

## 11. FROM PREEMINENCE TO BALANCE: A COMPARATIVE VIEW BETWEEN COURT DECISIONS AND VIOLIN-KEYBOARD SONATAS

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**Abstract:** *In past centuries, the sonatas for violin and keyboard showed a strong preeminence of one instrument over the other: sometimes the violin was assigned the leading role, and sometimes it was subordinated to the keyboard. Yet Mozart and Beethoven worked out a completely new concept promoting a balanced dialogue between the two instruments. In a similar way, the past decisions of the Court of Justice of the European Union and those of the Constitutional Courts of some Member States could be read as struggling for the competence of being the ultimate source of authority, whereas the most recent ones show an “ongoing conversation” through mutual reception of the respective decisions. This study offers a comparative view between the musical and the legal fields, trying to highlight specific analogies which connect them together.*

**Key words:** *balance, Constitutional Court, ECJ, hierarchy, violin-keyboard sonata*

In political theory, sovereignty is a substantive term designating the supreme authority within a territory<sup>98</sup>, the ultimate overseer in the decision-making process and in the maintenance of order. It could be said that, from the international point of view, on its territory a sovereign state is not subject to any foreign authority, and, from the internal point of view, it is superior to all the persons and corporations<sup>99</sup>. Nowadays, a state is usually governed according to a constitution, that is a set of fundamental principles or established precedents<sup>100</sup>. Constitutions are often defended by legal bodies, which view themselves as the very guardians of the Constitutions<sup>101</sup>. In some countries, such as Germany, Italy, and France, this function is carried out by a dedicated Constitutional Court which performs only this function, interpreting the relevant constitution; this Court ensures that the Constitution's principles and rules are upheld in declaring void the executive and legislative acts which infringe them.

As in the Westphalian world the sovereignty of each state is almost unlimited, as long as the state is *not bound by international treaties, the Constitutional Court can be considered as the State's highest jurisdictional authority, the final decision-maker on issues concerning citizens' rights and duties*<sup>102</sup>. *The role of the Constitutional Court can be compared with the one of the violin in the violin-keyboard sonatas written by Arcangelo Corelli (1653-*

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<sup>99</sup> Ivana Tucak, (2010), The Future of the Sovereignty Concept in Europe, in Gordana Vukadinović and Agneš Kartag-Odri (eds.), *The European Union of Nations and Universal Values*, Novosadska asocijacija za teoriju, etiku i filozofiju prava, Novi Sad, 275-287

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<sup>102</sup> Franz C. Mayer, (2004), Wer soll der Hüter der Europäischen Verfassung sein? in Olivier Beaud & Ingolf Pernice (eds.) *Die Zukunft der Europäischen Union: Eine kritische Bilanz des Konvents*, Bruylant, Brüssel, 429-456

1713) in the early eighteenth century. The score shows only a bass line and an unadorned violin part, so that it is up to the violinist to embellish the latter with figurations and ornamentation, a role in which he enjoys much stylistic and technical freedom.



Fig. 1 Arcangelo Corelli, Sonata IV op. 5, first movement, Adagio

In a similar way, from 1957 to 1964 the Constitutional Courts of the Member States of the European Economic Community enjoyed a complete freedom in interpreting the Constitution and stating rights and duties of the citizens; indeed, in *Geitling v. High Authority*<sup>103</sup> the European Court of Justice (ECJ) ruled that Community law did “not contain any general principle guaranteeing the maintenance of rights” conferred by national Constitutions, and reserved the role of ensuring these rights for the relevant Constitutional Courts.

However, a few years later, in *Costa v. Enel*<sup>104</sup> the ECJ ruled that the transfer of powers made by the Member States to the Community, which caused a limitation in their sovereign rights, is permanent and irreversible. In this way, the ECJ tried to ensure its own central role as fundamental, or better said, sole interpreter of the new ‘European’ legal order, constraining the Constitutional Courts to a much more limited role. This position by the ECJ can be compared with the role of the harpsichord in the violin-keyboard sonatas composed by Johann Christian Bach (1735-1782): in the score the harpsichord has the most important, virtually self-sufficient function, whereas the violin part is conceived as a simple accompaniment realized through quite long sustained pitches.



