2005, entered into force 18 March 2007).

<sup>17</sup> Recommendation concerning the Status of the Artist (adopted 28 October 1980 Resolution 3/07).

<sup>18</sup> Freemuse, ‘Freemuse Report on The Effects of Terror on Arts and Culture’ (Freemuse 2014 [http://freemuse.org/wp-content/uploads/2016/10/Freemuse-input\\_Effects-of-terror.pdf](http://freemuse.org/wp-content/uploads/2016/10/Freemuse-input_Effects-of-terror.pdf)> accessed 6 April 2018).

<sup>19</sup> Farida Shaheed, ‘Report of the Special Rapporteur in the Field of Cultural Rights: The Right to Freedom of Artistic Expression and Creativity’ (UN Doc A/HRC/23/34, Human Rights Council 2013).

<sup>20</sup> Yvonne Donders, *Towards a Right to Cultural Identity?* (Intersentia 2002) 2.

minorities and immigrants. As Donders puts it: ‘In many parts of the world, individuals and communities have been, and still are, unable to express and preserve their cultural identity because of intolerance and discrimination’.<sup>21</sup> In other cases – especially in the Middle East – it has been the government or the religious regime that has violated an individual’s freedom and has forbidden cultural diversity or artistic expressions through music.

Critical voices coming from regions such as Africa and the Middle East or South-East Asia hold the view that cultural identities have not only been neglected during the drafting of international instruments but have also been endangered while implementing them. In particular, it is claimed that the universal validity of human rights (every human being is entitled to human rights) has also legitimated a universal implementation and as a result, has overshadowed cultural diversity. This opposition between cultural relativists and universalists has been dominating the history of human rights since 1948 and even before. Regarding this dual polarisation, where to locate music? Although the notion of universality has inspired a growing number of initiatives with regards to music as a tool for unification and reconciliation (e.g. development and reconciliation projects), many scholars have stressed the importance of the diversity in languages and dialects of music. One could state that musical meaning varies according to culture and place,<sup>22</sup> but does the diversity of music exclude its assumed unifying nature? These questions show that music and musicians evidently play an important role within the context of human rights. Various rights-based and socio-cultural approaches have been recently paving the way in this research area. Yet, there has been little systematic examination, and the academic literature is still limited.

<sup>21</sup> Yvonne Donders, ‘A Right to Cultural Identity in UNESCO’ in F Francioni and M Scheinin (eds), *Cultural Human Rights* (Koninklijke Brill NV 2008) 318.

<sup>22</sup> Nomi Dave, ‘Music and the Myth of Universality: Sounding Human Rights and Capabilities’ (2014) 7 *Journal of Human Rights Practice* 1, 1.

1.1 STATE OF RESEARCH ON MUSIC AND HUMAN RIGHTS

Music as a research topic is not a new phenomenon. Not only has the role of music been discussed in anthropology, political science and ethnomusicology but also in contemporary cognitive science and psychology.<sup>23</sup> ‘The power of music to inspire, touch, influence, uplift, heal and transform has long been a source of wonder for human beings.’<sup>24</sup> As far as human rights and music are concerned, scholars have focused overwhelmingly on resistance and protest songs, often in the context of African and African-American popular music. The Assistant Professor of Music at the University of Virginia, Nomi Dave, who has contributed to the specific area of human rights and music, holds a critical view on previous scholarship within this context. In her opinion, ‘the literature often conflates human rights with the political and, in particular, the politically oppositional, rather than understanding it as a distinct set of discourse, laws and practices.’<sup>25</sup> This results in a simplistic illustration of free expression through an exclusively protesting voice, while music itself is pushed more into the background of the research area. The progressive nature of music and its almost omnipresent application get lost in this process.<sup>26</sup>

Dave’s argument might be a reaction to the widespread conception of music within social sciences: although music is socially determined and culturally constructed,<sup>27</sup> it is seen as a universal language with the power of unifying diverse cultural identities. ‘Musical human rights initiatives often use music purportedly to evoke culture and local social mechanisms, yet at the same time assume that music will transcend any cultural complexities and differences’.<sup>28</sup> While culture as ‘the opposite’ of universal human rights has been much discussed since the creation of the legally binding instruments, music has just recently become part of the long-standing debates.<sup>29</sup>

<sup>23</sup> *ibid* 2.

<sup>24</sup> Nooshin Laudan (ed), *Music and the Play of Power in the Middle East, North Africa and Central Asia* (Ashgate Publishing Limited 2009) 1.

<sup>25</sup> Dave (n 22) 5.

<sup>26</sup> *ibid*.

<sup>27</sup> Paja Faudree, ‘Music, Language, and Texts: sound and Semiotic Ethnography’ (2012)

41 *The Annual Review of Anthropology* 519, 520.

<sup>28</sup> Dave (n 22) 6.

<sup>29</sup> *ibid*.



Nonetheless, as mentioned above, music itself is not a new subject in the anthropological or socio-political fields of research. Cultural traditions and activities – not only regarding indigenous people over the last centuries but also socio-cultural interactions of today’s population in the Western hemisphere – have always interested anthropologists and sociologists. Ethnomusicologists have long recognised and documented the social qualities of music and even sought to explain it.<sup>30</sup> Besides the fact that interest in analysing sound has recently increased, scholars have often been pointing out that music and human rights can play a significant role in giving a voice to the powerless.<sup>31</sup>

Since the 1960s, the emergence of Post-structuralism, followed by Cultural Studies, Critical Theory and Postcolonial Studies in the 1970s and 1980s were essential in bringing issues of power to the fore of academic discourse.<sup>32</sup> Within the context of the power of music, musical propaganda has also been recognised as having a key role, particularly in the period of the Reformation and Counter-reformation. During recent years, music and incitement to hatred, violence and censorship have become part of scientific research.<sup>33</sup> This does not mean that repression of musicians by authorities or that musical expressions on political issues are new; ‘What is new is the explicit conjoining of the performance of music to political rights and for the claims to those rights becoming a matter of global, as opposed to national, concern’.<sup>34</sup> The geopolitics of music and the rights associated with it have finally enabled access to human rights debates. In short, one can say that currently, the research within the field of the connection between music and human rights is still in its infancy. Previous work has not been developed enough, thus the relevance of the present work.

<sup>30</sup> Laudan (n 24) 1.

<sup>31</sup> Ian Peddie, *Popular Music and Human Rights: Volume I: British and American Music* (Ashgate Publishing Limited 2011) 1.

<sup>32</sup> Laudan (n 24) 1.

<sup>33</sup> Morag Josephine Grant and others, ‘Music and Conflict. Interdisciplinary Perspectives’ (2010) 35 *Interdisciplinary Science Reviews* 183, 186f.

<sup>34</sup> Street (n 11) 48.

## 1.2 THE CENTRAL RESEARCH QUESTION

The overall purpose of this thesis is to lay a foundation for further academic research and debates on the relationship between music and human rights and to contribute towards a better understanding of this more or less new research field. With the aim of establishing this framework, the study makes use of interdisciplinary human rights approaches ranging from social sciences and legal scholarship to the ideas of the actors within the respective field. This means that, *inter alia*, questions on the relationship between music and cultural identities or on restrictions of freedom of expression through musical censorship shape the thesis. The author of this thesis analyses to what extent human rights instruments offer protection for musicians and their freedom of expression as well as their right to participate in cultural life. Therefore, the central question in this study is: *what role do human rights play in the field of music, especially with regards to freedom of expression and cultural rights?*

The research aims to include both social and cultural rights as well as civil and political rights, while the focus is put on the freedom of expression,<sup>35</sup> the right to participate in cultural life,<sup>36</sup> and the dimension of the right to cultural identity as well as minority rights.<sup>37</sup> Thereby, it strikes a balance between music as a fundamental part in social and cultural settings, as well as its essential role in political areas. This study encompasses a complementary analysis of human rights documents and practical cases. While it would be interesting to examine the national or regional legislations and policies related to music and human rights, this study focuses on the practical conditions and politics of human rights within the respective field. The question to be asked here is: *are human rights standards reflected within the field of music?*

<sup>35</sup> UDHR (n 13); ICCPR (n 14) art 19.

<sup>36</sup> UDHR (n 13) art 27; ICESCR (n 15) art 15.

<sup>37</sup> ICCPR (n 14) art 27.

## 1.3 METHODOLOGICAL APPROACH

'Human rights research has evolved through distinct phases, with new disciplines having gradually entered the field over time'.<sup>38</sup> While during the 1970s and 1980s it was primarily a legal matter and based on normative-legal predominance, in the 1990s social sciences began to take an interest in it as well. The creation of a new field of legal anthropology followed this development, and subsequently, historians also entered the human rights research arena in the 2000s.<sup>39</sup>

The present study takes the international human rights legal framework as a starting point but moves along with an interdisciplinary approach, including social sciences and philosophy. This methodology has been chosen due to the interdisciplinary nature of the human rights field itself, 'Human rights are not only the subjects of legal obligations, they are also moral norms, with political content and social, cultural, anthropological and economic implications'.<sup>40</sup> The present research plan is balanced between the relevant legal aspects and the selected empirical method that best suits the research question and context.

Within the scope of this master's thesis, a rather new and unexplored area of human rights has been studied, which enriches the range of disciplinary research in general. Nevertheless, it is not the task of this study to present a general and exclusive illustration but rather to give a specific insight into this complex research field. The method applied to answer the research question has taken a qualitative approach. As far as the qualitative content analysis is concerned, articles and papers written by scholars, scientists and social activists have been investigated. The respective material has been published in international journals or books.

In order to gain particular insight and first-hand qualitative information about the topic being studied, key individuals have been interviewed. The qualitative interviews were based on semi-structured guidelines but still maintained a narrative approach. This allowed the person who was interviewed to set emphasis on issues chosen by himself or herself.

<sup>38</sup> Bård Anders Andreassen, Hans-Otto Sano and Siobhan McInerney-Lankford, 'Human Rights Research Method' in BA Andreassen, H Sano and S McInerney-Lankford (eds), *Research Methods in Human Rights: A Handbook* (Edward Elgar Publishing Limited 2017) 3.

<sup>39</sup> *ibid.*

<sup>40</sup> *ibid* 5.

The interviewees were informed in advance that the interview would be taped and transcribed and that the material would only be used with their approval.

One of the interviewees was the co-founder and conductor of the *West-Eastern Divan Orchestra*, Daniel Barenboim. This interview took place in the concert hall, *Boulez Saal*, in Berlin. Since participatory methods are particularly useful for exploring questions,<sup>41</sup> the author of this thesis spent a weekend with the musicians from the *West-Eastern Divan Orchestra* and attended their rehearsals and lectures, while they were preparing for their upcoming tour through Scandinavia. Not only discussions between musicians of the orchestra, but also the lecture, which took place in the break of the rehearsals served as fruitful research material. The content was focused on equal treatment between ethnicities, reconciliation and the promotion of equal rights through collective music-making.

The interview with the founder of the Austrian association *United Heartbeat* was conducted via Skype and the co-founders of the *Tehran Flute Orchestra*, Firouzeh Navai (also a teacher) and Saeid Taghadossi (also a conductor) were interviewed at their home in Rorschacherberg, Switzerland. Finally, the interview with an Iranian female singer, who prefers to remain anonymous, took place via Skype. The following section will provide a brief overview of the single case studies.

#### 1.4 ETHICAL CONSIDERATIONS OF THE RESEARCH

In the area of human rights research, ‘it is often the case that the capacity to do good is matched by a corresponding risk of inadvertently inflicting harm or otherwise violating the integrity of research participants’.<sup>42</sup> Thus, like in any other scientific work ethical scrutiny and accountability are essential within this field, especially because research areas of human rights are inevitably and most likely concerning ‘issues that in one way or another are sensitive and charged’.<sup>43</sup>

<sup>41</sup> Philipp Mayring, *Qualitative Inhaltsanalyse: Grundlagen und Techniken* (12. Revised edition, Beltz Verlag 2015) 84.

<sup>42</sup> George Ulrich, ‘Research Ethics for Human Rights Researchers’ in BA Andreassen, H Sano and S McInerney-Lankford (eds), *Research Methods in Human Rights: A Handbook* (Edward Elgar Publishing Limited 2017) 192.

<sup>43</sup> *ibid.*

The five main categories of ethical issues that together describe the field of professional ethics introduced by the Danish human rights scholar, George Ulrich, shape this section. They will not all be mentioned explicitly but rather used as a structural framework. During all phases of the study, the ‘proportionality between likely beneficial outcomes and any risks of harm’<sup>44</sup> was respected by the researcher and was fulfilled in the interaction with the participants. The research participants were, according to their right of ‘voluntary informed consent’, properly informed about the research methods and aims<sup>45</sup> and approached with honesty and openness during the communicative interactions.<sup>46</sup>

In order to recognise and respect the participant’s sense of well-being, the interviews took place in their chosen language. While the interview with Barenboim was in English, the founder of *United Heartbeat* spoke in German, and the interaction with Navai and Taghadossi, as well as the Iranian singer, took place in Farsi.

In the process of choosing and identifying the case studies the researcher was aware of the ‘primary responsibility towards research participants’<sup>47</sup> and discussed, therefore, the research outline, purpose and their role within the study before carrying out the interviews. The content of the interviews with the conductor Barenboim, as well as with the founder of *United Heartbeat*, could not endanger their personal safety or the security of others since it did not include any political or otherwise controversial topics. In contrast, the two other cases were more complex. Navai and Taghadossi, two Iranian musicians and founders of the *Tehran Flute Choir*, carrying out their work in a music-censored country such as Iran, could be directly and indirectly harmed by the regime. The author of this thesis contacted them again after the interview to be sure about their decision to use their real names and that of the orchestra’s in the thesis. Since they work within the Islamic framework and their statements were not too political, they confirmed that the publication of this thesis would not harm them. On the contrary, the Iranian female singer preferred to remain anonymous. Her name is well known and has also been on the black list in Iran. Since she travels back and forth between Iran and Europe, her name has been changed within the context of this thesis to protect her identity.

<sup>44</sup> *ibid* 215.

<sup>45</sup> *ibid* 206.

<sup>46</sup> *ibid* 203.

<sup>47</sup> *ibid* 196.

## 1.5 OUTLINE OF THE RESEARCH

The study is divided into four main chapters, whereby each of them focuses on different areas regarding the role of human rights in the field of music.

The purpose of chapter two is to show how music can be instrumentalised in order to empower disadvantaged individuals and bring together people from different nations for the sake of fruitful dialogues. This chapter lays out the empirical findings of the research conducted within the context of this master's thesis. The subject of scrutiny was the *West-Eastern Divan Orchestra* and its renowned pianist and conductor, Barenboim. His intention is to provide a platform for musicians from Palestine, Israel, Iran, Egypt, and other nations from this region. By including them in a musical dialogue, every individual is given an equal voice, which might set the ground for discussions on issues such as human rights.

The origins of this orchestra lie in the conversation between its founders, the Palestinian philosopher Edward Said and the Israeli musician, Daniel Barenboim, 'In their exchanges, they realized the urgent need for an alternative way to address the Israeli-Palestinian conflict.'<sup>48</sup> This project was launched as a workshop in Weimar, Germany, which was driven by the hope of replacing ignorance with knowledge, understanding and education through music. For the thesis, a research trip was undertaken, which provided access to the rehearsals and lectures, as well as a qualitative interview with Barenboim. Lastly, in this chapter, the principle of equality and non-discrimination is explored in relation to Barenboim's statement on 'being equal in music'. Does music really provide equality amongst musicians? The author intends to look into this question.

The purpose of chapter three is to illustrate the complex area of cultural rights, which has been neglected within human rights debates in general. The chapter seeks to link the respective field with music. The lack of a generally accepted definition of cultural rights in international human rights instruments is due to the enormous and multifaceted scope of this interwoven concept. Namely, cultural rights could be

<sup>48</sup> West-Eastern Divan Orchestra, Homepage <<http://www.west-eastern-divan.org>> accessed 27 April 2017.

rights concerning creativity, such as the freedom of expression, artistic and intellectual freedom, as well as the rights of musicians, producers, composers with regards to their products and copyrights. Arguing in the same vein, cultural rights can also concern the right to preserve, develop and have access to culture and a cultural identity.<sup>49</sup> These issues are tackled in the first section of this chapter.

The second section analyses Article 27 of the *Universal Declaration of Human Rights*: ‘the right to participate in cultural life.’<sup>50</sup> It leads the debate to the fact that the concept of cultural identity is a dynamic process of individuals interconnecting with their environment. Within the third section, a case study on the Austrian association, *United Heartbeat*, gives an empirical example of the importance of the right to participate in cultural life and the right to a cultural identity. The main aim of this association is to provide musical instruments for musicians who arrive in Vienna as refugees. Firstly, this is an opportunity for people who were forced to leave their socio-cultural environment behind to get back a part of their cultural identity. Secondly, it automatically opens a door to the new local cultural scene. Within the context of this master’s thesis, the founder of this association has been interviewed.

The third issue to be examined in chapter four on minority rights, as enshrined in Article 27 of the *International Covenant on Civil and Political Rights*, is how music can not only unite but also divide and function as a marker of cultural hierarchy. Thus, the identification, as well as definition of one’s identity, inevitably draws a line between one’s ‘own’ and ‘other’ identities.<sup>51</sup> This might result in further stigmatised cultural communities, setting people apart from society and encouraging tensions such as xenophobia, nationalism and tribalism.<sup>52</sup> The role of music within this discourse is examined in the last section.

The final chapter focuses on the freedom of expression and its restrictions in the musical context. This part begins by outlining the legal framework around the freedom of expression and leads to a socio-philosophical point of view. While at first the theoretical framework of censorship on music is presented, the discussion turns to a more specific issue concerning the female voice in Iran.

<sup>49</sup> Donders (n 21) 319.

<sup>50</sup> UDHR (n 13) art 27.

<sup>51</sup> Donders (n 21) 319.

<sup>52</sup> Donders (n 21) 321.

Within this context, a female Iranian singer was interviewed. This case also highlights the absence of the principle of non-discrimination, which hits women in Iran on two levels. On one level, they are victims of the general musical censorship, and on the other, their voice is discriminated on the basis of their gender. In the second case study of this chapter, the founders of the *Tehran Flute Choir* enrich the research with their experiences as musicians in a censored country. In this case, qualitative interviews served as adequate methods to approach the subject.

The conclusion seeks to draw a sufficient framework for music and human rights by merging the above-mentioned perspectives. It analyses the policies and projects of the case studies' subjects from a human rights point of view. Are international human rights standards, especially regarding the right to participate in cultural life and the freedom of expression, respected and promoted in practice? Is the promotion of equality, non-discrimination and equal access to human rights present within the chosen case studies? This chapter also attempts to answer whether the human rights at stake have a practical impact within the field of music. Vice versa: in these case studies, how can music have an impact within the field of human rights? Where are the limits and challenges? This thesis does not want to generalise more or less new research field. Rather, it attempts to put forward a foundation for further research.



## 2.

## GIVING VOICE TO THE VOICELESS – EMPOWERMENT THROUGH MUSIC

The power of music has not only the ability to provoke but also to connect.<sup>53</sup> According to the Iranian ethnomusicologist, Nooshin Laudan, the music-power relationship can only be understood in relation to its contextual meaning. Whether power is something that music is born with, achieves or has thrust upon it, the intention dedicated to music as a tool of power is decisive.<sup>54</sup> In fact, musical meaning has been instrumentalised in protests, regimes, dictatorships, as national anthems, in the military and even as a torture instrument.<sup>55</sup> This means that music does not always present a medium to spread goodwill. On the contrary, it can also be used for negative purposes, such as to incite hate and nationalistic ideas by the Nazi regime or as a weapon during the Yugoslav wars.<sup>56</sup>

This chapter focuses on the instrumentalisation of music for the promotion of different rights claims. Music can attract attention to a cause from a grassroots level<sup>57</sup> and also offer a common ground for encountering ‘the other’ on an equal basis. In theory, this sounds very optimistic, but are there any actual observable effects in reality? This question leads to the relationship between music and human rights. It is the human rights agency through musicians, the collective

<sup>53</sup> Alenka Barber-Kersovan, ‘Music as a Parallel Power Structure’ in M Korpe (ed), *Shoot the Singer! Music Censorship Today* (Freemuse, Zed Books 2004) 7.

<sup>54</sup> Nooshin Laudan (ed), *Music and the Play of Power in the Middle East, North Africa and Central Asia* (Ashgate Publishing Limited 2009) 15.

<sup>55</sup> Morag Josephine Grant and others, ‘Music and Conflict. Interdisciplinary Perspectives’ (2010) 35 *Interdisciplinary Science Reviews* 183, 189.

<sup>56</sup> Papaeti A and Grant MJ ‘Music in Detention’ (2013) 23 *Special Thematic Issue Torture: Journal on Rehabilitation of Torture Victims and Prevention of Torture*

<sup>57</sup> John Street, ‘The Sound of Geopolitics: Popular Music and Political Rights’ (2013) 11 *Popular Communication: The International Journal of Media and Culture* 47, 52.

music-making and emotional and intellectual activity, which ‘gives voice to the disenfranchised’.<sup>58</sup> According to Street, various scientists have prescribed music as an instrument for those who have suffered the abuse of rights to recount their experiences and traumas of war and to communicate their rights claims – both through nonverbal sound and through lyrics.<sup>59</sup>

Within this context, musicians are there to serve the cause and to speak for the rights claims. The nature of the rights and how they are framed, is not, for the most part, attributed to the music.<sup>60</sup> How can organised sound communicate politically? According to Street, three elements are needed for musicians to become involved in rights issues: ‘The creation of a context in which music is relevant, the creation of credibility for those who speak, and the creation of a language in which to speak’.<sup>61</sup>

Efficient musical advocacy depends on an infrastructure that allows musical and political networks to meet and collaborate. This can take place in front of an audience in a concert hall as well as at the most basic level of venues, such as streets. Nevertheless, the extension can reach various levels of society, including the ‘elite’. Besides the physical setting, the above-mentioned creation of context in which music is relevant is also seen as crucial.<sup>62</sup>

These elements can be understood on various levels. The next section will give an example of such musical advocacy and explore the instrumentalisation of music as a unifying language. As will be illustrated, music can, on the one hand, be used in order to highlight (cultural) differences, and on the other hand, function as a tool of empowerment. Before coming to this discussion, the question to be asked is on what basis does empowerment and the guarantee of rights in human rights documents actually take place? The following chapter seeks the answer.

<sup>58</sup> *ibid* 10.

<sup>59</sup> *ibid*.

<sup>60</sup> *ibid* 54.

<sup>61</sup> *ibid* 53.

<sup>62</sup> *ibid*.

## 2.1 THE PRINCIPLE OF EQUALITY AND NON-DISCRIMINATION

Besides liberty, equality is the most important principle framing the concept of human rights, ‘True liberty can only exist on the basis of equality for all’.<sup>63</sup> Besides Article 1 of the UDHR that indicates that ‘all human beings are born free and equal in dignity and rights’<sup>64</sup> and Article 2 of the respective document that ensures all human rights ‘without distinction of any kind’,<sup>65</sup> the right to equality and non-discrimination is also laid down in Article 26 of the ICCPR:

All persons are equal before the law and are entitled without any discrimination to the equal protection of the law. In this respect, the law shall prohibit any discrimination and guarantee to all persons equal and effective protection against discrimination on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status.<sup>66</sup>

The notion of ‘all persons are equal before the law’ can be seen as one of the major achievements of the bourgeois revolutions in the 18th and 19th centuries.<sup>67</sup> This means that laws should be applied by courts and administrative agencies in the same way to all persons subject to it. Basically, it prohibits arbitrary enforcement of laws.<sup>68</sup> Two of the UN core human rights treaties, the *Convention on the Elimination of All Forms of Racial Discrimination* (ICERD)<sup>69</sup> and the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW),<sup>70</sup> are exclusively dedicated to the issue of equality and non-discrimination. ‘All others, but the *Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment* (CAT),<sup>71</sup> explicitly prohibit discrimination on a number of grounds’.<sup>72</sup>

<sup>63</sup> Manfred Nowak, ‘Civil and Political Rights’ in J Symonides (ed), *Human Rights: Concept and Standards* (Ashgate Publishing Company 2000) 98.

<sup>64</sup> Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III)) (UDHR) art 1.

<sup>65</sup> *ibid* art 2.

<sup>66</sup> International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR) art 26.

<sup>67</sup> Nowak (n 61) 98.

<sup>68</sup> *ibid*.

<sup>69</sup> International Convention on the Elimination of All Forms of Racial Discrimination (adopted 21 December 1965, entered into force 4 January 1969) 660 U.N.T.S. 195 (ICERD).

<sup>70</sup> International Convention on the Elimination of All Forms of Discrimination Against Women (adopted 18 December 1979, entered into force 3 September 1981) 1249 U.N.T.S. 13 (CEDAW).

<sup>71</sup> International Convention Against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (adopted 10 December 1984, entered into force 26 June 1987) 1465 U.N.T.S. 85 (CAT).

<sup>72</sup> Wouter Vandenhoele, *Non-Discrimination and Equality in the View of the UN Human Rights Treaty Bodies* (Intersentia 2005) 1.

In addition to the UN treaties, the documents of the International Labour Organization (ILO) and UNESCO also contain the principle of non-discrimination. On regional levels, as well as in the *American Convention on Human Rights*,<sup>73</sup> the *African Charter of Human and People's Rights*<sup>74</sup> and the *European Convention*<sup>75</sup> the respective principle is laid down. The latter 'only contains an accessory prohibition of discrimination, that is the right to the equal enjoyment of other human rights'.<sup>76</sup> Nonetheless, the meaning of 'discrimination' depends on subjective value judgments and the respective cultural, religious and social understandings of different societies.<sup>77</sup>

The principle of non-discrimination and equality is also discussed within the framework of this thesis. The promotion, protection of and access to human rights are based on a non-discriminatory fundament that ensures the universality of human rights. The case studies are analysed with an approach based on human rights and equal treatment among the key individuals and subjects of this present research. The study in the field of music seeks to examine whether the core values of non-discrimination and equality are respected and promoted in practice.

## 2.2 CASE STUDY: THE WEST-EASTERN DIVAN ORCHESTRA

One of the best-known actors in the field of human rights and music is the pianist and conductor, Daniel Barenboim. He was born in 1942 in Buenos Aires, Argentina, to Jewish Russian immigrant parents and owns an Argentinean, Israeli, Palestinian and Spanish citizenship today.<sup>78</sup> Barenboim describes his Palestinian citizenship in the following way:

For my part, when the Palestinian passport was offered to me, I accepted it in the spirit of acknowledging the Palestinian destiny which I, as an Israeli, share. A true citizen of Israel must reach out to the Palestinian people with openness, and at the very least an attempt to understand what the creation of the State of Israel has meant to them.<sup>79</sup>

<sup>73</sup> American Convention on Human Rights (San Jose, Costa Rica, 22 November 1969), 9 I.L.M. 673 (1970), entered into force 18 July 1978.

<sup>74</sup> African Charter on Human and Peoples' Rights (adopted 27 June 1981, entered into force 21 October 1986) (1982) 21 I.L.M. 58 (African Charter).

<sup>75</sup> European Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 4 Nov. 1950), 312 E.T.S. 5.

<sup>76</sup> Vandenhoe (n 69) 98f.

<sup>77</sup> *ibid* 99.

<sup>78</sup> Daniel Barenboim, 'Timeline' *Daniel Barenboim* <<http://danielbarenboim.com/about/>> accessed 6 April 2018.

<sup>79</sup> Daniel Barenboim, 'Dual Citizenship' *Daniel Barenboim* <<http://danielbarenboim.com/dual-citizenship/>> accessed 6 April 2018.

This idea of inter-cultural dialogue and openness has been shaping his socio-political attitudes and philosophical perspectives. The UN has recognised his accomplishments in music, as well as his various projects to promote human rights and tolerance. In 2008, he was named one of the UN Messengers for Peace.<sup>80</sup> An essential contribution to his role as a musical human rights promoter was the establishment of the *West-Eastern Divan Orchestra*. In 1999, as mentioned before, Barenboim and his close friend and Palestinian literary scholar Edward Said founded the *West-Eastern Divan* as a workshop for Israeli, Palestinian and other Arab musicians. The name's origin leads back to Goethe's 1819 collection of poems ('Der Westöstliche Diwan') inspired by the 14th century Persian poet Hafiz, – 'a work devoted to the exploration of Middle Eastern culture'<sup>81</sup> – and it has also been called a 'masterwork for dialogue' between 'the Orient' and 'the West'.<sup>82</sup>

Through this workshop, individuals who had been in contact with 'the cultural other' only through negative connotation of war, terror and hatred found themselves living and working together as equals. This opportunity opened the door not only for a musical interaction but also for political and ideological dialogues between the musicians. Although this so-called 'Experiment of Parallels and Paradoxes' was intended as a one-time project, in a short time it evolved into a legendary orchestra.<sup>83</sup>

Today, the members of the orchestra come from Israel, Palestine, Iran, Turkey, Lebanon, Syria and other countries from this region. The *West-Eastern Divan Orchestra* has performed in various renowned concert halls in North America, South America, Asia and Europe, 'Everywhere...except in the region where the musicians come from, because we can't play in the region.'<sup>84</sup>

<sup>80</sup> United Nations Meetings Coverage and Press Releases, 'United Nations Messenger of Peace Maestro Daniel Barenboim, West-Eastern Divan Quintet to Perform at Human Rights Day Concert, 15 December' (note no 6185, 10 December 2008) <<https://www.un.org/press/en/2008/note6185.doc.htm>> accessed 6 April 2018.

<sup>81</sup> Kate Wakeling, 'Said, Barenboim and the West-Eastern Divan Orchestra' (2010) 57 *Jewish Quarterly* 4, 8.

<sup>82</sup> *Frankfurter Allgemeine Zeitung*, 'Debatte um den Westöstlichen Divan' *Frankfurter Allgemeine Zeitung* (Frankfurt, 18 January 2011) <<http://www.faz.net/aktuell/feuilleton/sarrazin/die-debatte/debatte-um-den-west-ostlichen-divan-goethe-war-araber-1577952.html>> accessed 6 April 2018.

<sup>83</sup> *ibid.*

<sup>84</sup> Interview with Daniel Barenboim, founder and conductor of the West-Eastern Divan Orchestra (22 April 2017)

The 2005 concert in Ramallah, marking the orchestra's first event in the Occupied Territories, is seen as an exception, 'For many Palestinians in the audience, this was the first time they encountered Israelis in a non-military setting.'<sup>85</sup> The orchestra has also shown their interest in human rights by performing at major international festivals and music centres, as well as at the General Assembly Hall of the UN in New York, and the Human Rights Council Room in Geneva. The former UN Secretary-General, Ban Ki-moon, designated the *West-Eastern Divan Orchestra* in February 2016 as a UN Global Advocate for Cultural Understanding.<sup>86</sup> In the same year, Barenboim led the orchestra in a concert marking Human Rights Day on December 10th at the UN *Palais des Nations* in Geneva. After the concert he held a speech, in which he claimed:

What your eyes saw tonight is something that I don't think you will see anywhere else. We had five soloists today: one from Iran, one from Israel, one from Palestine, one from Turkey and one from Spain. You would never get this combination of Nations around a table anywhere on any level. The question one has to ask is why is it that with music this is possible?... That is because music, and therefore this orchestra, gives everybody something that on the ground we don't have, and this is equality. You can only speak about dialogue on an equal basis.<sup>87</sup>

Ian Smith, the President of the European Music Council (EMC), endorses Barenboim who states that music builds mutual trust and enables people who feared one another to 'come into the room' together. Then 'at the end of the room is another door that has never been opened', but music carries people to the point where they will say, 'Let's go through this door together and see where it leads.'<sup>88</sup>

<sup>85</sup> West-Eastern Divan Orchestra, Homepage <<http://www.west-eastern-divan.org>> accessed 27 April 2017.

<sup>86</sup> United Nations Meetings Coverage and Press Releases, 'West-Eastern Divan Orchestra designated UN Global Advocate for Cultural Understanding' (PI 2154, 29 February 2016) <<https://www.un.org/press/en/2016/pi2154.doc.htm>> accessed 6 April 2018.

<sup>87</sup> Barenboim D, 'Daniel Barenboim Speech: Human Rights Day 2016' (Human Rights Day, United Nations, Geneva, 10 December 2016) <<https://www.youtube.com/watch?v=vHqbC6WtV6E>> accessed 6 April 2018.

<sup>88</sup> Cristina Burack, 'Music a Secret Diplomatic Tool' *Deutsche Welle* (Bonn; Berlin 8 June 2017) <<http://www.dw.com/en/music-a-secret-diplomatic-tool-european-forum-on-music-aims-to-bridge-cultures/a-39157249?maca=en-rss-en-all-1573-xml-atom>> accessed 6 April 2018.

## 2.3 EQUAL IN MUSIC

Even though Barenboim sees his orchestra as a place for the existence of equality amongst his musicians, he does not see the *West-Eastern Divan* as an orchestra for peace. ‘Peace everywhere – therefore also in the Middle East – needs other things than people playing very well together.’<sup>89</sup> He rather regards it as a platform, where people are given equal rights and, not less important, equal responsibilities. Every individual comes with the narratives he or she has been told at home, which compare ‘the other’ to ‘a monster or criminal.’ ‘But of course, after six hours every day sitting together, trying to do everything in the same way, tuning the same “A”, trying in the strings to play with the same bowing, with the same quantity, the same, the same, the same...by the time the evening comes, and they sit to have dinner, the monster is gone.’<sup>90</sup>

In particular, music is seen as a language of continuous dialogue, the common framework and an abstract language of harmony.<sup>91</sup> This leads to the notion that shared cultural space no longer depends upon a shared geographical place.<sup>92</sup> ‘Therefore through music we can imagine an alternative social model, where utopia and practicality join forces, allowing us to express ourselves freely and hear each other’s preoccupations.’<sup>93</sup> Following this argument, music presents a common ground, which allows for the coexistence of different voices without coercing a synthesis between them.<sup>94</sup>

As Barenboim puts it, ‘Before a Beethoven Symphony we are all equal. Whether we come from Israel, Lebanon, Palestine, Egypt, Jordan, Iran, Turkey, or Syria, we must approach the music with the same humility, curiosity, knowledge, and passion.’<sup>95</sup>

<sup>89</sup> Interview with Daniel Barenboim, founder and conductor of the West-Eastern Divan Orchestra (22 April 2017).

<sup>90</sup> *ibid.*

<sup>91</sup> West-Eastern Divan Orchestra (n 82).

<sup>92</sup> George Lipsitz, *Dangerous Crossroads: Popular Music, Postmodernism, and the Poetics of Place* (Verso 1994) 6.

<sup>93</sup> Daniel Barenboim, ‘Power of Music: Europe’s Commitment in the Middle East and in the World’ *Daniel Barenboim* (text of speech given in Brussels, 29 January 2007) <<http://danielbarenboim.com/the-power-of-music-europes-commitment-in-the-middle-east-and-in-the-world/>> accessed 6 April 2018.

<sup>94</sup> Rachel Beckels Willson, ‘The Parallax Worlds of the West-Eastern Divan Orchestra’ (2009) 134 *Journal of the Royal Musical Association* 319, 320.

<sup>95</sup> Daniel Barenboim, ‘Equal before Beethoven’ *The Guardian* (London, 13 December 2008) <<https://www.theguardian.com/commentisfree/2008/dec/13/middle-east-classical-music>> accessed 7 April 2018

Within an orchestra, every single musician plays an important role and functions as an inherent part of the interconnected community. The attitude musicians must have towards music forces them to develop the reason and conscience presumed to be inherent in the human nature by the first article of the UDHR. Of course, every individual arrives with a personal cultural background and a different understanding – cultural diversity is not deniable. Still, music, even though it is culturally relative, creates a common ground of equal rights.<sup>96</sup> As the Danish ethnomusicologist Eva Fock states, ‘The fact that music partly communicates without the use of a spoken language has made it particularly suitable for occasions where people from different language groups are together.’<sup>97</sup>

## 2.4 CONCLUSION

This section briefly analyses whether within the presented case study of Barenboim’s *West-Eastern Divan Orchestra* core values of human rights and the principle of non-discrimination are promoted and protected. Barenboim claims that ‘in music everyone is equal.’ Based on this idea, with the creation of this musical sphere, its members are supposed to come together on a non-discriminatory basis and face each other in equality. One can draw a conclusion by stating that in the case of this orchestra, the members, in practice, are treated equally. Within the musical framework of this orchestra, musicians from various nations work towards a desirable outcome in accordance with human rights standards.

Nonetheless, this project functions more or less in a ‘utopian space.’ The members already share similar interests and participate in interactions with each other on a voluntary basis. The creation of such a forum does not automatically function as a platform for reconciliation talks or political debates. However, it is accurate to state that the given conditions prepare the ground for an encounter on an equal level.

<sup>96</sup> Interview with Daniel Barenboim, founder and conductor of the West-Eastern Divan Orchestra (22 April 2017).

<sup>97</sup> Fock E, ‘Music – Intercultural Communication? Micro Musics, World Music and Multicultural Discourse’ (1997) 4 *Nordicom Information* 55, 55.



The orchestra has brought Palestinians and Israelis together, and this alone can be interpreted as a strong statement towards reconciliation and promotion of human rights inside and outside the orchestra. Even though the primary focus is on cooperation in music, the orchestra influenced not only its members but also the audience in a positive way. It is about raising awareness for mutual respect and human rights by giving individuals a voice through music.

3.

CULTURAL RIGHTS AND MUSIC

Since culture was often considered a concept of the 'elite', equivalent to arts and literature, cultural rights have been regarded as less important than other human rights. Therefore, the implementation of economic and social rights was prioritised to set a foundation of 'basic' rights before promoting cultural rights. However, today, culture has gained in importance and has become the subject of various disciplines originating in a generally broad anthropological concept. More specifically, culture is considered as a way of life, including language, religion, customs and music, etc.<sup>98</sup> It presents a dynamic process instead of a collection of fixed products. Cultural identity represents an essential part of human dignity.<sup>99</sup>

As far as the legal perspective is concerned, during the World Summit of Social Development (Copenhagen, 1995) cultural rights were fully recognised as an important part of economic development as well as of 'human development'.<sup>100</sup> A detailed illustration of the progress regarding the inclusion of cultural rights into human rights instruments would go beyond the scope of this thesis. Instead, a brief insight into the legal dimension will introduce this chapter. It is important to bear in mind that this involves a specific selection that is grounded on the thesis' focus on music and human rights.

Since the nature of these rights is based on a variety of cultural contexts, they are scattered throughout a great number of different instruments.

<sup>98</sup> Yvonne Donders, 'A Right to Cultural Identity in UNESCO' in F Francioni and M Scheinin (eds), *Cultural Human Rights* (Koninklijke Brill NV 2008) 318.

<sup>99</sup> *ibid.*

<sup>100</sup> Janusz Symonides, 'Cultural Rights' in J Symonides (ed), *Human Rights: Concept and Standards* (Ashgate Publishing Company 2000) 177.

Documents adopted by the UN, specialised agencies or regional organisations delineate the legal foundation of these rights.<sup>101</sup> Cultural rights were also part of the preceding discussions of the UN Charter after the Second World War. Although many Latin American states suggested the inclusion of these rights, they were not introduced into the charter. A substantial contribution was the creation of Article 27 of the UDHR, ‘the right freely to participate in the cultural life and community.’<sup>102</sup> Another step in the development of the concept of cultural rights was made in Article 15 of the ICESCR, regarding the participation in cultural life.

Besides this, instruments outside the International Bill of Human Rights and as well as on regional levels (e.g. *American Declaration of the Rights and Duties of Man*,<sup>103</sup> *African Charter on Human and People’s Rights*,<sup>104</sup> *European Convention of Human Rights*,<sup>105</sup> national constitutions, and the soft law instruments of UNESCO) are essential within this field of cultural rights. This chapter seeks to link music with the concept of cultural identity, the right to participate in cultural life and the area of minority rights.

### 3.1 WE THINK WHAT WE HEAR – MUSIC AS AN INHERENT PART OF CULTURAL IDENTITY

How music is developed, the material and language used, and whether music is considered beautiful or a ‘sin’ varies across individuals and cultures.<sup>106</sup> Therefore, it is ‘one of the most important media through which social relationships are explored, affirmed and celebrated’.<sup>107</sup>

<sup>101</sup> *ibid* 176.

<sup>102</sup> Universal Declaration of Human Rights (adopted 10 December 1948 UNGA Res 217 A(III) (UDHR).

<sup>103</sup> American Declaration of the Rights and Duties of Man (adopted 2 May 1948), reprinted in Basic Documents Pertaining to Human Rights in the InterAmerican System OEA/Ser L V/ II.82 Doc 6 Rev 1 at 17 (1992).

<sup>104</sup> African Charter on Human and Peoples’ Rights (adopted 27 June 1981, entered into force 21 October 1986) (1982) 21 ILM 58 (African Charter).

<sup>105</sup> European Convention for the Protection of Human Rights and Fundamental Freedoms (Rome, 4 Nov. 1950), 312 E.T.S. 5.

<sup>106</sup> Janusz Symonides, ‘Cultural Rights’ in J Symonides (ed), *Human Rights: Concept and Standards* (Ashgate Publishing Company 2000) 177

<sup>107</sup> Robert Walser, ‘Rhythm, Rhyme, and Rhetoric in the Music of Public Enemy’ (1995) 39 *Ethnomusicology* 193, 212.

Music as a part of the culture is essential when it comes to shaping values, beliefs and attitudes. Culture allows individuals to know who they are, define who they are, know what is meaningful, communicate with others, and manage their environment.<sup>108</sup>

This gives weight to the argument that music, as an instrument for communication and expression, is an indispensable element of an individual's cultural identity. Music plays an active part when it comes to self-determination and definition of one's cultural identity. External actors or members from 'other cultural identities' create stereotypes of 'the other', which are musically constructed.<sup>109</sup> This can be observed in everyday life, 'This is typical African music' or 'Oriental music.'

The idea of creating a separate right to cultural identity finds its roots mainly in two debates within human rights discourses: on cultural rights and collective rights, as mentioned above. In most cases, cultural identity is not such a simple, single group identification. Thus, every human being has at least one ethnic-group identity as well as a gender identity and a class identity.<sup>110</sup> This also shows the complexity of the implementation of cultural rights. Besides the complicated nature of the concept of identity, the concept of culture is also not easy to deal with. As the Dutch professor in human rights and cultural diversity, Yvonne Donders, puts it, 'Culture can refer to various things, for example human culture in general, the culture of a specific society or period, or the culture of a person.'<sup>111</sup>

Even though the concept of cultural identity has been used in several international human rights instruments there is no generally accepted legal definition of cultural identity. In this regard, social scientists and human rights scholars have done much work in defining this concept, but it still remains very vague and yet essential to human rights discourses in general.<sup>112</sup> Therefore, it is necessary to make some preliminary remarks on the terms before proceeding to the legal framework and its relation to music.