Figure 2, Johann Christian Bach, Sonata op. 10 n. 1, first movement, Allegro

<sup>103</sup> ECJ Cases 36, 37,38 and 40/59 *Geitling v. High Authority* [1960] ECR 423

<sup>104</sup> ECJ Case C-6/64 *Costa v. ENEL*, [1964] ECR 585

In the following years there was a back and forth struggle between the highest courts, striving for supremacy: in 1968, issuing the *Syndicat Général de Fabricants de Semoules de France*<sup>105</sup> decision, the French *Conseil d'État* refused to accept the supremacy of Community law, and in 1969 the ECJ contrasted this ruling issuing its *Walt Wilhelm a.o. v. Bundeskartellamt*<sup>106</sup> decision. Here the ECJ stressed that allowing Member States to introduce or retain measures capable of prejudicing the effectiveness of the Treaty would be contrary to the essence of European legal system, already characterized by its distinctive nature. The rationale of this judgment was further developed by the ECJ in the 1970 decision *Internationale Handelsgesellschaft*<sup>107</sup>: here the ECJ made clear that not even a fundamental rule of a Member State Constitution could, in itself, challenge the primacy of Community law. In the 1977 judgment *Simmenthal* the ECJ even ruled that if a national statute does not adhere to EU law, the ECJ itself orders the national court to set it aside, without awaiting a ruling of the respective Constitutional Court<sup>108</sup>. The last three judgments might be compared with the harpsichord part of the Sonata for *cembalo e violino obbligato* op. V n. 2, written by Luigi Boccherini (1743-1805). Here the main role is very clearly assigned to the harpsichord, as we can see in the following examples, referring to the last ten bars of the *Largo*.

Luigi Boccherini, Sonata op. V n. 2, second movement, *Largo* (harpsichord part)

Luigi Boccherini, Sonata op. V n. 2, second movement, *Largo* (violin part)

<sup>105</sup> *Conseil d'État*, decision of 1 March 1968, *Syndicat Général de Fabricants de Semoules de France*

<sup>106</sup> ECJ Case C-14-68, *Wilhelm a.o. v. Bundeskartellamt*, [1969] ECR 1

<sup>107</sup> ECJ Case C-11/70, *Internationale Handelsgesellschaft* [1974] ECR 1125

<sup>108</sup> ECJ Case C-106/77 *Amministrazione delle Finanze dello Stato v. Simmenthal SpA*, [1978] ECR 629

The written-out virtuosic passages show the preeminence of the keyboard over the violin, and the harpsichord's leading role is confirmed by the chance to improvise an independent cadenza. In fact, the penultimate bar of the *Largo* shows a fermata in both instruments' parts, which offers to the harpsichord player the opportunity to perform an ornamental passage, allowing for further virtuosic display. In my view, there is a close similarity between the ancillary role of the violinist, waiting for the solo performance of the keyboard player, and the subordinate role assigned by the ECJ to national and even Constitutional Courts. The response by the Constitutional Courts was not long in coming. In Italy, the Constitutional Court ruled in 1973 that it would take on judicial review on Community law, in order to verify its respect of the fundamental principles and rights enshrined in the national Constitution<sup>109</sup>; and in 1989 it established again its determination to verify, by means of constitutional review, the Community law's respect of the National fundamental principles and rights<sup>110</sup>. In Germany, reacting to the ECJ judgment on *Internationale Handelsgesellschaft*, the Constitutional Court declared in 1974 that until Community law has proven its capacity to provide a level of protection of fundamental rights equal to that provided by the German Constitution, the latter would prevail over Community law<sup>111</sup>.

The last three judgments might be compared to the violin part in the sonatas by Pietro Antonio Locatelli (1695-1764), where the violin part is much freer as the basso continuo which is to be realized on the harpsichord or the piano: the composer assigned a leading role to the violin, writing down quite complex rhythms and melodies, particularly in rapid descending or ascending sequences and arpeggios involving playing back and forth across strings. All this in turn implies the use of a more nuanced and colorful sound, a greater range of articulation, and dynamic and agogic accents in order to delineate the form and mold the texture. In performing Locatelli's sonatas, although the keyboard player could realize the basso continuo in a quite individual way, for instance realizing imitations, he or she should always reckon with the articulation, embellishments and performance style chosen by the violinist for the first appearance of the specific motif.