The concept of culture and the concept of cultural identity are interrelated. The difference shows, in fact, that 'culture' is used more or

<sup>108</sup> *ibid.*

<sup>109</sup> Fock E, 'Music – Intercultural Communication? Micro Musics, World Music and Multicultural Discourse' (1997) 4 *Nordicom Information* 55, 56.

<sup>110</sup> Michael Singer, 'Relativism, Culture, Religion, and Identity' in CW Howland (ed), *Religious Fundamentalisms and the Human Rights of Women* (Palgrave 1999) 48f.

<sup>111</sup> Yvonne Donders, *Towards a Right to Cultural Identity?* (Intersentia 2002) 2.

<sup>112</sup> *ibid.* 12.

less as an overall and broader concept. It refers to the culture of a society or an individual, whereas ‘cultural identity reflects the personification or specific interpretation of a certain culture.’<sup>113</sup> This definition should not be taken as an absolute and generally valid explanation but rather as a contextual illustration for the purpose of this research. Thus, besides the lack of a general definition of what ‘cultural identity’ constitutes, even the concept itself has been controversially discussed within the human rights context.<sup>114</sup>

However, Article 27 of the UDHR and Article 15 of the ICESCR refer to the right to take part in cultural life, and Article 19 of the UDHR codifies the freedom of expression.<sup>115</sup> Furthermore, there are also UNESCO instruments with a direct link to cultural identity, such as the *Declaration of the Principles of International Cultural Co-operation* (1966)<sup>116</sup> the *Recommendation on Participation by the People at Large in Cultural Life and their Contribution to It* (1976)<sup>117</sup> and the *Declaration on Race and Racial Prejudice* (1978).<sup>118</sup> In addition, there are two more instruments from this millennium linked to a right to cultural identity: the *Universal Declaration on Cultural Diversity* (2001)<sup>119</sup> and the *UNESCO Convention on the Protection and Promotion of the Diversity of Cultural Expressions* (2005).<sup>120</sup>

One can ask whether the approach to cultural rights through the concept of cultural identity has been the right way to address this complex area. On the one hand, scholars claim that it has been a necessary development in order to highlight the interconnection of cultural identity and human dignity.<sup>121</sup> On the other hand, it can be argued that the promotion of a right to cultural identity would add

<sup>113</sup> Uichol Kim, ‘Science, Religion, Philosophy, and Culture: Psychological Analysis of Western, Islamic and East Asian Worldviews’ in U Kim, H Sinding and S Ebadi (eds), *Democracy, Human Rights, and Islam in Modern Iran: Psychological, Social, and Cultural Perspectives* (Fakbokforlaget 2004) 453.

<sup>114</sup> Donders (n 108) 12.

<sup>115</sup> *ibid* 139.

<sup>116</sup> Declaration of the Principles of International Cultural Co-operation (adopted 4 November 1966 CFS.67/VII.4/A).

<sup>117</sup> Recommendation on Participation by the People at Large in Cultural Life and their Contribution to It (adopted 26 November 1976 19C/Resolution 4.126).

<sup>118</sup> Declaration on Race and Racial Prejudice (adopted 28 November 1978 Resolution 3/3.1/2).

<sup>119</sup> Convention on the Protection and Promotion of the Diversity of Cultural Expressions (adopted 20 October 2005, entered into force 18 March 2007).

<sup>120</sup> Convention on the Protection and Promotion of the Diversity of Cultural Expressions (adopted 20 October 2005, entered into force 18 March 2007).

<sup>121</sup> Donders (n 108) 139.

nothing to establishing human rights because the concept itself is too vague to be transformed into a substantive legal right.<sup>122</sup>

‘Another concern regarding the concept of cultural identity is the possibility of forced assimilation of individuals into a community identity that may no longer be theirs.’<sup>123</sup> Whether a specific cultural identity needs to be promoted and protected can, therefore, depend on the decisions made by authoritarian leaders inside or outside the community.<sup>124</sup>

The Islamic regime imposed on the Iranian population can be taken as a case in point. The Islamic Republic of Iran, which was established after the Islamic Revolution in 1979, has presented one of the strongest cases regarding the instrumentalisation of the concept of cultural identity. An ‘Islamic identity’ and ‘Islamic cultural traditions’ (Shia Islam) have been formed to shut down alternative cultural identities. Thereby, the officials in Iran used the opportunity created by the debates over universality versus relativism in human rights to highlight the counter models that the Islamic tradition possesses for every social-legal model that the West can offer.<sup>125</sup>

The supporters of the Islamic Regime have been fighting for their right to an ‘Islamic identity.’ Against this backdrop, cultural diversity and ‘Western values’ coming from outside have been presented by the regime as a threat to the so-called ‘Iranian identity.’<sup>126</sup> Cultural or religious minorities, such as Sunni, Christians, Jews or Baha’i suffer under discriminatory and repressive policies of the government. The latter minority group is even systematically persecuted, sentenced to death or banned from access to higher education.<sup>127</sup>

In Iran, ‘artistic expressions and creations come under particular attack because they can convey specific messages and articulate symbolic values in a powerful way, or may be considered as doing so.’<sup>128</sup> Illustrations in the case of music in Iran are going to be presented in the last chapter of this thesis, but in arriving to this point, it is necessary to examine the right to participate in cultural life and the situation of minorities.

<sup>122</sup> *ibid.*

<sup>123</sup> *ibid* 321.

<sup>124</sup> *ibid.*

<sup>125</sup> Reza Afshari, *Human Rights in Iran: The Abuse of Cultural Relativism* (University of Pennsylvania Press 2001) 3f.

<sup>126</sup> *ibid.*

<sup>127</sup> Shahin Milani, ‘Situation of the Bahá’í Minority in Iran and the Existing Legal Framework’ (2016) 69 *Journal of International Affairs* 137, 137.

<sup>128</sup> Karima Bennoune, ‘Report of the Special Rapporteur in the field of cultural rights’ (UN Doc A/HRC/34/56, Human Rights Council 2017).

## 3.2 MUSIC AND THE RIGHT TO PARTICIPATE IN CULTURAL LIFE

‘Music of some kind accompanies all communal celebrations. Singing and dancing, just like eating and drinking, are part of all merry-making. Feasts are a collective letting loose, especially for people oppressed by hard daily labor [sic].’<sup>129</sup> In addition to its means of expression, music is also a cultural activity. Hence, the basic access to play music can be regarded as a cultural right in itself. Concerning the right to freely participate in cultural life, Article 27 of the UDHR states the following:

Everyone has the right freely to participate in the cultural life of the community, to enjoy the arts and to share in scientific advancement and its benefits.<sup>130</sup>

The meaning of participating in cultural life from a socio-cultural perspective has been discussed earlier, but what exactly does it mean on a legal basis? The content of this specific right can be interpreted on two levels, passive and active. These dual aspects are mentioned in the *Recommendation on Participation by the People at Large in Cultural Life and their Contribution to It* (1976).<sup>131</sup> The access to culture from a passive perspective is given when concrete opportunities are available for everyone. This also includes the socio-economic conditions for ‘freely obtaining information, training, knowledge and understanding and for enjoying cultural values and cultural property.’<sup>132</sup> The active perspective is given when concrete opportunities for the freedom of cultural expression, communication and interaction between individuals take place.<sup>133</sup>

What does this mean for the field of music? How can the right to participate in cultural life be linked to musical activities? In order to answer these questions, it is necessary to include the work done by the Danish non-governmental organisation (NGO), *World Forum on Music and Censorship – Freemuse*, that advocates and defends freedom of expression for musicians and composers worldwide. This independent international membership organisation is governed by its charter, which is based on the UN documents related to the right to participate

<sup>129</sup> Vaira Vike-Freiberga, ‘Foreword’ in I Peddie (ed), *Popular Music and Human Rights* (Ashgate 2011) XIII.

<sup>130</sup> UDHR (n 99) art 27.

<sup>131</sup> Recommendation on Participation by the People at Large in Cultural Life and their Contribution to It (adopted 26 November 1976 19C/Resolution 4.126).

<sup>132</sup> Symonides (n 97) 190.

<sup>133</sup> *ibid.*

in cultural life and freedom of expression and in accordance with the recommendations made by the UN Special Rapporteur in the field of cultural rights' reports.<sup>134</sup>

According to the special rapporteur, for musicians, the right to participate in cultural life implies firstly, the freedom to perform, produce and listen to music. This right can only be guaranteed when states 'fully support artistic creativity and the establishment of cultural institutions [is] accessible to all.'<sup>135</sup> It includes the protection of artistic events and cultural diversity, especially music made by ethnic minorities. The right to participate in cultural life should be guaranteed without discrimination. In addition, women should be allowed to live with culture and cultural rights in accordance with international norms.<sup>136</sup> Unless the music contains inappropriate lyrics, which can legally be limited within the scope of the freedom of expression, the right to perform and enjoy music in itself can in general not be prohibited legally.<sup>137</sup>

Even though the UN has created a Committee for Economic, Social and Cultural Rights to supervise member states implementation of these rights, there are no courts or committees in the international human rights system that consider complaints about violations of the right to participate in cultural life. This is not the case for complaints regarding violations of the freedom of expression.<sup>138</sup> This demonstrates again, as far as legal conditions are concerned, cultural rights have been neglected within the human rights discourse.

The Austrian association, *United Heartbeat*, which is presented in the following section, has taken music as a vehicle for enabling fled musicians access to their 'own' culture, which they can hold on to when arriving in an 'unknown world.'<sup>139</sup> It also shows the essential contribution that the right to cultural identity and the right to participate in cultural life can give during the integration process of refugees.

<sup>134</sup> 'About Us' *Freemuse* (Copenhagen 2018) <<https://freemuse.org/about-us/>> accessed 6 April 2018.

<sup>135</sup> *Freemuse Charter*, the purpose and constitution of *Freemuse* (revised 16 September 2005) <<http://freemuse.org/freemuseArchives/freerip/freemuse.org/sw4687.html>> accessed 8 April 2018.

<sup>136</sup> Farida Shaheed, 'Report of the Special Rapporteur in the Field of Cultural Rights: The Right to Freedom of Artistic Expression and Creativity' (UN Doc A/HRC/23/34, Human Rights Council 2013).

<sup>137</sup> 'Music as a Human Right' *Freemuse* (Copenhagen 2018) <<https://freemuse.org/about-music-censorship/music-human-right/>> accessed 8 April 2018.

<sup>138</sup> *ibid.*

<sup>139</sup> *United Heartbeat*: <<https://www.unitedheartbeat.at>> accessed 25 May 2017.



## 3.3 CASE STUDY: UNITED HEARTBEAT

The association, *United Heartbeat*, was founded during the summer of 2015 when the European refugee crisis hit Austria, and the main train stations in Vienna were overwhelmed with exhausted and devastated people escaping the wars in their home countries. Eva Barwart-Reichelt, the founder of *United Heartbeat*, felt the need to help and participate in the local field of humanitarian aid by providing help on a long-term basis and supporting the integration process.<sup>140</sup> Her co-worker, Jonathan Irons, gets to the heart of this project by stating that integration means ‘encounter, exchange, curiosity and communication’ – he attributes the same characteristics to music.<sup>141</sup>

*United Heartbeat*’s major focus is on the purchase of instruments for fled musicians, who can, as a result, be integrated in various ways. Firstly, since many of them do not even have an official migrant or refugee status and are legally not allowed to pursue an activity, they can find a daily task by playing music. Secondly, the interaction with one’s known cultural environment, as well as the fact that one’s own skills are valuable outside one’s home country, can be highly relevant. This is seen as another benefit that is offered by the access to music as a medium for integration into a new society. Thirdly, these musicians are often asked to play at events within their cultural community. Therefore, the access to music can also become a source of income, which grants them a practical position in the new society. Through this association, cultural skills can be used in both ways, strengthening one’s cultural identity by practising already known traditions and at the same time, getting in contact with new customs. On the whole, the access to music and the right to one’s cultural identity are essential – especially in times of frustration, fear and uncertainty.<sup>142</sup> In the interview, Barwart-Reichelt explains the importance of music, especially during the period of childhood, ‘Identity, in general, has so many different partial aspects, which form the whole. For instance, when a child is born, the first voice it hears can be seen as its first musical experience. I think this is a very formative experience.’<sup>143</sup>

<sup>140</sup> Interview with Eva Barwart-Reichelt, founder of United Heartbeat (19 May 2017).

<sup>141</sup> United Heartbeat: <<https://www.unitedheartbeat.at>> accessed 25 May 2017.

<sup>142</sup> Interview with Eva Barwart-Reichelt, founder of United Heartbeat (19 May 2017).

<sup>143</sup> *ibid.*

In view of this, having the possibility to play one's 'own cultural' music can instigate positive feelings, and it can bring a part of one's home to the current unknown place. Barwart-Reichelt goes even further and states that music is a part of personal identity and when this part is missing, a human being is not complete.<sup>144</sup> This perfectly shows the importance of a musical instrument in cases like these. Nonetheless, besides their primary focus, *United Heartbeat* also plays an intermediary role between musicians and event organisers, 'but we are not an agency. When someone calls us in order to employ a musician, we provide him or her the contacts and then they can organise between themselves.'<sup>145</sup>

Even though the original idea was to enable a dialogue between cultures through music, Barwart-Reichelt claims that this does not necessarily mean that music has automatically functioned as a unifying instrument. What role music-making plays in one's life depends on the environment one grew up in and the family one is born into.<sup>146</sup> Nonetheless, as mentioned above, music itself is embedded in almost every social interaction, 'You don't have to be a musician, every child grows up with the music of its own language, and this is very deeply rooted in one's personality. These experiences and environments from one's childhood are very formative. Through language, music can occur, or in other words, language is music.'<sup>147</sup>

However, languages can be expressed through various dialects and it stems from different semantics. This is equally valid for music – it is culturally relative. Since these refugees come from diverse countries such as Iraq, Iran, Afghanistan, Syria and Sierra Leone, the cultural diversity should not be underestimated. With regards to their experiences with music, there is not only a distinction between cultural communities originating from the same country but also within a community every individual's perception of music is different. The tension is noticeable also between some communities within the association, 'They take the conflict from their region with them, but of course, on another level and it does not arise explicitly.'<sup>148</sup>

<sup>144</sup> *ibid.*

<sup>145</sup> *ibid.*

<sup>146</sup> Interview with Eva Barwart-Reichelt, founder of United Heartbeat (19 May 2017).

<sup>147</sup> *ibid.*

<sup>148</sup> *ibid.*

In this context, religious belief takes an essential part. Since many musicians are also members of their cultural community in Vienna, they have to comply with the rules set by their local leaders. For instance, musicians belonging to the Syrian Orthodox Church in Vienna are only allowed to perform at events when their priest gives them the authority. This depends on whether the event's idea and purpose are in accordance with the community's ideologies. According to Barwart-Reichelt, it happens frequently that this specific group identifies more with events organised by right-wing rather than left-wing parties.<sup>149</sup> Although this tendency deserves to be researched separately, it is not going to be discussed within the framework of the present thesis.

Even though Barwart-Reichelt and Irons put emphasis on the inclusion of female musicians, the implementation of this task has been more complex than expected. The non-discriminatory principle of the right to cultural life is taken very seriously when it comes to the association's approach. Due to the fact that more male refugees have been arriving in Vienna, the association currently consists only of male members. There has been only one case where a girl contacted the association in the hope of receiving an instrument. After she had been hesitating whether or not to join *United Heartbeat*, her fear of her family's reaction prevailed over her and she decided not to join. This girl knew from experience that her family would not give her the authorisation for playing music or even punish her because of her idea to do so.<sup>150</sup>

This specific case makes the borders between cultural identities and differences between understandings of cultural life visible, which in the end shaped the girl's behaviour. As far as gender equality is concerned, within the cultural context of the arriving refugees, female musicians are more discriminated when it comes to authorisation for performances, 'For example, very strict Muslims do not think very positively about music...and if, then the right to music-making is only given to men. Thus, women as artists – in music, dance, painting...are very scorned.'<sup>151</sup>

<sup>149</sup> *ibid.*

<sup>150</sup> Interview with Eva Barwart-Reichelt, founder of United Heartbeat (19 May 2017).

<sup>151</sup> *ibid.*

### 3.4 CONCLUSION

This case study has shown how the inherent role of culture – in the form of language, music or human interaction – can be relevant when it comes to integration into new places and environments. Based on this idea, one can state that music is not only heard through songs or beats, but it surrounds a human being also through melodies and tonalities in verbal communication.

According to Paja Faudree from the Department of Anthropology at Brown University, ‘music and language are socially determined constructs that arbitrarily divide, in fundamentally cultural ways, a communicative whole’.<sup>152</sup> Social and cultural identities are created through lived meanings of socio-cultural environments, which are directly linked to musical-linguistic signs of sounds and words.<sup>153</sup> *United Heartbeat* fights for these refugees, in order to grant them the right to cultural identity and the right to participate in cultural life. These people have not only lost their homes and socio-cultural environments but have also been denied several human rights within this ‘European refugee crisis.’ Nonetheless, one should have in mind that this empowerment might support social integration – it does not mean that the access to rights is legally given.

The association’s work has, in practice, affected many people in a positive way. Even though it seeks to promote the principle of non-discrimination, cultural ideas of the refugees themselves with regards to gender equality bar the way for effective implementation. Whereas the initial role is empowering through music, it has also created another space, in which women are discriminated, and social differences are highlighted.

The following chapter will examine the evolvement of hierarchical relationships between social and cultural identities and cultural spaces. In addition, it will try to get to the bottom of the almost constant (and not always positive) side effects that the creation of ‘music spaces’ and the instrumentalisation of music bring with them.

<sup>152</sup> Paja Faudree, ‘Music, Language, and Texts: sound and Semiotic Ethnography’ (2012) 41 *The Annual Review of Anthropology* 519.

<sup>153</sup> *ibid* 522.

4.

MINORITY RIGHTS AND MUSIC

Based on the discussion on the access to cultural life and the right to cultural identity in the previous chapter, music creates a common space for those who are 'in.' However, this does not necessarily mean that every individual has equal access to this area or even enjoys equal treatment when entered. Without being specifically against any 'other musical space' or musician, music's ethnical component draws a line between 'in' and 'out', 'our' and 'their' or 'normal' and 'exotic.'<sup>154</sup> What is the situation for minorities when they enter the field of classical music? This chapter attempts to answer whether the core values of non-discrimination and equal treatment in the field of classical music are a given and whether the rights of minorities and musicians of colour are respected, promoted and protected.

4.1 ARTICLE 27 OF THE INTERNATIONAL COVENANT ON CIVIL AND  
POLITICAL RIGHTS

Without going into a detailed debate on Article 27 of the ICCPR, this chapter will give an introductory illustration to provide a legal basis for the following discussion within the field of minority rights in the context of music. Within this framework, only the elements regarded as relevant for the topic are presented. Human rights are individual rights; this means that every human being is entitled to them. Minority rights are also covered by this criterion.

<sup>154</sup> Eva Fock, 'Music – Intercultural Communication? Micro Musics, World Music and Multicultural Discourse' (1997) 4 Nordicom Information 56.

Nonetheless, individual rights can often be implemented mainly, if not exclusively, in association with others.<sup>155</sup> The subjects of this discourse are individuals belonging to minority groups. The consequence of this formulation leads to the fact that these rights not only protect the collective identity but also every individual within it.<sup>156</sup> The wording of Article 27 of the ICCPR concerning minority rights is as follows:

In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.<sup>157</sup>

But who is considered as a member of a minority? Under General Comment 23, a minority is understood in this context as ‘those who belong to a group and who share in common a culture, a religion, and/or a language.’<sup>158</sup> Article 27 functions within national borders, therefore it ‘should be compatible within the sovereignty and territorial integrity of States.’<sup>159</sup> The respective article establishes not only the right to participate in cultural life generally but also the common enjoyment of a specific culture, which includes, among other elements, music. Additionally, it is based on the principle of non-discrimination and equality that ensure the preservation of their identity. It also gives them the right to use their national, educational and traditional customs, besides the right to create and maintain their own institutions.<sup>160</sup>

It is highly important to examine whether the right for minorities to participate in cultural life by professing and practising their own culture is guaranteed within the field of music. Such a study could concentrate on national legislations or practical implementation of these human rights standards. Nevertheless, within the scope of this thesis, another

<sup>155</sup> Janusz Symonides, ‘Cultural Rights’ in Symonides J (ed), *Human Rights: Concept and Standards* (Ashgate Publishing Company 2000) 201.

<sup>156</sup> *ibid* 202.

<sup>157</sup> International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).

<sup>158</sup> Human Rights Committee, Centre for Civil and Political Rights (CCPR), General Comment 23, Art. 27 (Rights of Minorities) (Fiftieth session, 1994) U.N. Doc. CCPR/C/21/Rev.1/Add.5 (1994).

<sup>159</sup> International Covenant on Civil and Political Rights (adopted 16 December 1966, entered into force 23 March 1976) 999 UNTS 171 (ICCPR).

<sup>160</sup> Janusz Symonides, ‘Cultural Rights’ in Symonides J (ed), *Human Rights: Concept and Standards* (Ashgate Publishing Company 2000) 202.

aspect is taken into consideration. The following case studies show that as soon as an individual is defined as a member of a specific minority group, the society expects a specific behaviour and compliance with the group's canons. This leads to socially constructed stereotypes, which often, instead of granting the right to self-determination for members of minorities, function as barriers.