Figure 3, Pietro Antonio Locatelli, Sonata IV op. 8, first movement, *Cantabile*

<sup>109</sup> Corte Costituzionale, decision 183 of 27 December 1973, *Frontini v. Ministero delle Finanze* [1974] 2 CMLR 372

<sup>110</sup> Corte Costituzionale, decision 232 of 21 April 1989, *Spa Fragn v. Amministrazione delle Finanze*, 72 RDI

<sup>111</sup> Bundesverfassungsgericht, decision of 29 May 1974, 37, 271, called "*Solange I*" decision

However, since the 1980s the competition between the Constitutional Courts and the ECJ gave way to a more balanced approach. In 1986, noting the steady enhancement of the standard of fundamental rights protection in Community law, the German Constitutional Court stated that, as long as this standard remained commensurate to the German one, the Court would refrain from reviewing Community law<sup>112</sup>. However, the court reaffirmed its right to do this, promoting a real equilibrium between the roles of the different Courts. This far-reaching decision might be compared with Mozart's six *Sonatas for keyboard with accompaniment for a violin*; despite the title of the work, here the violin is no longer subordinated to the keyboard. The same technical demands are made of both performers, and both of them have an equal part to play in developing the musical argument<sup>113</sup>. For instance, in the Sonata K 377 in F major we can find one and the same melody divided between the two instruments in the form of a brief interplay, with a witty dialogue involving fleeting imitations.



Figure 4, Wolfgang Amadeus Mozart, Sonata K 377, 2<sup>nd</sup> movement, *Tema con variazioni*

In effect, a coeval review of these six sonatas described them aptly in the following terms: “These sonatas are the only ones of their kind: abounding in new ideas and bearing clear traces of their author’s great genius as a musician, extremely brilliant and well suited to the instrument. At the same time, the violin accompaniment is so skillfully combined with the keyboard part that both instruments are constantly kept in equal prominence, so that these sonatas demand as accomplished a violinist as a keyboard player”<sup>114</sup>. More recently, also

<sup>112</sup> Bundesverfassungsgericht, decision of 22 October 1986, 73, 339, also called “*Solange II*” decision

<sup>113</sup> Hermann Abert, W.A. Mozart, Yale University Press, New Haven, 2007, 641

<sup>114</sup> Denkwürdigkeiten, in „Cramer’s Magazin der Musik“ for 4 April 1783

the musicologist William Newman highlighted that Mozart's sonatas for violin and piano were the first to put these instruments on more "equal footing"<sup>115</sup>.

A turning point was reached in 2010, as the German Constitutional Court issued the *Honeywell* judgment: in this case it had to take a difficult decision, which could change forever the course of events. The *Honeywell* case was based on a previous decision taken by the ECJ on the *Mangold*<sup>116</sup> case, a judgment which was fiercely contested as being *ultra vires* by many judges and legal experts. In deciding the *Honeywell* case the German Constitutional Court faced a complex situation: on the one hand, if it would once again deepen the conflict with the ECJ, rising up as ultimate protector of the principles enshrined in the Constitution, this could be assimilated to a rejection of the European Treaties; on the other hand, if it would admit that the ECJ's decision in the *Mangold* case was not *ultra vires*, this could be viewed as definitively giving up its own role as guardian of the Constitution. The Constitutional Court resolved the difficult issue releasing a complex, but very well-balanced judgment, which founded a new approach to the field. On the one hand it did not challenge the interpretation method previously adopted by the Luxembourg court, making on the contrary a high number of references to previous decisions taken by the ECJ. On the other hand, although manifestly refusing to act as "supreme court of review for submissions", nevertheless it reserved the last word in a case for itself.

Similarly, in *Sayn-Wittgenstein v. Landeshauptmann von Wien*<sup>117</sup>, the ECJ explicitly acknowledged that the 'national identity' established by a Constitution, with its specific principles and values, shall be taken into consideration, assigning it the rank of public policy justification. In this way the ECJ distanced itself from its own rulings issued from the 1960s to the early 1990s, which were based on transfer of sovereign powers and simple hierarchy, in favor of a more balanced approach. These judgments might be compared with Beethoven's Sonata op. 47: in the first movement canonic imitations alternate with the simultaneous presentation of similar or even identical motifs, emphasizing the sense of musical continuity and passionate dialogue. Beethoven himself stressed the balance between the two instruments, adding to the title the engaging subtitle *scritta in uno stile molto concertante, quasi come d'un concerto*, which means "written in a very concertante style, almost that of a concerto".



<sup>115</sup> William Newman, (1947), Concerning the Accompanied Clavier Sonata, in "The Musical Quarterly", 33, 3, 327-349

<sup>116</sup> ECJ Case C-144/04, *Mangold v. Helm*, [2005] ECR I-9981

<sup>117</sup> ECJ Case C-208/09, *Ilonka Sayn-Wittgenstein v Landeshauptmann von Wien*, [2010], ECR I-13693



Figure 5, Ludwig van Beethoven, Sonata op. 47, 1<sup>st</sup> movement, *Presto*

Also contemporary research stressed this aspect, highlighting that the exposition of the first movement of this sonata may be portrayed “as one in which two comrades, both virtuosi, collaborate but also challenge one another, within a dialogue that may be one of the most intensive demonstrations in the Classical repertoire of what can happen when composers and performers “perform” their fundamental interdependency”<sup>118</sup>.

To conclude, both in the legal and in the music field there are occasions in which the parties can choose either supremacy or synergy strategies. In my view, open-mindedness and cooperation can lead both the Courts and musicians to shared views, and this in turn allows the achievement of fundamental goals: in the legal field it can multiply the protection of the citizens’ fundamental rights, and in the music field it can promote expressive, communicative and stylistically correct music performance.

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## 12. THE INTELLECTUAL DIMENSION OF THE MUSICAL -ARTISTIC PERFORMANCE

Vladimir Babii<sup>119</sup>

**Abstract:** *The author points out the process of the listener's intro-opening to the musical art, event which engages all the person's spiritual resources. It includes the volitive effort, backed by the intellectual component which is in a continuous dynamic growth. In author's opinion the vocal knowledge of world and the knowledge of one's own nature should be centered on the action to hear the conscience and to follow it, especially in the artistic field.*

**Key words:** *conscience, vocal knowledge, performance, artistic intro-opening, intelligence, stimulation -response.*

Knowledge of world and knowledge of one's own nature for the preconception, prevision of events and behaviours is, first of all, **vocal knowledge** of this world. Henry Wald states: „By sight the man still remains about the phenomena, by hearing he gets closer to their essence” [10, p.18]. „What the conscience says is more true than what you see” [ibidem.]. **To hear the conscience and to follow it** is a progress individual technology which engages special volitive effort. While sight longs for concrete things, hearing aspires to ideas, to abstract, fact which offers the man a large space for generalization, option and realization.

The force of „attraction” of the sound world, put into songs, harmonies and metro-rhythmic persuasions by pupils, is stimulated by the force of „abstraction”, by freedom. Getting the credit of personal freedom is of major educational importance. It is also a behavioural ability of great responsibility because the *freedom of conscience* involves the departure from things and oneself in order to „listen to” the voice of one's own conscience, gradually learning the skill of so-called *distant listening*, reported by Ernest Cassirer as „unconditional dependence on emotion” [3, p. 55]. Music holds more onto intellect than affectivity. The question exposed in the form of vocal intonation is that vocal structure which breaks the cycle of individual influence and highlights the „foundation of spiritual freedom” (Ernest Cassier, 1994).

*The vocal expression* constitutes one of the most important experiential acquisition in the pupil's conscience. The musical expression is sometimes richer than the verbal language, but more reduced than thinking. The terms „to express”, „expression”, „expressive” are a means of influencing others through music, word, gesture etc. The pupil, being figuratively speaking „lack of consciousness”, [7, p. 32] looks for those marks in the musical art which will multiply his future benefits. „The human conscience of lack, of absent is to a greater extent an invention than a discovery” [10, p.32]. Mainly through sounds and intonation, the pupil **opens up** to the future because these matters are tuned to the soul vibrations in such a subtle way, as may other essences not do. Besides, how we could explain the situation when a 10-11 year-old child, listening to the *Passionata* by L. Van Beethoven or *Requiem* by W. Mazart,

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which are creations with a deep philosophical significance, perceives the message of the musical language.

Music makes possible the pupil's **intro-opening** towards the full world of significances, and the „void” towards being receptive, predictive to any event. The pupil looks for the other's **response** in music, at the same time asking himself: „*How would it be?*”, that is the response and not the reaction because to answer means to assume responsibility, while to **react** means to confuse the present. The first type is characteristic for independent people, but the second is shaped by situations. In M. Draganescu's vision the last „will have conscience as conscience is social if it has a learnt consciousness at the basis, so social in itself, but will not have conscience-essence or approaches to it through high spiritual life” [15, p. 101].

Piaget J. distinguishes four stages in the formation of intelligence: sensor-motor intelligence (18 - 24 months from birth), preoperative thinking (2 - 5 years), operative thinking (6-12 years), formal or hypothetico-deductive thinking (from 12 and further). According to this phasing, it turns out that the foundations of the proactive are built in the primary school period and get stronger in adolescence. Obviously, the adolescent is „centered on the future planning of his activities” [6, p. 150], he seeks to anticipate the events, but sometimes he faces the situation of contradiction between the individual abilities and the obtained result.