These barriers cause discrimination on the basis of colour and ethnicity. While intending to give members of minorities and musicians of colour the right to live 'their own' culture (which might not be based on self-determination), the exact opposite occurs. As far as minority rights and discrimination on the grounds of colour and ethnicity in the field of music are concerned, there is still very little academic research. In contrast to the neglect by the academic world, there have been several cases that have attracted the attention of the international community. The following section presents the findings of the desk research conducted by the author of this thesis.

#### 4.2 MEMBERS OF MINORITIES AND MUSICIANS OF COLOUR IN CLASSICAL MUSIC

During the research, the author of this thesis found that issues concerning discrimination on the grounds of ethnicity within the field of music have been discussed in many online forums, on social media and in quality newspapers and magazines. Furthermore, a conference on *Diversity and Inclusion in Classical Composition* by The British Academy of Songwriters, Composers and Authors (BASCA), in cooperation with The British Broadcasting Corporation (BBC) Radio 3 took place in Manchester in October 2016. Various well-known composers and representatives from organisations in the field of music participated in the discussions on the ethnic discrimination of composers of colour and musicians from minorities.<sup>161</sup>

Besides the conference, BASCA, the independent professional association representing music writers in all genres, also launched an academic research project on the selection process of commissioned

<sup>161</sup> British Academy of Songwriters, Composers and Authors (BASCA), 'Diversity and Inclusion in Composition Conference' BASCA (24 October 2016) <<https://basca.org.uk/2016/10/24/diversity-inclusion-composition-conference/>> accessed 6 April 2018.

work for the British Composer Award. The purpose of this study was to highlight the lack of equal treatment. Even though the collected data and the outcomes of this project may contribute as a basis for further research within this field, the study holds a limited scope. Not least because of the low number of composers of colour and musicians from minorities participating in the competition but also because of the high specificity of this case study (location of competition, informal nature of work, etc). Nonetheless, the findings presented in this project provide a starting point for further examination on an international level.<sup>162</sup>

Despite the lack of respective scientific work, this issue of discrimination on the grounds of ethnicity within the field of music is of high relevance and should be definitively included in the present thesis. The next section briefly illustrates the challenges and discriminatory policies that some members of minorities have faced. The first part is based on interviews and reports carried out during the *Diversity and Inclusion in Classical Composition Conference* in 2016 and for the online magazine *San Francisco Classical Voice* in 2009. In the second part, the interview with the founder of the *Tehran Flute Choir* serves as a source. It is important to bear in mind that this selective presentation provides only a brief insight and seeks to underline the importance of further research within this field. It should not be taken as a generally valid illustration of the broad arena of classical music.

One of the guests at the conference was the Jamaican-born pianist and composer, Eleanor Alberga, who has written for the Royal Philharmonic, the London Philharmonic and the Mozart Players. She claims that composers from minority groups are ‘effectively silenced’ because they do not fit into classical music’s ‘inner club’:

Sometimes the offer of a commission [for the British Composer Award] comes with an extra agenda. Because I’m black, I’m asked to write about slavery or I’m asked to write a Jazz piece, which I know nothing about, or I’m asked to write using Afro-Caribbean influences, which I do have, but I’d like to choose when I do that and not be given an extra racial agenda for each commission.<sup>163</sup>

<sup>162</sup> British Academy of Songwriters, Composers and Authros (BASCA), ‘Equality and Diversity in New Music Commissioning’, *BASCA* <[https://basca.org.uk/newsletter/BASCA\\_Music-Commissioning.pdf](https://basca.org.uk/newsletter/BASCA_Music-Commissioning.pdf)> accessed 6 July 2017.

<sup>163</sup> Youngs I, ‘Composer Eleanor Alberga on Race in Classical Music’ (BBC, 20 October 2016) <<http://www.bbc.com/news/entertainment-arts-37702239>> accessed 6 April 2018



However, according to Alberga and various other musicians there is still ‘a hesitancy or even condescension in welcoming black people as part of the classical music family’, while it is not unusual that musicians from minorities or musicians of colour are commissioned for ‘Black History Month’ or other ‘racial’ categories.<sup>164</sup> Besides composers, musicians of colour also face tremendous discriminatory policies when it comes to areas of classical music such as opera. As the music critic and lecturer of classical vocal recordings, Jason Victor Serinus, puts it, ‘When it comes to classical music and opera, we enlightened ones are supposed to be colorblind. Color [sic] doesn’t matter, except when it matters.’<sup>165</sup> According to the Afro-American music director, Michael Morgan, equal participation by minorities and musicians of colour in classical music is by no means a given.<sup>166</sup>

Another example concerns the well-known American soprano singer, Leontyne Price. When she first visited the Eastman School of Music to sing Puccini’s opera ‘Tosca’, many in the department were offended. Consequently, she was instead offered the role of ‘Aida’ in Verdi’s opera. ‘Clearly, Price was considered acceptable for the role of the Ethiopian princess Aida, but not for Tosca, a white Italian diva.’<sup>167</sup> Moreover, she and her fellow African-American sopranos were cast as slave girls. When not in these roles, the performances were without live audiences and were only broadcasted through radio or other non-visual media. These forms of structural discrimination exist not only based on the colour or ethnicity of the musician himself or herself. As already mentioned, individuals involved in musical types other than ‘Western classical music’ are also not treated equally, as the next case illustrates.

Lastly, the situation of an Iranian violinist who was taking part in an entrance audition at the Conservatory in Feldkirch, Austria, is taken as an example. This case demonstrates the challenges that non-Western musicians have to face to enter the field of classical music. Navai, the founder of the *Tebran Flute Choir*, which is going to be part of further

<sup>164</sup> *ibid.*

<sup>165</sup> Serinus JV, ‘Looking the Other Way: Race in Classical Music’ *San Francisco Classical Voice* San Francisco, 12 May 2009) <<https://www.sfcv.org/content/looking-other-waybrance-classical-music>> accessed 6 April 2018

<sup>166</sup> *ibid.*

<sup>167</sup> Serinus JV, ‘Looking the Other Way: Race in Classical Music’ *San Francisco Classical Voice* San Francisco, 12 May 2009) <<https://www.sfcv.org/content/looking-other-waybrance-classical-music>> accessed 6 April 2018

discussions later in this thesis, illustrated the case during the interview. While the participants were asked to prepare pieces from different époques of classical music such as romantic, baroque, contemporary – like in every audition within the classical music genre – a participating Iranian violinist was not aware of these conditions. He had just heard about the audition, took a flight from Iran to Austria and participated in the entrance examinations by playing traditional Persian music in front of the jury. He was interrupted immediately, and his performance was not taken seriously. He was told, ‘When you want to study music here at the conservatory you also have to play classical Western music, other types of music such as Persian traditional or any other traditional music is not acceptable.’<sup>168</sup>

It is important to bear in mind that ‘art has always been, and will always be, parallel to some kind of extra-musical equivalent to the political interest on the political level.’<sup>169</sup> Referring to the musical space that the definition of classical music frames, the political discourse is influencing this phenomenon and also defining who is ‘in’ and who is ‘out.’<sup>170</sup> Eva Fock gets to the heart of this by claiming that while listening to music one starts automatically decoding it on the basis of expectations at non-musical levels.<sup>171</sup> The consequences that this mostly unconscious behaviour brings will be discussed below.

#### 4.3 MUSIC AS A MARKER OF CULTURAL HIERARCHY

In his book *Musical Elaborations* (1991), Said writes about the ‘transgressive [sic] elements of music’, while he also highlights the Eurocentric and imperialistic character of not only influential theories in the social sciences but also in art and literature.<sup>172</sup> He goes even further and blames the ‘tremendous imperial expansion of the West’<sup>173</sup> for causing the very high price that music, art, and culture were consequently forced to pay.

<sup>168</sup> Interview with Firouzeh Navai, founder of the Tehran Flute Choir (13 and 14 May 2017).

<sup>169</sup> Fock E, ‘Music – Intercultural Communication? Micro Musics, World Music and Multicultural Discourse’ (1997) 4 Nordicom Information 57.

<sup>170</sup> *ibid* 58.

<sup>171</sup> *ibid*.

<sup>172</sup> Edward Said, *Musical Elaborations* (Columbia University Press 1991) 51

<sup>173</sup> *ibid* 52.

The encounter between the West and its various ‘others’ has often been driven by the tactic of drawing a defensive frame called ‘the West’ around their known terrains, ‘this tactic protected against change and a supposed contamination brought forward threateningly by the existence of the Other [sic].’<sup>174</sup> These cultural stereotypes of ‘the Orient’, Africa or ‘the Balkans’ to name only a few, are not only based on European or Western fantasies. Rather, they are a mixture of theory and practice accumulated over generations.<sup>175</sup>

Music takes a great part in this construction of stereotypes that are generally founded on imaginations instead of knowledge and facts.<sup>176</sup> A mainstream example is the image of ‘African music’ that always shows Africans performing in colourful dresses and dancing and playing the drums, ‘This stresses the image of a drum culture, ignoring other important elements, and it generally keeps the image of their childish, almost primitive, innocence alive.’<sup>177</sup> The fact that these stereotypes have been shaping the ‘Western’ perception of ‘African culture and music’ or ‘Oriental music’ has led to a vicious cycle, ‘We decide when exotic music is acceptable, in which form, and when not.’<sup>178</sup> For a large part, people seek this imagined, so-called ‘authentic’ music and do not accept the diversity within one culture. The fact that the ‘Western world’ is creating images of the rest of the world has in a way replaced ‘race’ with the alternative concept of ‘culture’ as the reason for discrimination.<sup>179</sup>

As far as classical music is concerned, non-European music is not seen as part of this accepted category among musicians worldwide. On the contrary, music that does not have roots in the classical music canon (eg Mozart, Beethoven, Chopin, etc) is located in the so-called ‘World Music’ category.<sup>180</sup> In order to make ‘other’ cultures and types of music visible in the ‘classical music world’, instead of integrating ‘other’ types of music in the latter, they are given a ‘pure exotic visibility.’ As a consequence, the so-called ‘World Music’ gets ‘culturalised’ and ‘ethnicised’, which in turn confirms negative stereotypes.<sup>181</sup>

<sup>174</sup> *ibid.*

<sup>175</sup> Edward Said, *Orientalism* (Random House 1978) 6.

<sup>176</sup> Fock E, ‘Music – Intercultural Communication? Micro Musics, World Music and Multicultural Discourse’ (1997) 4 *Nordicom Information* 56.

<sup>177</sup> Fock E, ‘Music – Intercultural Communication? Micro Musics, World Music and Multicultural Discourse’ (1997) 4 *Nordicom Information* 56

<sup>178</sup> *ibid.*

<sup>179</sup> *ibid.* 58

<sup>180</sup> *ibid.*

<sup>181</sup> *ibid.*

In the school of classical music, Mozart, Beethoven, Bach and other ‘fathers of music’ function as the origin of music in general. Music other than this is often interpreted as ‘out of tune’, ‘primitive’ and especially incomprehensible.<sup>182</sup> The majority of music teachers and music professionals express themselves like: ‘We all might learn different local, culturally defined scales, but we are all born with the same 12 basic tones.’<sup>183</sup> Many musicians, especially from cultural minorities do not agree with this and call this expression an ‘hierarchic, ethnocentric world view, on a somehow unconscious level’<sup>184</sup>

#### 4.4 CONCLUSION

This chapter has demonstrated the challenges and discrimination that minorities and musicians of colour might face within the field of music. Especially in the world of classical music, cultural stereotypes and social constructions often hinder non-discriminatory policies and equal treatment. Not only is there a lack of respect towards ‘non-Western’ music or so-called ‘world music’, but also respect for minorities and musicians of colour is non-existent when they enter the area of classical music. While in chapter three the *West-Eastern Divan Orchestra* illustrated how music can function as a tool of inclusion and promotion for equality, this chapter has presented music as a medium of exclusion.

In regard to Article 27 of the ICCPR, musicians of minority groups are often given the right to practice their own music, and policies to promote and protect their cultural identities are taken into consideration. It is frequently the case that specific thematic agendas are included in a ‘normal musical programme’ of events (ie Black History Month, Oriental Evening), to promote and protect cultural diversity and cultural identity. Nonetheless, through such allegedly inclusive policies, a line between ‘normal’ and ‘exotic’ music is made, which often strengthens hierarchical ideas concerning cultural identities. These policies for the protection of minority rights might pose barriers for effective implementation. As mentioned above, the access for musicians of minority groups to their ‘own music’ is essential and should be given under all conditions.

<sup>182</sup> *ibid.*

<sup>183</sup> *ibid.* 56

<sup>184</sup> *ibid.*

However, in the field of classical music, it is probable that social stereotypes hinder the self-determination of individuals of minority groups. Therefore, one could conclude that even though there are exceptional orchestras, such as the *West-Eastern Divan*, the understanding of equality and equal treatment must be reframed within the field of classical music. Based on the presented cases, classical music has not yet reached an adequate level of social cohesion.

## 5.

## FREEDOM OF EXPRESSION AND MUSIC

Discussions on the freedom of expression within the context of human rights and international law gained importance in the aftermath of the Second World War. During this period, the international community had to deal with issues of propaganda in the context of the Cold War. Such concerns were primarily, but not exclusively, in relation to journalism and the public reporting of events.<sup>185</sup> Freedom of expression as a human right was mainly 'integral to notions of responsibility in reporting and in the wider aspect of media'.<sup>186</sup> Today it is not only seen as the foundation to good and peaceful governance but also as one of the pillars of a democratic society.<sup>187</sup>

Due to abuses in freedom of expression, the UN established a Special Rapporteur on the Promotion and Protection of the Right to Freedom of Opinion and Expression.<sup>188</sup> This specific human right is enshrined in the following legal documents: Article 19 of the UDHR and the ICCPR, Article 10 of the *European Convention for the Protection of Human Rights and Fundamental Freedoms* (ECHR), Article 11 of the *Charter of Fundamental Rights of the European Union*, Article 13 of the *American Convention on Human Rights*, Article 9 of the *African Charter of Human and Peoples' Rights* and Article 13 of the *Convention on the Rights of the Child* (CRC).<sup>189</sup>

<sup>185</sup> Liam Gearon, *Freedom of Expression and Human Rights: Historical, Literary and Political Context* (Sussex Academic Press 2006) 129.

<sup>186</sup> *ibid.*

<sup>187</sup> *ibid* 130.

<sup>188</sup> *ibid* 134.

<sup>189</sup> Eva Brems, 'Civil and Political Rights and the Convention on the Diversity of Cultural Expression' in Kono T and Van Uytsel S (eds), *The UNESCO Convention on the Diversity of Cultural Expression: A Tale of Fragmentation in International Law* (Intersentia 2012) 183f.

Freedom of ideological, religious and cultural expressions in the broadest sense, have been shown to be of ‘enduring value within, and indeed inseparable from, the very nature of open societies.’<sup>190</sup> The field of artistic expression falls also under the responsibility of the special rapporteur in the field of cultural rights. According to her, artists, besides entertainers, also contribute to social debates. By bringing along counter-discourses and potential counterweights to existing power centres, they transform music into an essential channel of information and cultural expression. ‘The vitality of artistic creativity is necessary for the development of vibrant cultures and the functioning of democratic societies.’<sup>191</sup> The following chapter presents a deeper insight into the field of musical expression, including censorship on music as a violation of freedom of expression. The author of this thesis has chosen to approach this field of research by putting forth cases where these freedoms have been violated.

## 5.1 THE FREEDOM OF ARTISTIC AND CULTURAL EXPRESSION

The resolution of the General Conference of UNESCO emphasised, in the Preamble of the *Convention on the Diversity of Cultural Expressions*, the importance of Article 19 of the UDHR, which declares that:

Everyone has the right to freedom of opinion and expression; this right includes freedom to hold opinions without interference and to seek, receive and impart information and ideas through any media and regardless of frontiers.<sup>192</sup>

The *Convention on the Diversity of Cultural Expressions* is based on ‘the principle of respect for human rights’, and it is instrumental in realising freedom of expression.<sup>193</sup> It also indirectly affirms rights in

<sup>190</sup> Liam Gearon, *Freedom of Expression and Human Rights: Historical, Literary and Political Context* (Sussex Academic Press 2006) 137.

<sup>191</sup> Farida Shaheed, ‘Report of the Special Rapporteur in the Field of Cultural Rights: The Right to Freedom of Artistic Expression and Creativity’ (UN Doc A/HRC/23/34, Human Rights Council 2013)

<sup>192</sup> Convention on the Protection and Promotion of the Diversity of Cultural Expressions (adopted 20 October 2005, entered into force 18 March 2007).

<sup>193</sup> Eva Brems, ‘Civil and Political Rights and the Convention on the Diversity of Cultural Expression’ in Kono T and Van Uytsel S (eds), *The UNESCO Convention on the Diversity of Cultural Expression: A Tale of Fragmentation in International Law* (Intersentia 2012) 186.

the sphere of civil and political rights. By the provision of Article 7, states are obliged to grant individuals and social groups the right ‘to create, produce, disseminate, distribute and have access to their own cultural expressions.’<sup>194</sup> Even though this instrument is non-binding, it plays, together with other UNESCO documents, an important role in encouraging states to respect and protect human rights.

Another essential actor within this field is the world’s leading membership-based professional international NGO and official partner of UNESCO, the International Music Council (IMC).<sup>195</sup> This organisation, dedicated to the promotion of the value of music in the lives of all people, has identified ‘five music rights’ based on the UDHR and relevant international covenants issued by the UN, UNESCO and equivalent organisations.<sup>196</sup> These rights are: firstly, the right for all children and adults to express themselves musically in all freedom; secondly, to learn musical languages and skills; thirdly, to have access to musical involvement through participation, listening, creation, and information; fourthly, the right for all musical artists to develop their artistry and communicate through all media, with proper facilities at their disposal; finally, to obtain just recognition and fair remuneration for their work.<sup>197</sup> Nevertheless, this can only be mentioned briefly here since the inclusion of soft law instruments and the analysis of state obligations and policies fall outside this study.

Since the right to freedom of expression is included in the legally binding ICCPR, individual complaints mechanisms are a given. In a judgment from 1988, the European Court of Human Rights interpreted artistic freedom of expression in the following way: ‘Those who create, perform, distribute or exhibit works of art contribute to the exchange of ideas and opinions which is essential for a democratic society. Hence the obligation on the State not to encroach unduly on their freedom of expression.’<sup>198</sup>

<sup>194</sup> *ibid* 187.

<sup>195</sup> International Music Council (IMC), ‘About IMC’ *IMC* <<http://www.imc-cim.org/about-imc-separator/who-we-are.html>> accessed 6 April 2018.

<sup>196</sup> ‘Our Principles’ *IMC* <<http://www.imc-cim.org/about-imc-separator/our-principles.html>> accessed 30 May 2017.

<sup>197</sup> ‘Five Music Rights’ *IMC* <<http://www.imc-cim.org/about-imc-separator/five-music-rights.html>> accessed 30 May 2017.

<sup>198</sup> *Müller and Others v Switzerland* no 10737/84 (ECtHR, 24 May 1988).



According to Freemuse, this right, in particular, gives the freedom to play music in public as well as in private; freedom to give concerts and freedom to release CDs.<sup>199</sup> In any case, censorship of such rights must be prescribed in national law. In other words, ‘the government is not allowed to pass a law on censorship for instance in order to silence certain religious groups or to combat opponent political opinions.’<sup>200</sup> Nonetheless, there are exceptions that turn music censorship into legally binding rules. These exceptions include propaganda advocating for national, racial or religious hatred; respect of the reputations of others; protection of national security, public order, or of public health or morals.<sup>201</sup> In reality, the illegal nature of censorship does not prevent governments or other bodies in power from violating the freedom of expression. The intentions of censorship and its consequences are going to be the theme of the following chapters.

## 5.2 CENSORSHIP OF MUSIC

You may be able to kill the singer but you cannot kill the song.<sup>202</sup>

Music and lyrics hold a strength that somehow transcends gender, age, level of education, and social classes.<sup>159</sup> Governments know the power of music, and obviously music cannot overthrow a regime, but it can certainly mobilise public opinion.

As an example, one can take the case of Tahrir Square, in Cairo, where in 2012 over 100,000 people were demonstrating. Within moments, there was a song that connected the protesters and gave them a unifying voice. This voice was of the 34-year-old Tunisian singer, Emel Mathlouthi, who was participating in the demonstrations and who was singing her song ‘Kelmti Horra’ (‘My word is free’) despite the censorship of music. In January 2017, Mathlouthi, together

<sup>199</sup> ‘Music as a Human Right’ *Freemuse* (Copenhagen 2018) <<https://freemuse.org/about-music-censorship/music-human-right/>> accessed 8 April 2018.

<sup>200</sup> ‘Five Music Rights’ *IMC* <<http://www.imc-cim.org/about-imc-separator/five-music-rights.html>> accessed 30 May 2017.

<sup>201</sup> Human Rights Committee, Centre for Civil and Political Rights (CCPR), General Comment 23, Art. 27 (Rights of Minorities) (Fiftieth session, 1994) U.N. Doc. CCPR/C/21/Rev.1/Add.5 (1994).

<sup>202</sup> SRF ‘Verstummt – Musik und Zensur’ (SRF, 16 January 2017) <<https://www.srf.ch/sendungen/kontext/verstummt-musik-und-zensur>> accessed 6 April 2018

with the director and a chairperson from Freemuse, were invited to the Swiss Radio Station SRF 2 to talk about censorship and the freedom of expression. Mathlouthi explains that after several threats and attacks by the media and officials, she left her country and is currently living in New York. In her songs, she sings, besides other things, about freedom of expression and the war taking place in the Middle East. About the persistent fear of being censored she says, 'Sometimes the line is very, very blurred between what is censored and when you start censoring yourself because you are scared of being censored.'<sup>203</sup>

Where does music censorship start? According to the Swiss ethnomusicologist, Mariel Kreis, censorship begins with the first ban of single words from a song.<sup>204</sup> Martin Cloonan, chairperson of the Danish NGO Freemuse, adds the following definition to it, 'If some person or body prevents a musician or group of musicians from performing a musical work, then clearly that appears to be a case of censorship.'<sup>205</sup> Even though it sounds very obvious, what constitutes censorship of music is a more complicated matter than might be thought initially.

According to Kreis, reasons range from moral, religious, cultural or political aspects. While Apple, for example, censors songs with abusive language or swear words on a level of moral reasoning in order to 'protect the youth', in Afghanistan the Taliban's reasoning roots in their understanding of Islam and the Qur'an.<sup>206</sup>

Over the last decades, the socio-cultural as well as the legal meaning of censorship have been the subject of scientific debates. Research conducted by the German historian Annette Kuhn, in 1988, on early 20th century film censorship, remarks above all that censorship presents an interactive process between censorious forces rather than a static one. 'Censorship is not reducible to a circumscribed and predefined set of institutions and institutional activities, but is produced within an array of constantly shifting discourses, practices and apparatuses.'<sup>207</sup>

<sup>203</sup> *ibid.*

<sup>204</sup> *ibid.*

<sup>205</sup> Martin Cloonan, 'What is Music Censorship? Towards a better Understanding of the Term' in Korpe M (ed), *Shoot the Singer! Music Censorship Today* (Freemuse, Zed Books 2004) 3.

<sup>206</sup> *ibid.*

<sup>207</sup> Annette Kuhn, *Cinema, Censorship, and Sexuality 1909-1925* (Routledge 1988) 127.

Besides other influential work, this assumption can be seen as an overall thread running through contemporary definitions of censorship. Based on the notion that censorship is an omnipresent element of a society, the legal scholar, Stanley Fish (1994), claims in his work that every text is generated by a process of exclusion and selection. He argues that every statement's coherence is embedded in an 'interpretative community' that receives it. 'To be for or against censorship as such is to assume a freedom no one has. Censorship *is*. One can only discriminate among its more and less repressive effects.'<sup>208</sup>

Since music is a 'free expression of the ideas, traditions, and emotions of individuals and of peoples',<sup>209</sup> it can be said that musical meaning also depends on the interpretations that a specific community attributes to it. Taking this into consideration, censorship becomes a necessity, governed by principles of selection and regulation.<sup>210</sup> As discussed earlier, music from an individual's own society seems 'normal', while the music from 'other' societies gets considered as being 'exotic' and 'strange', often also 'atonal.' Michel Foucault's work on censorship also examines the society's intention to correct the 'abnormal.' He implies that censorship constructs a society's knowledge and identity – and vice versa. This assumption leads this chapter to an essential point where censorship is operating at the level of discourse and comprehension by defining social norms and constructing rather than prohibiting.<sup>211</sup>

Mathlouthi's statement on the persistent fear of censorship is most significant because it illustrates the case of a population's automatic or rather unconscious obedience in order not to stand out as 'abnormal', as Foucault put it. This phenomenon also refers to the omnipresent nature and the discourse-dependent process of censorship. The following example shows how lyrics on freedom and human rights expressed through music can gain power, especially when they are applied in contexts such as the Arabic Spring.

<sup>208</sup> Michael Holquist, 'Corrupt Originals: The Paradox of Censorship' (1994) 109 *Modern Language Association PMLA* 14. 16.

<sup>209</sup> 'What is Music Censorship?', *Freemuse*: <http://freemuse.org/archives/133> (accessed 25.06.2017).

<sup>210</sup> Helen Freshwater, 'Towards a redefinition of Censorship' in Müller B (ed), *Censorship and Cultural Regulation in the Modern Age: Critical Studies Vol. 22* (Rodopi, 2004) 231.

<sup>211</sup> Michael Holquist, 'Corrupt Originals: The Paradox of Censorship' (1994) 109 *Modern Language Association PMLA* 14. 22.

انا احرار ما يخافوش  
 انا اسرار ما يموتوش  
 انا صوت إلى ما رضخوش  
 انا حر و كلمتي حرة  
 انا حر و كلمتي حرة

I am those who are free and never fear  
 I am the secrets that will never die  
 I am the voice those who would not give in  
 I am free and my word is free

انا احرار الدنيا واحد  
 انا واحد من كرتوش  
 انا احرار الدنيا واحد  
 انا واحد من كرتوش

I am all the free people of the world put together  
 I am like a bullet  
 I am all the free people of the world put together  
 I am like a bullet

*Kelmti Horra (My word is free) by Emel Mathlouthi* <sup>212</sup>

Because of words like these, a great number of musicians are arrested or punished in many countries all over the world. These violations of musicians' rights to freedom of expression are commonplace in countries such as Sudan, Afghanistan, China and Burundi to name only a few.<sup>213</sup> Iran is also amongst countries that censor music, especially the female voice. 'If you are a woman, if you are a solo performer in Iran, you are not at all allowed to perform in solo. Half of the population is therefore banned.'<sup>214</sup> The following chapter will elaborate more on the conditions of female musicians in Iran and their fight against censorship.

### 5.3 FEMALE VOICE IN IRAN – THE EMBODIMENT OF RIGHTS

With the Islamic Revolution in 1979, Iran became a theocratic state, imposing religion as the sole authority for legal, economic, political and cultural issues. The revolution was regarded as a legitimate means to

<sup>212</sup> Mathlouthi E, 'Kelmti Horra (My word is free)' Translation from: <<http://lyrictranslate.com/en/ma-parole-est-libre-كلمتي-حرة-kelmti-horra-my-word-free.html>> accessed 23 May 2017.

<sup>213</sup> Freemuse, 'What is Music Censorship?', (Copenhagen 2018) <<https://freemuse.org/about-music-censorship/>> accessed 8 April 2018

<sup>214</sup> SRF, 'Verstummt – Musik und Zensur' (SRF, 16 January 2017) <<https://www.srf.ch/sendungen/kontext/verstummt-musik-und-zensur>> accessed 6 April 2018

integrate Islam into all aspects of human life.<sup>215</sup> According to Chehabi, within the field of political science, the unique political system of Iran cannot be described with a specific category.<sup>216</sup> It is rather based on elements of theocratic, totalitarian, post-totalitarian, authoritarian and democratic systems. This means that the laws voted by the National Assembly are not effective unless they are approved by the Guardian Council.<sup>217</sup>

According to ethnomusicologist and expert in music and socio-cultural history in Iran, Ameneh Youssefzadeh, the situation with regards to music went through a radical change from the very offset of the Islamic Revolution.<sup>218</sup> Ayatollah Khomeini, as the major authority of the regime, was very clear when he expressed himself on television during the revolution:

[M]usic is like a drug, whoever acquires the habit can no longer devote himself to important activities. It changes people to the point of yielding to vice or to preoccupations pertaining to the world of music alone. We must eliminate music because it means betraying our country and our youth. We must completely eliminate it.<sup>219</sup>

As a result, all concerts, and especially all radio and television broadcasts of foreign and Iranian, classical and popular music were banned.<sup>220</sup> It went even so far that Revolutionary Guards were reported to have organised raids to gather and destroy musical instruments.<sup>221</sup> Nonetheless, since music has always played an important part in Persian culture, despite all the measures designed to combat it, there was no chance of an entire elimination. In addition, even if the state has control of the media, there is a great difference in Iran between what is theoretically allowed and what people actually do in private.<sup>222</sup>

<sup>215</sup> Ameneh Youssefzadeh, 'Singing in a Theocracy: Female Musicians in Iran' in Korpe M (ed), *Shoot the Singer! Music Censorship Today* (Freemuse, Zed Books 2004) 129

<sup>216</sup> Renate Schmidt, 'Das politische System der Islamischen Republik Iran – eine Vergleichende Studie' in Zamirrad A (ed), *Das Politische System Irans* (Welt Trends Lehrtexte, Universität Potsdam 2011) 51f

<sup>217</sup> Renate Schmidt R, 'Die Valayet-e Faqih' in Azade Zamirrad (ed), *Das Politische System Irans* (Welt Trends Lehrtexte, Universität Potsdam 2011) 66ff

<sup>218</sup> Amehen Youssefzadeh, 'The situation of music in Iran since the Revolution: The role of official organizations' (2000) 9 *British Journal of Ethnomusicology* 38

<sup>219</sup> *ibid.*

<sup>220</sup> *ibid.*

<sup>221</sup> Maria Koomen, *Dissonance Online: The Islamic Republic of Iran, Music, and the Internet* (Masters Thesis, Utrecht University 2012) 14.

<sup>222</sup> *ibid.* 8.

Interestingly, the ‘very intention of abolishing music in public life unexpectedly led to an increasing practice of music within the family circle by the younger generation of all social classes’,<sup>223</sup>

In 1989, under the presidency of Rafsanjani, the absolute ban on music was replaced by the issuing of a *fatwa* (a religious decree establishing the licit or illicit character of an act) allowing the sale and purchase of instruments.<sup>224</sup> This led to the authorisation of some concerts unless they included ‘sensually arousing rhythms’ or female voices in the presence of a male audience.<sup>225</sup>

With the death of Ayatollah Khomeini in 1989, a wind of liberalism started blowing through Iran, which had its climax during the Khatami period from 1997 and which was destroyed through Ahmadinejad’s radical conservative legislation from 2005.<sup>226</sup> In June 2010, the teaching of musical instruments in private schools was prohibited.<sup>227</sup> Even though President Rohani, who was elected in 2013 and still holds his position today, loosened the censorship on female singers and music in general, musical freedom of expression is still not allowed in Iran.<sup>228</sup>

Regarding Islamic censorship on music, women suffer on two levels: the general censorship restricts them on the basis of their ethnicity, while the ban on the female voice violates their rights on the basis of their gender. Female singers are permitted to perform in front of a female audience, but one would never hear any female voice on the radio or television. According to the Iranian jurisprudence, it seems that a woman’s voice reflects her most ‘intimate sphere’ (*awra*)<sup>229</sup> and she is ‘dangerous’ for men because it ‘makes one think of things other than Allah’.<sup>230</sup>

<sup>223</sup> Ameneh Youssefzadeh, ‘The situation of music in Iran since the Revolution: The role of official organizations’ (2000) 9 *British Journal of Ethnomusicology* 38.

<sup>224</sup> *ibid.*

<sup>225</sup> Maghazei M, ‘Trends in Contemporary Conscious Music in Iran’ (2014) 3 *LSE Middle East Centre Paper* 1. 8.

<sup>226</sup> *ibid.*

<sup>227</sup> Maria Koomen (n 221) 16.

<sup>228</sup> Freedom House, Report on Iran 2016 < <https://freedomhouse.org/report/freedom-world/2016/iran> > accessed 24 May 2017.

<sup>229</sup> Houchang Chehabi, ‘Voices Unveiled: Women Singers in Iran’ in Matthee R and Baron B (eds), *Iran and Beyond: Essays in Middle Eastern History in Honor of N.R. Keddie* (Madzda Publishers 2000) 151.

<sup>230</sup> Ameneh Youssefzadeh, ‘Singing in a Theocracy: Female Musicians in Iran’ in Korpe M (ed), *Shoot the Singer! Music Censorship Today* (Freemuse, Zed Books 2004) 130.

Even though other ‘Muslim countries’ also refer to the alleged dangerous nature of a female voice – ie in Egypt women cannot recite the Qur’an in public – it is not only the Islamic regime that bans the female voice. On the contrary, this phenomenon is deeply rooted in Persian history. In Iran, up to the beginning of the 20th century, especially in conservative households, in order to answer the door to a male visitor, women would either have to distort their voices or clap their hands, instead of asking, ‘Who is it?’<sup>231</sup>

In today’s Iran, male musicians also need a licence from the state to be allowed to give concerts and for their songs to be played on the radio. This complex process starts with the submission of a song at the music board, where officials decide whether it has ‘Western’ or revolutionary characteristics. If this is not the case and the melodic part is authorised, the lyrics of the song need to be turned in at the lyrics board. This body judges upon certain words and certain phrases, which allegedly spread ‘Western’ ideas, criticise the regime or are against the religious leaders.<sup>232</sup>

According to the research conducted by Freemuse, even though the majority of female singers left the country soon after the revolution, there is a well-established underground music scene. Due to the strict approval process, the pursuit of freedom of expression leads many Iranian musicians to not even submit their music to the officials but instead choose the illegal path. This means that musical performances, record shops and musical websites are very common in Iran – but underground.<sup>233</sup>

The following section will present the case of Pariah Sabadeh.<sup>234</sup> She is a well-known female Iranian singer, born in 1980 during the Iran-Iraq war and currently living in Europe, who did not let the Islamic regime stop her from exercising her human rights.

<sup>231</sup> *ibid.*

<sup>232</sup> Heather Rastovac, ‘Contending with Censorship: The Underground Music Scene in Urban Iran’ (2009) *Intersections*, University of Washington 282f.

<sup>233</sup> SRF, ‘Verstummt – Musik und Zensur’ (SRF, 16 January 2017) <<https://www.srf.ch/sendungen/kontext/verstummt-musik-und-zensur>> accessed 6 April 2018.

<sup>234</sup> Due to safety concerns, the name has been changed by the author.

#### 5.4 CASE STUDY: I AM A FEMALE MUSICIAN, NOT A POLITICAL ACTIVIST

The author of this thesis was fortunate to meet Pariah Sabadeh, who was very interested in sharing her experiences and thoughts about the censorship of music in Iran. Due to security reasons regarding her upcoming trips to her home country, she preferred to stay anonymous. She describes her childhood experiences regarding music as given below:

I started to take singing lessons when I was eight years old. I had been singing in parties and family gatherings since the age of five because my parents loved music, but no one in my family was a musician. My dad had many musician friends and we were listening to music all the time at home.<sup>235</sup>

Sabadeh started to take professional singing lessons with a very famous Iranian ‘diva’ and female singer,<sup>236</sup> who had performed publicly before the revolution and had dedicated her time to teaching in secrecy after the revolution. In her basement, she taught music and vocal training to young women. Even though these lessons took place in secrecy, according to Sabadeh, ‘everyone knew it. People in Iran are used to seeing women wearing veils on the street and having a beautiful décolleté during parties inside. There is a very contrasting life.’<sup>237</sup>

She stayed with this famous singer for several years and changed to another teacher afterwards, with whom she published her first album at the age of 18. In order to be authorised for the public, the album had to be recorded in the form of *Ham Khan*. This means that a man has to sing along with the woman so that the male voice covers the female voice. Besides this published album, she was also successfully performing with male musicians on stage. To receive permission and bypass the censorship, the names were not mentioned in relation to the respective instruments on the concert posters and brochures. In this way, she was not easily identified as the singer of the group.

No one knew my name back then. I was only 19 years old. In the brochure, all names were mentioned, and it was just written “singing and playing together”, therefore it was not clear who is going to play or sing. We were five people, four men and me...In every song, one of the men was accompanying my voice with his voice. In this manner, we were allowed to perform.<sup>238</sup>

<sup>235</sup> Interview with Pariah Sabadeh (due to safety concerns, name has been changed by the author) (2 June 2017).

<sup>236</sup> Due to safety concerns, the name has not been mentioned.

<sup>237</sup> Interview with Pariah Sabadeh (n 235)

<sup>238</sup> Interview with Pariah Sabadeh (due to safety concerns, name has been changed by the author) (2 June 2017).



While her first album went without any great complications, her second album was modified in such a way that several male voices entirely drowned her voice. Therefore, she went, in the company of her father, to the label hoping to get a chance to stress her concerns before the album was published. Unfortunately, the government had already bought the rights of the album without her consent and, besides that, the musical style that she had chosen to sing for her album was, according to the Islamic law, inappropriate for publishing. This musical genre called *avaz* is a type of improvisation between the voice and instruments, in which the voice takes the dominant part. According to the officials from the government, it implied more 'sexual meanings' than her first album. As a result, this meant that it was impossible to publish her album without radically modifying it.<sup>239</sup>

Experiencing these complications, Sabadeh left Iran and went to Italy where she performed with various Italian musicians. During the Iranian presidential elections of 2009 in which Ahmadinejad was claimed as the winner and supposed irregularities in the results led to protests of millions of Iranians, Sabadeh performed a concert in Venice. Since her former teacher had passed away, she sang a piece written by him in his honour, related to the happenings in Iran. Despite the risks of getting caught while entering her home country, Sabadeh decided to go to his tomb in Iran. Meanwhile, her concert had been recorded and spread all over the internet. Since webpages such as YouTube and Facebook have been filtered in Iran, she only realised this when she returned to Europe.<sup>240</sup>

This online popularity attracted the attention of European and American channels such as the BBC and Voice of America (VOA). Furthermore, interviews and short documentaries were produced and she turned into a celebrity overnight. In addition, she was invited to perform by the Vatican and numerous TV Channels. Besides her musical career, she continued her studies as a PhD student, and even though she had never expressed herself politically through her music, the public discussion on media labelled her as the political voice for all Iranian women suffering from the censorship.

<sup>239</sup> *ibid.*

<sup>240</sup> Interview with Pariah Sabadeh (due to safety concerns, name has been changed by the author) (2 June 2017).

There was a wave after my concert in Venice when my video went viral that was spreading an image of me as a political activist. I always tried to show that I'm a musician, a singer. I wanted people to listen to my music, rather than like me because of political reasons. That's why I tried to avoid all political waves... more for myself. I felt much better like this.<sup>241</sup>

Her avoidance of political channels and platforms was most probably one of the reasons why she could live her life as a musician outside of her home country as well as go back and forth between Europe and Iran. She explains that she grew up in this system and that she has been singing under these conditions for her whole life. Therefore, she knew how to deal with restrictive rules and censored rights. Nonetheless, there have been challenges within the society, more precisely between male and female musicians that could also be seen as obstacles for the fight against censorship of women's voice. As mentioned above, the ban is not only due to sexual or erotic reasons. According to Sabadeh, it is rather an issue of cultural identity. 'Even before the Islamic revolution many men didn't want their wives to sing, and they were actually happy about the fact that their wives were forced by law to wear a hijab.'<sup>242</sup>

As far as music is concerned, today many male musicians are in fact happy about the fact that their female competitors are restricted. 'They are happy because, in this way, they have better chances in the musical world. Getting permission is so hard in general that they just want to take advantage of the situation.'<sup>243</sup> Even though many women have tried to continue their career by focusing on performances with and for female musicians, they have been successively excluded from the musical scene. 'Regarding the Islamic legislation you know that it is the law, but with the musicians it is different – they are actually one of us.'<sup>244</sup> Despite the national constitution, the regime, and many civil supporters in favour of censorship in Iran, Sabadeh says that it is due to the civil society that she could exercise her human rights:

There are so many documents on human rights, concerning also music, freedom of expression, the right to participate in culture or women's rights. None of these helped me in my situation in Iran. I got no rights through these documents. The only way that I could exercise my rights as a female musician was through the society, through people – not through the law or any legal foundation.<sup>245</sup>

<sup>241</sup> *ibid.*

<sup>242</sup> *ibid.*

<sup>243</sup> Interview with Pariah Sabadeh (due to safety concerns, name has been changed by the author) (2 June 2017).

<sup>244</sup> *ibid.*

<sup>245</sup> *ibid.*

Even though she was legally not allowed to exercise her rights within the country, she reached the Iranian society through the internet by uploading her albums, videos and concerts. ‘It was a bottom-up way of getting my rights. It was the civil society who gave me the rights.’<sup>246</sup> Whereas some musicians try to find their means of artistic expression online, in exile or through the Iranian underground scene, others function within the Islamic framework, as the following section will show.

### 5.5 CASE STUDY: THE TEHRAN FLUTE CHOIR

Firouzeh Navai, founder of the Austrian-Iranian flute orchestra, *Tehran Flute Choir*, and the *Bridge of Art (Brücke der Kunst)* foundation, explains the situation of censorship in Iran in the following words, ‘I can do whatever I want – within the bounds of the legal framework, of course.’<sup>247</sup> According to Navai, as long as one complies with the rules, one is accepted as a musician. After her studies in music in Teheran and at the Music University in Vienna, Navai returned to her home country and joined the Symphony Orchestra of Teheran as first flutist and taught at the local conservatory.<sup>248</sup>

During the Shah regime, the situation concerning music was different. According to Youssefzadeh, ‘women gradually performed openly in all genres of music: Western classical music (by the 1960s, Iranian women were singing major parts in Western operas), Persian classical and popular music, and Westernized pop music’.<sup>249</sup> During the interview, Navai remembers that while she was studying music in Teheran, the country had two different music universities: the University for Classical Music (or International University) and the National University (for traditional Persian music). ‘When we were visiting the international one, we were always looking down to the students from the National University. It was the opposite. Thus, the regime was modernising

<sup>246</sup> *ibid.*

<sup>247</sup> Interview with Firouzeh Navai, founder of the Tehran Flute Choir (13 and 14 May 2017).