*Conscience* is the mediator phenomenon between the relation *stimulation-response* (S-R) with the function of adjustment of the accommodation process to the person's repertoire situations. These facts are explained by the author V. Pavelcu in such a way: „a state can be more or less conscient *in relation* to another psychic state” [11, p. 347]. In musical pedagogy the processes of activation of affective mental states in pupils are often used at the expense of those with intellectual connotation. The stimulation (the object of the action) and response (the subject of the action) are not static phenomena, but dynamic, alive, targeted by the filiations of conscience. The proactivity is **present** between S and R, which complements the indirect formula, giving it the following aspect: S – P P – R. When we point out the „presence”, we understand that the pupil with all his nature doesn't remain „outside” the music, but is present in the music.

The conscience, being the product of activity, „retains its predicative, actional and active character” [14, p. 50], fact which confirms the idea that the musical art, being a produce of conscience, has an active influence on the activity, not necessary connected to this domain. Such influence, although it has a positive formative resonance, doesn't fully meet the rigors of the role of music in the context of personality dynamics. Especially, the person's linkage with his own reasons comes into prominence, among which a part of them requires to be excluded, and another part is developed as being priority reasons. It is necessary to keep a balance between conscience and musical action, music and proactive presence. These phenomena interact oscillatory where: „the appearance of fluctuation creates the state of activation and tension; the behavioural reactions destined to the detection, identification and obtaining of the desired object set

off on the basis of *alarm signals* (effect - V. B.)” [8, p.75]. Obviously, the unity between conscience and the musical action should be conceived not as a form of rigid balance, but as a form of continuous balance. „The dynamics of inclusion in the activity or exclusion of some actions or acts of activity” [14, p. 52] represents a feature of synthesis, realized from the point of view of the principle of *artistic intro-opening*.

Trained in the process of communication with the external world, through the sound spectrum of attitudes and relationships, the pupil is in a state of expectancy. Before acting in the exterior, hearing the music, the pupil takes a certain attitude. Thus, „the expectancy is the subjective probability or the implicit supposition of a result, volunteer or not, as a result of certain behaviour” [4, p. 66]. Continuing the thought, we mention that music is that force which *intro-opens* towards life because to exist doesn't necessarily mean „to be” present as an actor of this life. That's why music can stimulate pupil's behavioural motivation, first of all, shaped in the form of an ideal plan „subjective probability”. The image-goal, extracted from the contents of the musical creation, doesn't constitute the unique model of virtual behaviour, but only the value which allows to structure the situation and the individual and socio-cultural state in order to choose the updated behaviour „ from the repertoire of one's potential behaviours” [4, p. 66].

The pupil can be *present* at the act of reception and at the same time „not be influenced” by the behavioural artistic sense, „ to produce quality” and at the same time to act with a negative index. We can explain such facts, with certain probability, on the basis of the concept of *self-efficacy*. The last involves the pupil's faith in his abilities to have an influence on events with a negative index or in other words:” the beliefs of self-efficacy operate on the behavior (including the *musical and artistic* – V.B.) through cognitive and affective motivational processes” [ibidem.]. The *intro-open* person anticipates the stimulation and effect, bypassing the negative consequences. The expectations of self-efficacy are of two-dimensional nature in the process of musical audition. On the one hand, the listener is influenced by the stimuli of musical sounds („S – R – S”), and on the other hand, the triggered feelings constitute new stimuli for a real and possible behaviour, adequate or close to the created model „R – S”. The effect of the musical - artistic behaviour can take place not necessarily as a result of multiple strengthening exercises of musical messages, but also through observation and awareness of the situation and extension of the stimulus of the pupil's musical-artistic action, having the *effect of success*. Even when the pupil is not aware of his action, accompanied by affective stimuli (SA), *the expectancy of success* doesn't leave him for a moment.

In the context of the principle of artistic intro-opening, the development of the abilities to feel, to live and to create feelings which are stimulated by the musical messages consists in the pupil's orientation towards the manner to take initiative, based on the values of feelings. The feeling seeks to destroy itself through the contact with the reality. „ By channeling its energy **outside**, the emotion is a tendency towards balance through disordered scattering of the

energy **inside**, without taking into account the reality” [11, p. 24]. The **emotion** „destroys” the *Self*, it descends the person to the physic (*smile, movement, pantomime etc.*), while the **feeling** elevates the person, it orients it towards safety and power through intellect, spirituality. Namely the *feeling* elevates the person (↑), but the *emotion* has the meaning of crash down (↓). The emotions have most of all a subconscious existence. They are at the surface of the personality construct and although they have a powerful influence on the *Self*, they don’t determine its existence and power „to be”; they cannot have a conscious and intellectualized life as that of feelings” [11, p. 24].