<sup>248</sup> ‘Firouzeh Navai: Artistic Advisor’ *Bridge of Art – Brücke der Kunst* <<http://boanunion.com/en/firouzeh-navai-english/>> accessed 6 April 2018.

<sup>249</sup> Ameneh Youssefzadeh, ‘Singing in a Theocracy: Female Musicians in Iran’ in Korpe M (ed), *Shoot the Singer! Music Censorship Today* (Freemuse, Zed Books 2004) 130.

everything.<sup>250</sup> Finally, the political unrest in 1980 forced her to leave the country and to continue her life as a musician in Austria.<sup>251</sup>

After almost 38 years, she and her husband and co-worker, Saeid Taghadossi, are back in Iran in order to enrich the young generation with their knowledge of music. In fact, that was also the reason why after so many years living in exile, they decided to accept the current situation and work within the Islamic framework. 'It is a compromise! You are forced to compromise to be able to perform!'<sup>252</sup> The flute orchestra was founded in 2015 and today has around 50 members. The intention of the establishment of an orchestra and a musical foundation in Iran is described by the founders in the following way on the website of *Bridge of Art – Brücke der Kunst*:

Our first goal is to bridge the gap between the cultures and arts of different nations. The heightening of art students' expectations is the result of interactions taking place out of the restrictions of the national circle, ethnic ideas and political bordering. Since the [sic] ancient Greece, arts, particularly music, has been recognized as a means of people's mental development and broadening. We consider ourselves responsible for the improvement of the quality of life of all those who we can bridge the gap between.<sup>253</sup>

As the name and logo of the orchestra also show, the basic starting point of this musical dialogue is the so-called 'gap between different cultures' concerning art and music. 'Classical music is still called "Western music". Now we are trying to prove that classical music is not "Western", it is international. We also have to understand the composition of Bach or Beethoven in the same way as a Viennese does.'<sup>254</sup> Nonetheless, it does not necessarily mean that music itself is seen as a universal language. Taghadossi also has an academic background in music and the flute and is involved in the project as a conductor and teacher. He states his opinion during the interview:

From my point of view, the notion of music as a universal language that everyone understands and that is seen as 'the same language' is more or less an illusion. The only way that music can be used as a tool for communication and

<sup>250</sup> Interview with Firouzeh Navai (n 247).

<sup>251</sup> *ibid.*

<sup>252</sup> *ibid.*

<sup>253</sup> Bridge of Art – Brücke der Kunst, Homepage <<http://boauinion.com>> accessed 6 April 2018.

<sup>254</sup> Interview with Firouzeh Navai, founder of the Tehran Flute Choir (13 and 14 May 2017).

dialogue is only through lyrics and texts...It is like painting and other artistic expressions. Music only unites because it establishes a platform on which you can start your dialogue.<sup>255</sup>

The orchestra has been facing some difficulties concerning performances in public, especially in cities such as Isfahan, south of Teheran. The Islamic legislation governs the whole country, but nevertheless, every province has its own range of implementation. Isfahan is controlled by rather conservative officials, who present a more or less complicated administration for musicians to deal with. For instance, the orchestra is not authorised to perform on any stage in Isfahan because of their female members, ‘We have given workshops and flute lessons but I’m not allowed to play on the stage. If we do, they will come for us.’<sup>256</sup>

In addition, complications regarding religious beliefs have also occurred when the orchestra wanted to play a concert in Shiraz. When the local organisers wanted to know whether there were any Baha’i members amongst the musicians, the orchestra as a unity decided to cancel the concert. Baha’i are a religious minority in Iran, who have been suffering persecution and social exclusion.<sup>257</sup> Navai explains, ‘we already had our flight tickets and everything, but we said we are not going to play there if they do not accept every member of the orchestra. I can say that the musicians from our orchestra have not only gained knowledge on a musical level but have also been affected socially.’<sup>258</sup>

Regarding today’s situation, in comparison to the time just after the revolution, Navai and Taghadossi perceive the current conditions as much more liberal than during the period under president Ahmadinejad. At the same time, they admit that there are other musicians – especially traditional Persian musicians – in Iran claiming the exact opposite. Navai and Taghadossi explain the oppositional perception and these different narratives with the following reasons: firstly, almost every orchestra or ensemble related to ‘Western’ music was not supported by the administration of Ahmadinejad; therefore, the traditional Persian music could thrive, and the musicians within this field were much more in demand. Secondly, according to the perception of Navai and Taghadossi,

<sup>255</sup> *ibid.*

<sup>256</sup> *ibid.*

<sup>257</sup> Shahin Milani, ‘Situation of the Bahá’í Minority in Iran and the Existing Legal Framework’ (2016) 69 *Journal of International Affairs* 137, 137.

<sup>258</sup> Interview with Firouzeh Navai, founder of the Tehran Flute Choir (13 and 14 May 2017).

the system was much more corrupt than nowadays. This means that the traditional Persian musicians, who were already prioritised by the regime in order to block every ‘Western influence’, could get authorisation for their concerts while others could not. Under Rohani’s administration, licenses are granted on a more equal basis.<sup>259</sup>

As a case in point, the *Fajr* festival also illustrates the more liberal music scene in Iran, where the *Tehran Flute Choir* has been performing as well. ‘Originally, this festival was established as a pure celebration of the revolution; nowadays it is also a major cultural event. Since 1997 [the year of the triumphal election of liberal President Khatami, who promised moderation and less social control over women], a new section has been added to the festival, dedicated to both traditional and regional music – sung for and by women.’<sup>260</sup>

Even though the censorship on music has loosened in general, there is no freedom of artistic expression in Iran. According to *Freemuse*, *Amnesty International*, *Iran Human Rights* and other organisations fighting for human rights, artists are arrested on a weekly basis.<sup>261</sup> Taghadossi argues that the understanding of human rights is culturally relative and there are cultural limitations, which – if even possible – can only be broken through education. ‘The roots of every culture are based on religion. Muslims, for example, have another mentality. In this mentality, in most countries with Islam as a state religion, equal rights and freedom of expression are impossible. It is an ideal illusion that cannot exist everywhere.’<sup>262</sup> Nevertheless, the young generation in Iran is more educated than ever. Therefore, there is still hope for a better future regarding human rights.

<sup>259</sup> *ibid.*

<sup>260</sup> Ameneh Youssefzadeh, ‘Singing in a Theocracy: Female Musicians in Iran’ in Korpe M (ed), *Shoot the Singer! Music Censorship Today* (Freemuse, Zed Books 2004) 132.

<sup>261</sup> Centre for Human Rights in Iran, ‘Music Producers returned to Evin Prison’ *Centre for Human Rights in Iran* (New York, 7 April 2017) <<https://www.iranhumanrights.org/2017/04/music-producers-returned-to-evin-prison-after-request-for-extended-medical-furlough-denied/>> accessed 6 April 2018.

<sup>262</sup> Interview with Saeid Taghadossi, conductor of the Tehran Flute Choir (13 and 14 May 2017).

## 5.6 CONCLUSION

This chapter has given an insight into the field of freedom of expression in the context of music. First, the relevant legal human rights documents have been introduced, and a multidisciplinary approach for defining censorship of music (as a violation of freedom of artistic expression) has been presented. Second, attention has been drawn to the current situation of music censorship in Iran. Two case studies of Iranian musicians have served as empirical approaches to censorship of music and the violation of freedom of artistic expression. The first case study presented a female singer from Iran, who has been facing various challenges, not only because of the general censorship imposed by the regime but also because of the ban on female voice in public. This means that there has been, besides the violation of freedom of artistic expression, also a violation of the principle of equal treatment and non-discrimination at stake. According to her, none of the human rights instruments were applicable for the assurance of her rights. She credits her access to freedom of expression to the support she received from the Iranian civil society, who heard her voice on online websites.

The second case study on the *Tebran Flute Choir* showed how musicians have compromised their freedom of expression to comply with the Islamic jurisprudence in Iran. In practice this means, above all, that female musicians do not perform as soloists onstage, the musical repertoire is approved by the Islamic board and concerts are not played in cities governed by conservative leaders. Even though the members of the orchestra have not been granted their human rights by the regime, within the orchestra the principle of non-discrimination between different religious minorities and gender equality are respected and promoted.

The author of this thesis has chosen to approach the field of freedom of expression in the context of music by showing cases where violations of this human right are at stake. This specific perspective shows selective examples of music censorship in Iran, and it is based on the subjective experiences and perceptions of the interviewed musicians.

## CONCLUSION

Music has been playing an inherent part in cultural traditions, customs and interactions throughout the history of humanity. Still today melodies and sounds are, besides a medium of entertainment, also used as a tool for artistic and creative expressions. In many cases, the universal understanding and interpretation of music function as a common ground for socio-political discourses. Songs of protest and rights claims have instrumentalised music in order to give a voice to the population and to empower those who were powerless and discriminated. However, the power of music has not only served for positive intentions and still today it is not exclusively applied to unify, empower or contribute to a greater understanding.

As with all instruments of power, the purposes and areas of implementation depend on who wields them. Melodies have been used as nationalistic propaganda by governments such as the Nazi regime and as incitement to hatred and racism, for example, during the Yugoslavian war. Prisoners have been tortured by being exposed to loud music or specific genres and sounds.<sup>263</sup> Besides the fact that music can be transformed into a powerful instrument, musicians and composers can also gain power through musical expression and therefore have an impact on their environment.

Bearing this in mind, to what extent can music be connected with universal human rights? This thesis has approached the field of human rights in the context of music from four different perspectives. The following research question shaped the thesis: What role do human rights play in the field of music, especially with regards to freedom of

<sup>263</sup> Papaeti A and Grant MJ 'Music in Detention' (2013) 23 Special Thematic Issue Torture: Journal on Rehabilitation of Torture Victims and Prevention of Torture.



expression and cultural rights? In addition to the literature review and the research on international human rights documents, four case studies have presented empirical insight into this field.

The first perspective, presented in chapter two, illustrated how music can be used as a tool of empowerment and also to promote the principle of non-discrimination *and equal treatment*. By creating the *West-Eastern Divan Orchestra* as a common ground for musicians coming from Israel, Palestine, Iran, Egypt and other nations of this region, music has been instrumentalised for the sake of fruitful dialogues. Even though it takes much more than collective music-making to improve human rights situations and work towards conflict resolution, this orchestra has affected the field of human rights on various levels. Its conductor, Barenboim, has contributed to human rights mainstreaming by organising relevant projects including workshops, seminars and lectures, not only about musical understanding but also on equal treatment, human rights and philosophy. One recent example is the establishment of the *Barenboim-Said Akademie* in Berlin, which the orchestra is also part of.

Barenboim, nominated Messenger of Peace by the UN, has expressed himself on the importance of human rights, and especially on peace between the nations in the Middle East, verbally through his statements and non-verbally through his music. His orchestra has performed in various chambers of the UN, most recently on Human Rights Day on December 10th at the UN *Palais des Nations* in Geneva. Besides the promotion of peace and human rights for the global audience, the members of the orchestra have also been influenced by Barenboim's policies based on the principle of non-discrimination and equal treatment. With his notion of 'everyone is equal in music' he created a musical space where various people with different cultural backgrounds meet in equality and mutual respect in order to personify 'the other.' This interaction gives voice to the voiceless 'cultural other' that had been only known in the context of war and conflict.

The second perspective on the research field presented in chapter three put the field of cultural rights in relation to music. Besides the fact that music can serve in socio-political arenas, it is also an essential part of one's cultural identity and cultural life. By means of this perspective, the author of this thesis discussed the essential role of music within the concept of cultural identity and connected the access to music with the right to participate in cultural life. The Austrian association, *United Heartbeat*, served as a case study and provided an example of the role music can play in the integration process of refugees in Vienna. The

association's main purpose is to provide instruments for musicians from Iraq, Iran, Afghanistan, Syria and Sierra Leone, who arrive as refugees in Vienna. Thereby, the musicians have the possibility to perform at various events or concerts and take part in collective music-making.

From a human rights point of view, two essential conclusions can be drawn. Firstly, the association gives people, who were forced to leave behind almost every cultural right, part of their cultural identity back. Secondly, this access to music does not only provide their right to participate in their 'own' cultural life but also in the culture of the receiving country. The process of strengthening one's cultural identity opens the door to the new cultural scene by introducing alternative musical genres. The intention is also to give musicians of minority groups the right to practice their own music – in private communities or onstage. It is important to bear in mind that by highlighting the differences between musical genres and by attributing individuals to specific cultural identities and minorities, socially constructed stereotypes and prejudice can arise.

This third perspective comprised the topic of chapter four that put the focus on music in the area of minority rights. When speaking of minority rights, identifying members of such minorities is necessary. Who is a member of a minority? As already mentioned, under General Comment 23 to Article 27 of the ICCPR, a minority is understood in this context as 'those who belong to a group and who share in common a culture, a religion, and/or a language.' While this official categorisation has the intention to define the scope of rights and its rights holders and functions in favour of minority members, it can also backfire. This chapter has presented some cases of minorities and musicians of colour who have been discriminated within the field of classical music because of the association with a minority group made by the society. In the field of music, constructed images between 'ours' and 'theirs' as well as 'one's own music' can induce hierarchical categorisations. In many cases, besides 'normal music' an alternative genre of 'exotic music' or 'world music' is added in order to include minorities in the world of classical music.

The creation of such agendas, as, for example, 'Oriental evening' or 'Black History Month', forces musicians of minority groups and musicians of colour to behave within this given framework. There is often a gap between reality and the reinforced Western perceptions of 'the cultural other.' It is not uncommon that these stereotypes function against the principle of non-discrimination and equality. While the rights

enshrined in Article 27 of the ICCPR are guaranteed, the right to freely choose the respective thematic frame, the musical repertoire and style of composition or performance is restricted. Western music commissions decide whether a musical style is 'authentic' or 'exotic' enough. This restrains musicians of minority groups and musicians of colour from having equal access to classical music. Besides the rights of Article 27, musicians should also have the right to self-determination to decide whether they want to be associated with a minority group or not, within the field of music.

Also, in regard to the case of the Iranian musician who was not taken seriously at the audition for the Austrian conservatory, there is definitively a need for a disassociation of the stereotypical categorisation of music.

The fourth and final perspective, discussed in chapter five, was the freedom of expression through music. In order to approach the subject under scrutiny, censorship as a violation of the freedom of expression was examined. Two Iranian case studies on the censorship of music gave an insight into the conditions of musicians. The first case study was a female singer who had suffered violations of her rights on two levels. The general censorship of music restricts her rights as a musician, while the prohibition of women as solo artists and the ban on female voice in public (verbal and nonverbal) violates her rights as a woman. In Iran, musical expressions are only allowed if the Islamic board gives its permission. This means that the melody, the lyrics and the context of a song need to be approved before it can be broadcasted on TV or radio. Bands, ensembles, orchestras and musicians themselves also need authorisation by the board to perform in public.

Due to their compliance with the Islamic jurisprudence, the *Tehran Flute Choir*, the second case study of this chapter, has the authorisation to perform in concert halls. In particular, this means that they do not perform with female soloists, that their musical repertoire has been approved by the Islamic board, and they do not organise concerts in places governed by conservative leaders, who would not tolerate the diversity of the orchestra's religious background. This is not the case for the Iranian female singer, who is only permitted to sing in public when a male voice covers her female voice. It implies that as a solo singer she has no legal way of expressing herself. Therefore, she has chosen the underground scene of Iran, where her CDs are published, her concerts are streamed, and above all, her audience gives her the freedom of expression. However, the Islamic jurisprudence in Iran has imposed an 'Islamic identity' on society, classifying musical expressions as a 'sin'

and has tried to eliminate music from the Iranian cultural, political and social scene. Nevertheless, the civil society has found alternative ways for musical expressions. Music has always played a crucial role in the Persian civil society and has retained its status still today.

#### *Avenues for further research*

This thesis has discussed the role of human rights in the context of music on both levels – theoretically, by identifying the human rights instruments in regard to the rights at stake within the field of music, and empirically, by outlining the findings of the case studies carried out by the author of the thesis. The case studies have shown examples of various arenas where human rights standards are promoted, protected and implemented through music. Finally, and most significantly, the thesis has shown that in the context of the chosen case studies, there is a reciprocal impact between the field of music and the field of human rights.

Nevertheless, it must be emphasised that there are obvious limitations of this thesis' scope. Firstly, the limited amount of case studies makes a generalisation or representative illustration challenging. Therefore, the findings of the studies can only be interpreted within their own context. Secondly, the lack of previous literature and academic work on the research subject gives this thesis a pioneer status that ultimately requires further research. Regardless of these mentioned limitations, this research seeks to lay a foundation for subsequent scientific scrutiny.

In order to progress in the field of human rights and music, governmental and non-governmental policies should be analysed. This should be done not only on international or supranational levels but also on regional or national levels for human rights. For the sake of gaining a holistic approach to the research area, a human rights content analysis of the legislation of rights concerning the field of music on a polity, policy and political level is necessary. Besides the examination of the political field, the socio-cultural arena should also be approached with quantitative and qualitative research methods. Interviews with key actors, such as musicians, event organisers, teachers and students are relevant to include the civil society. Equally important is the analysis of case law and legal documents. Multidisciplinary research methods based on social sciences, philosophy, law and musicology could enrich the range of the outcome's applications. Finally, it is essential to move away from a Eurocentric and Western approach to the field of music and include non-Western scholars, musicians and research arenas.

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- Interview with Pariah Sabadeh (due to safety concerns, name has been changed by the author) (2 June 2017)

ANNEXES

ANNEX 1. INTERVIEW WITH THE FOUNDER AND CONDUCTOR OF WEST-  
EASTERN DIVAN ORCHESTRA DANIEL BARENBOIM, 22 APRIL 2017

**Barenboim:** Also worum geht es?

**Interviewer:** Is it ok if we talk in English? I'm going to write my thesis in English, therefore, it would be better if we just talk English.

**B:** Of course.

**I:** I'm studying human rights and...

**B:** Sorry for interrupting but when you say, *I'm studying human rights* – what and where? Is it history of human rights?

**I:** No, it's actually a one-year master's programme, which includes 41 universities in Europe. The programme starts in Venice for six months and then for the second semester you can choose between 41 universities and the programme is called *Human Rights and Democratisation*, and it includes nearly every aspect. We started with the history of human rights and then...

**B:** From when?

**I:** Mostly from the foundation of the UN, from 1945...

**B:** I see, I see...ok

**I:** Yes...then the anthropological, historical aspects followed, then the legal point of view... trying to have a holistic understanding of human rights...

**B:** Mhm

**I:** and now I'm writing my thesis about music and human rights and...

**B:** You chose that?

**I:** Yes, because of my interest in music...in my family everyone is a musician and...

**B:** And you don't play any instrument?

**I:** I play but not as a professional like my family members...

**B:** And what do you play?

**I:** The flute and I also sing Jazz...yeah...

**B:** Ahhh nice

**I:** Yes but not professionally...as a hobby

**Kian Soltani (brother of the interviewer):** But it used to be professional.

**I:** Yes, I used to play at the Conservatory in Vorarlberg, Austria but then I decided not to study music and...

**B:** So now you live in Venice?

**I:** I was living in Venice for the last six months but now I'm in Copenhagen at the Danish Institute for Human Rights doing my last semester there and writing my thesis.

**B:** And in what language is it? In English?

**I:** In English, exactly.

**B:** Interesting, very interesting. But of course, we talked about it...only with the creation of the United Nations human rights became a sort of a subject in itself. There were always cases, you know the persecution of the Jews here, the persecution of the Gypsies there whatever...but it was never dealt with it as a subject in itself.

**I:** Yes, it was in '45 when it became an issue on an international level.

Regarding my thesis, I want to focus on music and human rights. First of all, I want to write about the legal framework such as the freedom of expression and also censorship and its history and how important music is for society and for a human being...

**B:** And...excuse me for interrupting but will you also write about music under dictatorships?

**I:** That is going to be a little part of it. I only have 80 pages, I...

**B:** You need to! About the Soviet Union! One paragraph! Because no other country had such a tight hand over Shostakovich, Prokofiev...

**I:** Yes...but also today. That leads me also to my first question on what exactly the role of your orchestra is. Of course, promotion of human rights and trying to establish this platform to enable an inter-cultural dialogue between different nations and also giving musicians a platform for fleeing their censorships of their countries but, in your opinion, what is the role of music in the context of human rights?

**B:** You know this orchestra exists now for 18 years and very often it has been described as an orchestra for peace, which of course it isn't. Peace, everywhere – therefore also in the Middle East – needs other things than people playing very well together. Peace in the Israeli–Palestinian Conflict needs, to put it very brief, justice for the Palestinians and security for the Israelis. This is very simplistic but what this orchestra does is, it shows, but it is very flattering, to me and to all of us, that it is seen as such, but this is not what the orchestra is, really. What it is, it shows that if you give people equality, equal rights and, not less important, equal responsibilities as you have to do it in an orchestra, then they can play together even though they come from different milieus, with different narratives and everything. And this is basically giving an example of what this part of the Middle East could do if the conditions were possible to create as it were on this ground. At the moment, there is a divided society, apartheid. Arabs are second-class citizens in Israel and there is the occupation etc. And this is what the orchestra can do, because music can be very powerful, because music is both, rational and emotional. You cannot be a good musician only rationally, and you cannot be a good musician only emotionally. Therefore, it has

the capacity to be humanly very healthy, and at the same time, people have a great passion for it. So when you put the understanding, the rationale, the thinking, the emotional and the passionate nature, it opens a possibility of communication, which doesn't exist without it. In other words, you know in the beginning there were seven Syrians, and I don't know how many Israelis and the atmosphere was tense. Egypt and Jordan have a kind of *cold peace* with Israel, but Syria and Lebanon are in a state of war and all the Syrians came with what they have been told at home: *All the Israelis are monsters and criminals* and vice versa. But of course after six hours every day sitting together, trying to do everything in the same way, tuning the same A, trying in the strings to play with the same bowing with the same quantity, the same, the same, the same...by the time the evening comes, and they sit to have dinner the monster is gone.

**I:** So you mean, as a variety of scholars say, music is a unifying language, but if you think about cultural relativism that every culture has a different music, every individual has a different understanding of music. That actually means – because you said everyone tries to play the same, function the same – that this orchestra is a platform where you try to unify different kinds of understanding?

**B:** No, I don't try to do anything. I just observe that when people share the same thoughts – I'm talking about the music – same emotions and have the same passion they can do things together. Not more than that.

**I:** But do they only have the same understanding in music or also on human rights, for example? Is there a discussion?

**B:** No, I think once you have shared the feeling of this playing, then you really have a channel, a connection to talk about other things. From early on we had always very intensive discussions also about the situation. The last years less because such a large number of musicians have come every year, therefore everyone knows their opinion, so you don't have to repeat. But for instance, tomorrow, I think it is very important, we have a very interesting meeting with *Parents Circle Families*, it's an association with Israeli and Palestinian families, all of whom have lost somebody through terror acts...a son, a daughter, a mother, whatever...and instead of reacting with anger and aggression, they get together and share the grief. These kinds of things are very important.

**I:** So they come to talk with the orchestra?

**B:** Yes, in the afternoon. We have rehearsal and that.

**I:** Ok, very interesting.

**B:** You know, it's not that if Kian [solo cellist from the orchestra] and I were political enemies and we find a common ground through music, it doesn't mean that we will necessarily agree on other things, but it establishes a channel of communication. So then we can more easily sit down and have a cup of coffee and talk about the political situation on which we differ completely. What I dislike so much is that music is for many people something outside their so-called *real lives*. You know, I have been conducting for 18 years in Beirut and Wagner's grandson, who was then the intendant, showed me the score of Lohengrin [Wagner's Opera] one day, exactly the score where Adolf Hitler had a tear in his eyes every time he heard it. Well, then you ask yourself: How is it possible to have the capacity to be moved by the beauty of this piece of music and at the same time to murder about 6 million Jews plus I don't know how many...how is it possible? It means that the music was for him something totally outside his real life.

**I:** Do you think the type of music is important? Because if you have different understandings and different political views, does this depend on the composer or the specific kind of music?

**B:** No, a very romantic idea but in the end, no.

**I:** Because there are some voices arguing that the so-called *universal* language is not bridging difference and inequality but rather reinforcing *Western music*. Always the *Western ideas and values*...

**B:** You see, for me Bach, Beethoven or Debussy are not *Western composers*. They are composers. I don't believe in *Western* values or morals...you have human values, and they should be on the same level of importance for people coming from every continent. I remember, when I was in Chicago one of the musicians was a very typical American, he said to me: 'You know, you are so wonderful, and we all love you so much blah blah blah...but you're making a sound of a European orchestra.' I think we were playing Mahler Symphony and then I said: 'Where do you think Mahler came from?' In other words,



I think even when we stick to what you call *Classical Western music* it doesn't matter where you are born or where your parents come from. You come from Teheran, I come from Argentina...if we should play only our kind of music, I should play Tango all the time. But music is also something that you learn and you are interested in. I think, for instance, the first quality of an orchestra should be the ability to play in different styles and be able to adapt their sounds to the styles. I worked very much like that with the Staatskapelle. When somebody is able to speak many languages without an accent, which I can't do...I just speak several languages but I have an accent in all of them, but one should be able to do that in music. But you need to have the curiosity. Of course, I also promote composers and pieces from the Middle East, but this is something else. This is because I have my own interpretation of the situation between Israel and Palestine and I think that Israel has made terrible mistakes, the Palestinians, the resistance, sometimes it's exaggerated...however, you cannot expect, even if you believe, that Jews have a right to live within the State of Israel, you cannot say that they have the right to do that and everybody else has to leave. You know, some people have been living there since the 9th or 10th century. I think that the Israeli government has not paid enough attention to that. This year is the 60th year of war...even if you think that the 60 years of war was an absolute necessity for Israel for continuing to exist, there is no excuse for what has happened since then...the settlements, etc I'm very critical about that. I don't put that in front of the orchestra because I think, each person has the right to has his or her own feelings, but when they ask me, I tell them. I'm much more critical towards the Israeli government than the most Israelis playing in this orchestra. My way of saying, I'm not a politician, I'm not this or that – I'm a musician, and as a musician, I have to try to do everything for our musicians, for our composers...this is my own personal view...This has nothing to do with the orchestra...

**I:** When you say that there is not a *Western* value or *Western* music, why do you think for example in the *Islamic World* music is censored or forbidden? They actually call it *Western* music...

**B:** In the *Islamic World*, as far as I understand, music has another function. Music is for weddings, for lively and happy occasions but for instance, every time when there was something terrible happening

in Gaza or somewhere else, everything that had to do with music was cancelled. It plays a completely other role...

**I:** In Iran, for example, they often talk about music as a sin...

**B:** I put together three or four musicians from the top European orchestras, from the Staatskapelle, Berliner Philharmoniker, Wiener Philharmoniker, Orchestre de Paris and Orchestra alla Scala to go and play a concert in Gaza in 2011. We arrived there and that day was the day when the American's killed Osama bin Laden, and there were some voices in the Hamas, who wanted to cancel the concert because they thought that it would be a celebration...even in such a case. Music plays a different role in people's lives, in different countries... Academics, who think about music, find that it has a lot in common with mathematics. Everybody knows that you have to count in music, you have the bars, structures, the relation to mathematics is very clear, their relation to fantasy, to poetry, is very clear, the imagination of the sound, all of this is very clear. But nobody ever talks about music and thinking, music and thoughts. Because, they say that music is abstract and of course it is abstract but in order to understand music, you have to have the ability to think in a way that sees the different elements of whatever you're thinking or of whatever you're listening to. That's why in our academy we teach also philosophy, so the students really learn to think and then when possible, they can show and use what they think...philosophy for the music. The element of thought is very important and from my point of view, not enough recognised.

**I:** There is this crisis in human rights, human rights scepticism...have you experienced this challenge also in music and in the way people react to your orchestra over the last decades? I mean, for instance, a kind of scepticism towards your role in human rights?

**B:** The orchestra has become a legend. In North America, in South America, in Europe, in Asia, everywhere – we were playing there, and we saw it – except in the region where the musicians come from because we can't play in the region. That's why that there are people who think I'm completely naive because I don't see the orchestra as the people who admire it see it. I'm sure you can talk to the people from the orchestra, when they go back home and they talk to their families and their friends they are sceptical because they are involved

in something that means that they have contact with the other side. That's not really accepted today. I think the crisis in human rights, in general, has become even more extreme because the only factor, which seems to have a universal importance, is the economic one. The European Union is failing because they have become only an economic union. When it was created by Mitterand and Helmut Kohl, they thought it would be also cultural and that Germans would understand the French much better through Debussy and Baudelaire and the French would better understand the Germans through Goethe and Beethoven, but this is gone. There are only the finances, only the financial side. We live in a European Union nowadays with a cursed cross because the interests and capacities from the North are completely different from the South, and West Europe and East Europe have completely different ideas about so many things, and that's because it has become a purely economic union. 'Purely economic' means also for human rights. There are not any clear guidelines anymore.

**Manager:** Ok the concert is going to start in 8 minutes.

**I:** Thank you very much for your time

**B:** You're welcome, it was a pleasure! All the best!

ANNEX 2: INTERVIEW WITH THE FOUNDERS OF TEHRAN FLUTE CHOIR  
(TRANSLATED FROM FARSI) FIROUZEH NAVAI, 13 MAY 2017

**Interviewer:** How does the current situation concerning music look like in Iran?

**Firouzeh:** There is a huge gap between classical and traditional music in Iran. That means that the events and concerts performed by musicians, who play traditional Iranian music, the concert hall is sold out within 30 minutes. In contrast to classical musicians, you always have to hope for an audience. In reality, the population in Iran prefers the traditional music: our music has not yet rooted in the society. I always say that we have to come and start with a mixture of both. For example, like the founder of Rah-e Abrisham [Silk Road, ensemble], you arrange Haydn for Tar [Persian instrument] or Setar [Persian instrument], Ghanoon [Persian instrument] and Flute and Piano. That's the right way. You organise a Classical concert and through including these instruments you attract the attention of the others, who love traditional instruments. They come to find out what is going on here; is it classical or traditional music? When they see the performance, they start to like it step by step. Then they understand that this Firouzeh Navai, who is playing the Mozart piece is the same Firouzeh Navai, who plays also the traditional music. But it is true, this doesn't exist in Iran, it is not international, it isn't established yet. It exists but not in the same amount as traditional music does.

**I:** Was the situation before the Revolution the same or did this occur because of the Islamisation?

**F:** It was exactly the opposite. Before the revolution, I remember perfectly, when we were going to the university, there were always two universities. One was the University for Classical Music, the international one, and the other one was the National University. When we were visiting the international one, we were always looking down to the students from the National University. It was the opposite. Thus, the regime was modernising everything...today's well known traditional musicians, such as Ali Zadeh, were nobodies back then. Though, when music was forbidden and the Symphony Orchestra of Teheran was shut down, during this 37/38 years people tried to hang on to traditional music, because they liked it. They didn't really know classical music but they felt connected to the traditional one. For 20 years every classical music business was closed, the musicians left the country, got addicted

or depressed, only three of them who worked with the regime stayed. After the revolution, the traditional music started to gain an audience, and it developed in the opposite direction. In the time of the Shah they were trying to make people like classical music, but as many other things, the roots were not right, it was a superficial transformation, that's why it didn't remain.

**I:** You mean that in the process of the Westernisation the Shah wanted also westernise music and now it's the opposite?

**F:** Classical music is still called *Western music*. Now we're trying to prove that classical music is not 'Western,' it is international. We also have to understand the compositions of Bach or Beethoven in the same way as a Viennese does. Mozart doesn't only belong to the Austrians, that's something that we try to prove in Iran, but it isn't proven yet. You know what they do? They sell tickets to my concerts so expensive that students can't afford it. When I was talking to the director of the project that we're now organising for the end of 2018, I told him that for students it is too expensive. He answered: What's the sense in that when a student can come to the concert? We have to motivate the parents to come to the concert. I said that for this generation it is already too late, but you can still help this student, who is going to be a dad of a family one day, and who is going to come with his kid to the concert. We have to build for the future. These 40 years that destroyed the thing that we called *culture* but it was like everything else in the Shah period. Everything's surface was looking great but inside everything was rotten. Iran had been modernised even to the same level as Paris regarding fashion, but what was happening inside people's head? Deep inside they still wanted to wear a hijab. The Shah had removed their hijab by force and now they put it on their head also by force. Both are wrong. From my point of view, the Shah's dad made the same mistake as Khomeini did. When my mother was still a kid, they came into the streets on their horses, and they pulled the hijab from my mother's head. That's how they modernised the country. This traditional thinking is still in every Iranian heart. In Iran when a man wants to marry, he always looks for a traditional woman. Of course, when he wants to have fun, he likes *modern women*, but for a marriage, they always look for these *untouched* traditional women. This is something that you can't take from the Iranian people: it is inside them.

ANNEX 3: INTERVIEW WITH THE FOUNDERS OF BRIDGE OF ART (TRANSLATED FROM FARSI) FIROUZEH NAVAI AND SAEID TAGHADOSI, 14 MAY 2017

After explaining what my thesis is about and what arguments have already been made...

**Saeid:** From my point of view, the notion of music as a universal language that everyone understands and that is seen as the *same language* is more or less an illusion. The only way that music can be used as a tool for communication and dialogue is only through lyrics and texts. Music, is it Stravinsky, Ali Zadeh, Stockhauser, etc – this is art. It is like painting and other artistic expressions. Music only unites because it establishes a platform on which you can start your dialogue. Orchestras like the West-Eastern Divan Orchestra invite people from different nations in order to strengthen their social connection. Therefore, they start talking to each other, but not through music, through words. Only through lyrics or poems you can talk to other people, there are also poets, who focus only on revolutionary lyrics and words against the regime or about love or whatever, this is the way you can talk. Imagine, you see a painting made by Picasso, if he hadn't explained what he means by his painting, no one would understand it.

**Interviewer:** Ok I understand, but if we come back to your orchestra. First of all, what was your intention for the establishment of this orchestra and regarding what you just said, music creates a common ground for dialogues and strengthening social connections, what about women in your orchestra?

**F:** We already had some situations where we were not allowed to play because we had female members in our orchestra. For example, in Isfahan, women are not allowed to perform on stage – only men. I'm in the same situation now. Udo [Austrian pianist] and I have organised a workshop in Isfahan this summer and we had planned to give a concert there but they told us that I'm not allowed to perform with him on stage.

**I:** As a soloist?

**F:** Yes, as a soloist. Me as a flutist and Udo on the piano.

**I:** But in the orchestra, it would be ok?

**F:** In the orchestra, it is the same! The orchestra is not allowed to play in Isfahan because we have female musicians with us. We have given workshops and flute lessons, but I'm not allowed to play on the stage. If we do, they will come for us...

**S:** What they actually did... One evening we had a concert, and suddenly a big amount of people was standing in front of the concert hall in Isfahan. Someone had told them...so they came and closed the doors, and the concert was cancelled.

**I:** And the reason was...

**F:** Women are not allowed to perform. Hearing a woman's voice is 'haram' for men.

**S:** But a female choir is allowed to perform. For example, five women.

**F:** This choir was also asking for permission for ages!

**S:** Yes, but in the end, they got it.

**F:** And also, when a man sings and a woman accompanies him with her voice, it is ok. A woman's voice alone is too sexy, but when a man sings with her it is ok.

**I:** But when you play with the flute, there is no human voice.

**F:** Yes, but I'm on stage. A woman is not allowed to stay in the spotlight.

**I:** But if you played with a man?

**F:** No it is not allowed.

**S:** Maybe if you played with another woman?

**F:** Yes, but then they organise women-only concerts. The whole concert hall is filled with women; men are not allowed. In this case, women can perform even without a hijab. This is not only in Isfahan but also in Teheran and in other cities the case.

[phone break]

**I:** What was the intention of the establishment of your orchestra? What was the reason?

**F:** Our intention was not the gathering of different religions or different languages. If you take a look also at other countries, the number of flutist is huge. There are, also in Iran, a lot of very good flutists. But there are only two spots in the Symphony Orchestra in Iran, where they can play professionally. It is the only place where they can learn how to play in an orchestra; this experience is very essential for a musician. Listening to others, tuning the same note, you know working in an orchestra. I think that every flute orchestra's intention is to make this experience possible.

**I:** In my thesis, I'm writing one part also about censorship. That's the reason, why I would like to ask you whether you have experienced a change during this 38 years after the revolution concerning censorship?

**F:** It is very interesting. When you ask us, it has developed in a better way, but when you ask other musicians in the country they complain that it is getting worse and worse. I have the feeling that under Rohani it is much more liberal than before – maybe we have the feeling because we have been going to Iran more often during the last two years. But our colleagues there claim that it has gotten worse, and there is so much corruption regarding music as well. The musicians who get the permission to play, get it only through connections, without any reason, and others will never get it. I still argue that during these 38 years the last years under Rohani has been more liberal than before. He opened almost all orchestras again...

**I:** You mean that all orchestras were closed under Ahmadinejad?

**F:** Yes, 99% of the orchestras were closed under him...

**S:** With 'closed' she means that they were still going to work every day, but they were not performing publicly. Also, the last 20-30 years the orchestras existed, but they were only playing Marches for various events...on the streets, in the deserts...the Symphony Orchestra was playing Marches. That means that they were not 'closed' but they were not valued as a Symphony Orchestra, but now it is getting better. They have rehearsals every day and performances every two weeks...



you know the government has organised a budget for this now. There is a budget for the Symphony Orchestra, which didn't exist before. But still, Islam doesn't like music. There are no roots in the Islamic regime...

**I:** But when you say Islam doesn't like music, what about the population itself in Iran? What role does music play in the Iranian culture in general?

**F:** It plays a very essential role. As I told you, the traditional concerts are sold out within minutes. The population is very interested in this kind of music, but they are less interested in the so-called *Western music*.

**S:** It is everywhere like this.

**I:** Everywhere in Iran?

**S:** No, everywhere in the world! If you take the Symphony Orchestra in Basel, Switzerland, they play once a week or once every two weeks with a normal audience but if there is a pop concert, it takes place in the Arena in Zurich and 30,000–40,000 people come. There is not much interest in 'classical music' because it is connoted with the intellectuals. It is not mainstream. If you are listening to the radio most of the time you can hear pop music.

**I:** But what about traditional Persian music in Iran?

**S:** It is the same...also the traditional classical Persian music is connoted with intellectuals... also their Iranian pop music is very popular.

**I:** But all types of music are censored, right?

**S:** Of course, if your lyrics are against the regime or anti-religious or anything that the regime doesn't like, you are not allowed to perform. It is the same with movies, theatre...But if you perform within the legal framework a lot is possible. For example, the *Fadjr Festival* which invited international musicians and other artists. It has been a success. It is a festival including international and traditional music, cinema, theatre...

**I:** Did something in this form also exist before the revolution?

**S:** Before the revolution, it was a whole other system...it was a Western system.

**I:** So...if I have understood it correctly...before the revolution the so-called *Western music* was prioritised then after the revolution, music was forbidden and Islamised, and now it is getting more liberal day by day?

**F:** Yes...and a big difference is the budget that is existent now for music. Nevertheless, when you talk about the budget of the Symphony Orchestra, it is common that they don't get paid regularly and that there is a lot of corruption. For example, they have 500 million toman budget for music but they only use 50 million for the musicians and the rest is used through meaningless and fake contracts...As we said before...we still have the feeling that it is better under Rohani...but there are still other people saying that under Ahmadinejad it was better.

**S:** Yes, because it is now a personal issue. You can only get a permission when you know officials personally.

**F:** Since we have been working there for several years now, they know our names, and it is easier to get permissions.

**S:** The power is in the hand of the regime. When they don't want to give you the permission, they don't do it.

**I:** Does this mean that people who think that it was better under Ahmadinejad were prioritised personally and now under Rohani, who tries to treat musicians equally, they feel neglected, and therefore they complain about a worse situation nowadays?

**S:** Yes, exactly! In Iran, it works like this. If someone is successful, someone else has to step back, and that is the fact that no one wants to accept. And you can observe how the power shifts from one group to another. If you are friends with one group your chances are very high, if not you have already lost.

**F:** It is always connected with the elected president. One president comes, brings his Cabinet and has the power also over music.

A representative of a Cabinet would never choose or give a permission to someone from another Cabinet.

**I:** Has it happened that musicians from your orchestra had problems with the regime or other officials because they were involved in music-making, especially women for example?

**F:** Not with the regime, but sometimes with their professors because they didn't want to lose their authority or have to deal with competitors. But all these reasons are on a personal level, not on a governmental level. They are a bit scared of competition from *the West*...but this exists everywhere in the world...The only case that we had problems was when we wanted to perform in Shiraz. They wanted to fill some forms and tell them our religion. Thus, we have some members who are Baha'i, we didn't do it, and the concert was cancelled. If they are not allowed to come, we all are going to stay. We already had our flight tickets and everything, but we said we're not going to play there if they don't accept every member of the orchestra. I can say that the musicians from our orchestra have not only gained knowledge on a musical level but have also been affected socially.

**I:** Very interesting. Another question I wanted to ask you personally: How was it for you as a woman, establishing such an orchestra in a women-discriminated and censored country?

**F:** Luckily, I had no problems at all...

**S:** Regarding women on guiding positions, the situation has changed a lot...

**F:** Yes and also because of our names...The people who are giving permissions are from our generation; they are from our generation of musicians. Therefore, when I went there to introduce our project, they normally want you to show them your previous work, your CDs, your style of music, etc; they didn't ask me. Because, for example, for the *Fadjr Festival*, there was the director who has known me since I was a little girl. So we never had any problems...but there is a reason. I believe that laws are important. When you want to have freedom, you have to comply with the law. If I'm not in accordance with the law of this country, I don't have to go there. I can't go there and say I'm not happy with this law. Of course, I'm against the regime and

I don't like the Islamic law but if the law in the country says that a woman has to wear a hijab, it is not allowed to show hair, I cannot go there without a hijab. It is logic that you are not allowed to perform. When you take a look at the pictures of me in Iran while performing, I always wear a hijab and I always hide all my hair because first of all, I don't want anyone come to me and tell me that I have to change my appearance. Secondly, I don't want a poor guy come to me and tell me that I'm not allowed to go on stage because it is the law. It is common that they come and tell you that your dress is too thin or you show too much hair on your head. That's why I comply with the law from the beginning, therefore I have my freedom. I can do whatever I want – in the bounds of the legal framework, of course. When you don't comply with the law, you become an anarchist. I think, the more freedom you have, the more you need discipline regarding rules and laws. Everyone's freedom starts from that point that one other's freedom has stopped.

**S:** But you cannot be ok with all the rules and laws...

**F:** Of course not, there are some laws from the Islamic regime that I do not comply with...or course but how can I say this...when I want to give concerts in Iran, I need to comply with the rules. When you're against it, well then...don't go...like we have been doing for the last 35 years. For 35 years I was against everything in this country, and it was not important whether I could give a concert there or not.