Feeling is a disturbing element of knowledge; thanks to it the judgement is falsified, the premises of the reasoning are put in the service of some conclusions imposed by the individual’s instantaneous interests, the arguments hostile to the personal satisfaction are neglected [11, p. 55]. The cited statement, referring to the problem of feelings, would have an ambiguous contribution in the case if we assumed that music is entirely a cognition activity, but first of all it is an activity *of living, of soul*, in favour of which the same author expresses in a relevant way: „knowledge of foreign soul could be helped by a very special method, one specific only to psychology, the method of understanding or of empathy” [11, p. 53]. In other words, music has a dual influencing function and mainly of *experienced knowledge* and of *intercession of the process of knowledge* of „the foreign soul”. In this context, the possibilities of musical stimulation involve an extensive state, proportional to the level of development of the complex of feeling with cognitive or cognitive-experienced value. The psychologists say that *the feelings*, besides many other features, have the capacity of *profoundness*. When we refer to „interpretation of the musical and artistic senses”, then the „empathic transposition” is operated (P.Popescu-Neveanu, 1994). The reason can gradually go by as a goal, which being outlined in the representations of the expected result is realized through practical actions. It is the case when the process is subjected to the conscious goal. But there are situations when the goal is not sentient and the action has a different effect than the expected one.

The search of stimuli, and not their passive waiting, which would correspond to „the emotional-personal sense”, in a great measure determines the power of retention of voluntary attention on a musical phenomenon, return to it again and again. In psychopedagogy „the constant attitude” towards an object of knowledge is conceived as *an interest state*. Without making special reference to the interest dimension, we will say that the pupil’s attitude towards an activity is conditioned, first of all, by building consensus between „What is It?” – object and „Who am I? – subject.

The high level of *activity* is determined by the degree of this system influencing another one. If the pupil marks a spiritual necessity „directly through his own auditive perception and interpretation in a creative and active way, step by step, in the field of musical art” [9, p. 19], then he will prove a higher **performance** in other fields of activity too. On the contrary, this desideratum would be deprived of any sense and would remain a closed educational

environment. We understand the role of the musical –artistic factor for the pupil not as some ordinary activity which would be explained through the reference verbs: to perceive, to interpret, to compose, to understand, to adjoin, to brood, to feel etc., but through the insight in the philosophical sense of music as stimulus for finding answers to the questions appeared on the way. The interpretation (coding) of the expressive means of the musical language, „modeling” of the musical material constitutes the level of pupil’s gradual **opening** towards the depth content. The explanation, the hermeneutics of the musical and artistic depths relate to the level of artistic *intro-opening* or „general spiritual opening” [2, p. 151].

The pedagogy, through its meaning, constitutes an activity, a science of administration, organization, guidance, persuasion with the learning, education, formation/development processes of personality in the ontogenesis. The notion of „management” with the meaning of direction, guidance, organization has all the right to take the first place in the contemporary education and didactics which cannot be limited to the former pedagogical concepts, with a reduced area of influence on pupils. The *organizational culture* only makes its way in pedagogy, although no educational action can take place outside of one or another forms of organization, conduct with the concerned processes. Among the **fundamental principles** which contribute to the effective orientation of the organizational steps in the musical pedagogy, we point out: the *artistic intro-opening* and *centering on value*. The accent is put on the ability **to act and to be effective**.

Music constitutes a style of organizational culture, thus an activity of self-governing and management because we find out the most important elements of management in the musical discourse and mainly: pertinence, balance, assertiveness, prevision, competitiveness, adaptivity, curiosity, creativity, sensibility, marketing, „performance grading” [12, p. 4], liveliness, optimism, evaluation. The study of the principle of intro-opening, through the effective musical artistic action, was shaped around the following addictions: a) the overloading of knowledge affects the rate of *storage*; b) once with the growth of the volume of the material, the percentage of storage decreases [13, p. 47]; c) the mechanic learning is equated with the forgetting of knowledge accumulated in an intuitive way; d) the accumulation of information in exponential rates requires the continuous thoroughness and renewal of knowledge [13, p. 52]. Therefore, the intellectual dimension in the formation of effective behaviour abilities lies in the practical application of technologies and effective techniques of pupil’s individual resources through the educational desideratum **to hear the conscience and to follow it**.

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