**I:** But what has changed? You are still against the regime, right? Why have you changed and why are you giving concerts in Iran today?

**F:** Because I have reached a point where I realised that I'm getting old and if the young generation of Iran should learn or see something from or about me, it is the time. What can I contribute when I'm 70? That was actually my motivation to start all these projects. This regime is going to stay maybe for the next twenty years...you don't know... but who knows if I'll be still here...that's why I thought it is time... and of course, you need to do some compromises...that's why I need to perform within the legal framework...Of course, you have to fight, and a lot of women do it..but yeah...today if you do that, you are not allowed to perform any more...

**I:** Well, actually you can say that you gave up...?

**F:** No! I didn't give up. It is a compromise! You are forced to compromise in order to be able to perform! During these last years we have affected the flute world in Iran immensely. We go there and give free private lessons...their level of playing has changed a lot!

**I:** If you allow me to go back again...it is a universal right that everyone is allowed to wear and perform whatever he or she wants, and music is also an instrument of expression, in a cultural but also in a political sense, it is actually a universal right.

**S:** But not here!

**I:** Yes, I know! My question is: Do you think that the fact that it is not depending on the Iranian culture or was it the Islamic regime that has been violating it? In other words, do you think that without the Islamic regime, the situation concerning music in Iran would be another?

**S:** I know what you mean. Take a look at Turkey, today you can see every kind of music, pop...whatever. But if someone from the same business would sing lyrics against Erdogan, he or she would be in danger.

**I:** But if you do it here [Austria, Switzerland] no one would care.

**S:** Exactly. You could have any caricature from a politician; nothing would happen. But you cannot think that this is possible everywhere in the world. It is impossible.

**I:** It is impossible because you think that it the culture that differs or...?

**S:** The roots of every culture are based on religion. Muslims, for example, have another mentality. In this mentality, in the most countries with Islam as state religion, equal rights and freedom of expression are impossible. It is an ideal illusion that cannot exist everywhere. It is possible in Switzerland but not in the Middle East for example.

**I:** So you mean, it is a utopian idea that is never possible all over the world.

**S:** Exactly and it depends on culture. If so many people are still illiterate in some cultures...what do you expect? That's why classical music is in Iran not easy to establish. It is not 'their' music; it is not the music that 'they' grew up with...But you have to know that in Iran around 70% are under 30 years old...this is a capital for Iran! These young people are more than 50% intellectuals! The reason why they can't express themselves is because of the terror in Iran. If there is one person from the regime with a gun standing in front of thousand people, he doesn't even hesitate...

**F:** They don't know any human rights! They don't know what rights are!

**S:** Of course they know!

**F:** They say: this is our country! No one has the right to tell us what we have to do!

**S:** But back to music and culture...since the regime is not interested in these kind of things...they do not invest...You know that we don't earn much when we go there and give workshops and lessons...if we didn't go there, these talented young people would not have any possibility...

**I:** So...you have the feeling that with your work you're effecting a lot of people?

**S:** Yes! The effect is even bigger because they know that we're working for almost no money.

**I:** I'm coming to my last question: How is it for Iranians or other musicians with migrant background to play in Europe or in the so-called *West*? Do you have the feeling that you are forced to play 'Western music' or is Persian traditional music accepted as well?

**F:** For this question, I have a very good case. For us of course, it was totally ok. We studied Western music, and we are also giving concerts and teaching within this framework. We as Western musicians are accepted. If you want to play traditional music, it is also very welcomed, but this is normally put in another framework. For example, *an oriental evening* or 'traditional evening' and so on...Some months ago I went to the audition at the Conservatory in Feldkirch

with my students from Austria. They want to start studying music there. We had prepared several classical pieces for the jury because you know, they want you to prepare pieces from different eras – romantic, baroque, contemporary and so on. After my students had played, an Iranian violinist came in and started to play for the jury. I couldn't believe it, but he started to play Persian traditional music on his violin! Everyone was very shocked, and after some time they stopped him and asked him whether he knows where he is and for what he is auditioning. He answered 'yes, of course', he wants to study at the Conservatory here and he had come all the way from Iran to Austria because he heard that there is this audition. His German or English wasn't really good, therefore it was really hard for the jury to explain him that you can't just play whatever you want. Finally, I went out with him and explained him everything. When you want to study music here at the Conservatory you also have to play classical Western music, other types of music such as Persian traditional or any other traditional music is not acceptable. You have to start from the roots, in order to play other music, you have to learn how the fathers of classical music (Mozart, Beethoven, Haydn...) played, learn the music theory and so on. You have to prepare yourself for auditions like that; you can't play music from other cultures for an audition.

ANNEX 4: INTERVIEW WITH THE FOUNDER OF UNITED HEARTBEAT  
(TRANSLATED FROM GERMAN) EVA BARWART-REICHEL, 19 MAY 2017

**Interviewer:** What is the story behind your association? How and in which context did you establish it? What is your intention?

**Eva:** It was in summer 2015 when the European refugee crisis arrived in Austria...when the refugees were arriving at the train stations in Vienna...I can't...at least, my generation can't remember something similar like this...I was very affected, and I tried to imagine me in their situation...in today's world so many things are shaking...this can happen to everyone...Europe's situation is not very steady at the moment and yes...it can happen to anyone, and when you empathise with the individual destinies, you feel the need for helping and participate... That's why I went to the train station Hauptbahnhof Wien, and there I was helping the organisation *Train for Hope* for three days. After that, I realised that I had not enough time left with my family and my job... and besides that – maybe because I also have kids now – seeing these mothers arriving with their young children was very touching and stressful for me. However, I thought that I really wanted to help and this acute help at the beginning is great, but when they stay here, their situation can be very bad also in another way...thus, they have to wait for ages to know whether they receive asylum or not. It is a very intense time...that was the moment where I thought I want to do something on a long-term basis and I wanted to contribute something that can support their integration process and something that gives them joy and pleasure for their everyday life. Since I have been in the culture and music scene, and I have been playing an instrument, I thought that the best thing to do stay in an area where I am well informed. I have been working also in the area of cultural management...therefore, I asked myself: How can I support and help the artists, who are arriving here? Obviously, I stayed within the field of music. For a musician, the most important thing is his or her instrument. This instrument has many positive aspects: While on the one hand, the musician has his or her instrument and it serves a pastime, and on the other hand, he or she gets back a part of his or her identity. Thus, music is a part of one's identity, and when this part is missing, a human being is not complete. It is also the case that professional musicians, who earned their living through music-making, come to our association. In this way, they can



also integrate themselves in a better manner. Even though they are not perfectly integrated yet in the Austrian music scene, there are some specific communities. Especially the Afghan communities, who celebrate often weddings with musical accompanies and that's for the musicians arriving as refugees already a first financial source. Through this way, they can already gain some money. Of course, many of them often tell me that they don't want to stay *wedding musicians*, and this is totally understandable, it is the same as in Austria when you play for weddings, funerals or baptisms...as an artist, I can totally understand that. Nonetheless, it is a source of income, and they can make some social connections while playing music. Furthermore, an exchange between different people, who also arrived in Austria, takes place. Not only on a musical level but also on other levels, they can connect and exchange but, the intention of our association on a long-term basis is that these musicians get integrated in our music scene here in Austria. Coming back to the financial part, the source of income...in some cultures (even in our culture) it is for many men for their self-confidence and prestige, to gain some money in order to maintain his family. The lack of this very essential component can also be another source of frustration.

**I:** Since you speak about *men* as musicians...Were there only men coming?

**E:** Almost only men...yes. For two reasons: first of all, there have been arriving more men than women, and secondly, there are mainly male musicians. For example, very strict Muslims don't think very positively about music...and if, then there are only men making music. Thus, women as artists – music, dance, painting... – are very scorned. Therefore, there are generally less women musicians. In fact, we really try to include also women, but it is not that easy. For instance, we had once one female musician, who actually wanted an instrument but she warned us that her family is here as well and that she can't participate because if her family hears that she is doing this, she will get into trouble. I have to admit that I couldn't really understand her situation because we told her that if she doesn't want to have any pictures online, that is totally ok for us. We do not force anyone to present oneself in public media or in the internet. But in the end, she jumped off. That is also something that we have to learn. We grew up in a

different culture, and we have to learn their 'codes' or their different reasons for performing at a festival or not. Our association plays an intermediary role, but we are not an agency. When someone calls us to employ a musician, we give him or her the contacts and then they can organise between themselves. Whether the musician wants to play and what the financial terms are, is his or her own responsibility. We do not interfere, and we do not take any provisions. The musicians are not forced neither to take the offer if they don't want to. Sometimes an event manager tells me that they met with the musicians but it was so complicated...yes, of course, they also have religious reasons sometimes...For example, we have a Syrian brass band, and these musicians are subordinated to an elder leader of a religious community here in Vienna and he is a priest. He decides whether the youngsters are allowed to play or not. This is a Syrian Orthodox church, and when this priest has the feeling that an event or an occasion doesn't comply with their ideology, they are not allowed to perform there.

**I:** Does this depend on the type of music they have to play or the event?

**E:** It depends on the event. They play in general only their music. There was a small cultural festival in Floridsdorf [district in Vienna], which was politically directed slightly to the left...but it was not a political event...not at all. The organiser was Dorothee Frank, from the radio station Ö1 and her husband but had invited various cultures. You know, there are also frictions between the cultures, which arrive in Austria. Honestly, this Syrian Orthodox church feel themselves closer to the FPÖ [Austrian right-wing party] than to any other left-wing party. This is incredible. These are things that we are realising now. They have also difficulties with Muslims...but this is something that we already know, and that is also obvious. It is all over the media. The religious and cultural diversity within this region is the reason for these conflicts. There are many minorities in these countries, which are directed against the –mainly Islamic – state authorities. Many people flee also because of religious reasons...

**I:** So...do you have the feeling that they take their conflict with them to Austria?

**E:** Absolutely! They take the conflict with them but of course, of another level, and it doesn't arise explicitly. However, as I also wrote it on our website, we support people regardless of their religious or ethnic origin. This is very important to me. Our basic law is that no conflicts are allowed. I don't want to see any conflicts between Syrians and Afghans, for example. Our project is not the place for that, I bring these people together, they meet here, and the majority has no problems between each other, but sometimes when I meet them individually, they speak subliminally about *the other* community, 'You know...that's how these Muslims or Iraqis or Afghans are...'

**I:** This is very interesting, because in the literature about music and human rights, many scholars see music as a unifying language and that music is universal and that it can connect different cultures. What role does music play in your association? Do you have the feeling that it provides a platform for different cultures to unify?

**E:** My idea is that I provide a platform, where you can enable a dialogue between cultures but music is not automatically a unifying instrument. Unfortunately. It depends on their environment they grew up in and on the family they were born in. Some come from an educated family and others don't, some come from the city, some from the periphery...there are differences. It is also comparable with Austria. But it is an illusion that music connects automatically. It really depends on the person, for some people it is the case but it is not a general fact. The platform is given by us and for us it is really important that we don't exclude anyone. You know, we invited different prominent people to give a statement regarding our project. Obviously, Conchita's [Austrian trans-sexual Eurovision Song Contest winner] statement is polarising. For Muslims, for example, is Conchita...or for strictly religious or people or believers...actually you don't have to be strictly religious, religion influences the daily life, especially in countries with no laicism...where you can't distinguish between mentality, education or religion. There the lines between these elements are fluid. I was conscious about my choice to ask Conchita for a statement, I knew that especially the Syrian Orthodox church doesn't support her and doesn't understand my intention for asking her. But when they talk with me about it, I explain them that also this openness is a part of our association. On the one hand, I present myself as an Austrian, who

is open towards and interested in other cultures and other religions but on the other hand, there are also other things that they have to respect as well. Also, their openness and respect towards otherness is demanded. I don't request to change their way of life but at least when they are with me and working within our context and when they are together with other people from our project, I demand this openness and respect. Another aspect added to this is that I'm the head of this association – and I'm a woman. Luckily, I have a fabulous partner, Jonathan, who doesn't need any explanation concerning gender equality and who himself, supports it as well. I'm very grateful for that. However, sometimes there is this tendency that male members from our association, when they have any questions, they ask him instead of me. But only in the beginning, later there haven't been any problems. He always answers: I don't know, you have to ask the head of this association. Eva is the head. Or when we come to a place where we have to introduce ourselves, it is always me, who starts with presenting our association, who we are, etc I know it sounds a bit weird, but it also has an educational aspect. We want to show that this is something that is important in Europe. But one must not only concentrate on refugees, there are so many machos and chauvinists in Europe. That's why we need a new women's referendum in Austria. This is not related to the refugees from other cultures. I have to say that they are very respectful towards me and they trust me. When there are difficulties in their lives, they come to me – maybe because I'm a mother [laughs]. There have never been any difficulties, neither within the musicians. As I already said, the only thing was only when I met them individually, I felt some resentments...

**I:** Does that mean that culture *does* play a role in music?

**E:** Exactly. It is not necessarily the case that they are happy about the cultural diversity given in the association or that want to learn more about another culture's music.

**I:** So, what exactly is the main objective of your association?

**E:** We always state that our main objective is to provide musical instruments for fled musicians. Only instruments are at stake. For us, it was always very important to have a clear intention and objective because if it is too broad – and of course there are some many things

you can do – I need ten employees, and that would be too much work. Obviously, we try to do some networking and to provide various platforms and rehearsal rooms, but these things take place in the background. Nonetheless, our main objective is to provide instruments for musicians.

**I:** How do you proceed? I suppose you can't organise instruments for everyone who contacts you, right?

**E:** They can contact us and portray their situation, their age, their experience with their musical instrument, for how long do they play it, and in ideal cases, they also have some videos or audios. Not everyone has this, but quite some of them. They have to fall under our category; that means they should not be beginners, they have to be intermediate, but we are not too strict of course, we do not require any academic background or certificates, we have to find out whether they comply with our ideas. The next step is a personal meeting where we talk about their situation etc A negative example would be someone who gets an instrument from us and sells it immediately on eBay. That is something we want to avoid, and that's why this procedure exists. Finally, we try to find an instrument for this person. The proposals arrive at our association, and we work through them in a chronological way. In the most cases, we buy second-hand instruments, of course, it should be on average good quality. With this instrument, they can make music and perform at concerts or other events, and when the time has come that they can gain enough money so they can afford a better instrument, they shall return the instrument to our association in order we can provide others with instruments. In general, these instruments are a life-long item on loan – if the situation remains like this. That means they have to sign a contract that they have to take care of the instrument and that they are responsible for that. Furthermore, they thereby also obligate themselves to contact us if they are moving to another country, or back to their country or they lose their interest in the instrument or music-making. In this case, they have to contact us and together we can find a solution. Either they bring back their instrument, or when they say that they play so many concerts in Germany, for example, that's why he or she wants to move there, then we say that he or she can keep the instrument and it is his or her property. We just avoid that instruments get resold or neglected.

**I:** When you talk about moving to Germany etc does that mean that you only provide instrument for refugees, who are already accepted?

**E:** That was our idea originally, to provide instruments for people, who already have a positive decision. Since this procedure takes forever, and we are not doing business here, we have regularly some exceptions. We don't want to punish them on several levels...when they already have to wait for a year or so to get a decision, and they have nothing to do...But when they receive a negative decision and they have to leave the country, that is the moment where they have to contact us and let us know what the situation is.

**I:** What is the average age of these musicians?

**E:** Our oldest member – he played harmonicon– was 65 or 70 years old and his son plays tabla. The youngest member is 16 years old. Generally, we don't give any instrumental lessons, as I told you, they have to know their instrument but this young boy, an unaccompanied refugee minor is enormously talented. The head of the association 'Afghan culture, solidarity and integration' has sent him to us. He plays a more or less father role for many fled people from different nations such as Sierra Leone, Afghanistan, Iran, etc and he has already connected us with many musicians, who came to him and asked for help. One day, I heard that in a radio transmission and contacted him. This young man is really very interested. He is here for 18 months now and speaks very good German, goes to school and is going to graduate in three or four years. In addition, he has piano lessons once a week – I think the school provides the lessons, but he has no possibility to practice. And one should not forget, that a lot of these musicians are autodidactic – the majority actually. This is a moment, in which you know that he needs our help. But there have been also negative cases. Sometimes, people arrive and take everything for granted, and they come with specific expectations, but they are not interested in participating or integrating. These people normally don't even go to German classes because they say that with the little English I know, I can communicate, I don't need more. There are differences...it is like in our society. You have people, who are engaged, and active and others, who are lazy and wait for something to happen and when it doesn't happen, others are responsible. Of course, one should not forget that they also have a hard past, when they have experience war

and violence, and they had no psychological help or support, and in addition, they don't have their family here, worst case they came alone and are minors...it is hard to find motivation in such cases. It is understandable.

**I:** How do you support the organisation financially?

**E:** When we started, I said that I don't want to attract sponsors, companies or banks and beg for money for these *poor people*. I didn't want to be in a petitioner situation. I really didn't like this idea. These people are fleeing from war and arrive in Austria with their horrible destinies, and then they have to wait for the company's answer. That's why I didn't want these *classical sponsors*. Especially, there is always a demand for a return service from the sponsors...it is always a business. I thought it was not appropriate in this context. That's why I said that we need to try support our organisation through crowd funding... and we did it. It was very labour-intensive but yes...we did it on *we make it*. One thousand euros was the threshold, and we got it. It was really great. We were also very lucky that we got supported by Bank Austria, they started an initiative for *art and culture* – this is not seen as donations. In Austria, only specific associations are allowed to receive donations; it is legally regulated. They call it 'contributions' or whatever you want to call it. To cut a long story short, we got 10,000 €, even a bit more and after that we also won the 'Bank Austria crowd funding art prize', so we won again 10,000€...we were really lucky. This is our budget currently. In addition, after we wrote online that we also take donated instruments, we received many. How we going to manage it in the future is the topic of our discussions...I think we're going to contact some foundations and see if there is any state support... but we don't have a master plan for the money. Generally, it is a nonstop search. We could do another crowd funding, but you can't do something like that endlessly. Two times is already a lot and three times makes no sense...the people lose their motivation...

**I:** I wanted to ask you also something on censorship. Especially in the Middle East, there are many music censorships, for example, in Iran. Have you had any cases of censorship, I mean, for example, musicians fleeing from censorship and coming to Austria...

**E:** Yes, of course, we have musicians in our association, who fled because of their musical activity. For example, our Afghan rapper is here since six years here, and he fled because he was doing political rap against the political regime there. He was kidnapped, beaten up and they broke all his front teeth. He has dentures now...That was his reason why he fled the country. He is from an Uzbek minority in Afghanistan...the cultural diversity in Afghanistan is huge...it is really an endless melting pot...and there are many refugees from this minority coming to Europe. In his case, his reason for fleeing the country was explicitly music.

**I:** You said you have people from Afghanistan, Iran...right?

**E:** Yes, Iran, Afghanistan, Syria and Sierra Leone.

**I:** These are all countries where music is censored, right?

**E:** Yes.

**I:** Finally, I wanted to come back to the cultural identity debate. Do you have any final words on the topic of how important music is for a person's cultural identity?

**E:** I think you can approach this topic also with language. For me, language is also music. You don't have to be a musician, every child grows up with the music of its own language, and this is very deep-rooted in one's personality. These experiences and environment from one's childhood are very formative. Through language, music can occur, or in other words, language is music. Identity, in general, has so many different partial aspects, which form the whole. For instance, when a child is born, the first voice it hears can be seen as its first musical experience. I think this is a very formative experience.

**I:** Do you mean that one receives language as music in the first place and only afterwards one gets the content?

**E:** Yes, but language itself is already music. Of course, there is a difference between speaking and singing, but it is still music, it is audible. Speaking has a musical aspect.

**I:** I was just looking at your logo of United Heartbeat. Can you maybe explain how you got the idea for the name and logo of your association?



**E:** Yes of course. We were reflecting a lot, and in the end, it is related to my life. I was working at *Universal Edition*, and I realised that it is very important to follow your intention and to do affairs of your heart. That's what is *right*. I really wanted the project to be an affair of my heart and it is now. That's the reason why there is a heart in the logo. Our origin idea was *Music Shelter*, but we realised that we didn't want anything pitiful. You know, connotations to *fleeing, poor, bad...* In fact, our objective is to get these people out of this *refugee context*. We don't want people to ask them if they are refugees, we want them to be fellow citizens. Then, I was reading in a music magazine and I came across the word *heartbeat*. That was very clear for me, we need this word and of course in English, so it is understandable for everyone. After that we had the idea of *Heartbeat Union* but that sounded too much as European Union, and that could be interpreted in a wrong way...and finally, after some weeks, we came up with *United Heartbeat*, because the unifying aspect is essential to us. Especially, in the word *heartbeat* you have also the musical beat. For the logo, we went to Schulz & Schulz, and they were very keen on helping us. Every employee had to take an hour for reflecting on it and then we came all together and everyone had at least one idea. In the end, we could choose between 15 different suggestions. That was great. And I'm still very happy with it. Especially because it is colourful and you can also see it as a rainbow. Everyone meets on the same level.

**I:** Thanks you very much for your time!

**E:** Of course, you can contact me anytime if you have more questions.

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The present thesis - ***The Power within Music. Human Rights in the Context of Music*** by Sara Soltani and supervised by Eva Maria Lassen, University of Southern Denmark - was submitted in partial fulfillment of the requirements for the European Master's Programme in Human Rights and Democratisation (EMA), coordinated by EIUC.

