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Edited by Dan-Eugen Ratiu and Connell Vaughan

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## ***Horowitz Does Not Repeat Either!*** ***Free Improvisation, Repeatability and Normativity***

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*University of Bern*

ABSTRACT. A common way of characterising improvisation, and even more specifically *free* improvisation, is to point out its *unrepeatability*. Such characterisation misses the point. If we consider improvisation as a *sonic product*, the above characterisation is plainly *false*, as it is possible for a performer, who has never been acquainted with a previously improvised performance, to improvise by chance that same sound structure a second time. If we consider improvisation as an *overall performance*, then unrepeatability becomes a *non-informative* characterisation, as it doesn't help at all in distinguishing an improvised performance from *any other* live musical performance.

Another possibility is to characterise free improvisation as *neither a composition nor a performance of a normative sound structure*. Following this characterisation, however, the risk of cataloguing performances of standard jazz as free improvisations is unavoidable, as many of them do not intend to instantiate the normative structure provided by the standard, but take it only as inspiration for improvisation.

In order to provide a plausible characterisation of free improvisation, I will develop my argument in two different steps. In a *first step*, I will characterise free improvisation as a *non-interpretative musical performance*. This does not exclude that in free improvisations existing musical material can be used, as is often the case. But, differently from a standard jazz performance, the performer *does not commit in advance* to any specific musical material to be used (as normative sound structure or as simple inspiration) for his performance. In a *second step*, I will make use of Niklas Luhmann's notions of *code* and *program*, and thereby characterise free improvisation as a *self-programming musical performance*. These two steps will provide respectively the necessary and sufficient identity conditions for a free musical improvisation.

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## 1. Introduction

When, in our daily conversation, we talk about an improvised musical performance, or about an improvised speech, or more generally about an improvised event, we normally don't run the risk of misunderstanding. Roughly, we know what we are talking about. This is not something to be taken as obvious, as if the daily speech were *per se* roughly clear and simple, while complications only arise when philosophers start questioning about it. In fact, there are notions, like for example the notions of *intelligence* and of *culture*, which can already be misunderstood in their daily, non-theoretical use. Any person with a minimal pedagogic touch knows that, when we speak of a kid being *intelligent*, we can mean very different things, as intelligence encompasses very different dimensions. The same is true of culture: When we say that a person is *cultivated*, we can mean very different things, concerning his studies, his way of behaving in different contexts, his linguistic skills, and so on.

With the notion of *improvisation* such daily misunderstandings don't usually happen, and not just within the musical domain. When one says that a politician is improvising a speech, we understand what that means, in the same way as when we refer to a particular musical or theatre performance as being improvised. This *daily unambiguousness* however turns out to be very misleading, as we find ourselves deeply embarrassed when we develop a theoretical reflection about this concept. In this paper I will try to analyse such theoretical difficulties within the musical domain, more specifically when we try to characterise a free improvised musical performance from other kinds of musical performances.

Accordingly, this paper will have a negative objective, namely the criticism of some existing characterisations of free musical improvisation; and a positive one, that is the formulation of a plausible characterisation of free musical improvisation. These two objectives will be developed along the four following sections of the paper: In the *second section* I will develop a criticism of the characterisation of free improvisation as *unrepeatable, i.e., non-multiply instantiable musical performance*. In the *third section* I will develop a criticism of the characterisation of free improvisation as *neither*

*composition nor performance of a normative sound structure.*<sup>2</sup> In the *fourth section* I will propose a first characterisation of free improvisation as *non-interpretative musical performance*.<sup>3</sup> In the *fifth section* I will formulate a second characterisation of free improvisation as *self-programming musical performance*.

Before ending this introduction I would like to present a definition of free improvisation as formulated in a musicological context:

Free improvisation means here in the widest sense a ‘compositional’ process in which, at any given moment, there is the possibility of making decisions in any direction, free from any *predeterminations*. This freedom refers to the absence of any kind of *presettings* [...] such as rules of play, predetermined forms, planned outlines, graphic notations, [...] images as sources of inspiration.<sup>4</sup>

Four points have to be stressed:

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<sup>2</sup> These two characterisations are quite commonly adopted in the literature – see for example Bertinetto 2012, Brown 2011 and Canonne 2016. A third characterisation, according to which in musical improvisation *creation and performance occur at the same time*, seems from the beginning problematic. As Bertinetto, among others, showed, in fact ‘a lot of decisions about what and how to play are taken in advance, i.e. before the performance’ and in any case ‘it would seem odd to say that if the improviser, while soloing, plans to play a certain melody in the next chorus and, in so doing, establishes and prepares a performing routine, the performed melody is not improvised’ (Bertinetto 2012, pp. 106-107).

<sup>3</sup> The opposition between improvisation and interpretation is not new – see on this point for example Goehr 2007 and Canonne 2016. However, as will be shown later, such opposition has been often *biased* by an implicitly assumed notion of interpretation in terms of *Texttreue*. In this case it is quite evident that what is improvised is, per definition, opposed to interpretation, as non-faithful to the text. In any case, in this paper I would like to apply such opposition also to interpretative practices where the notion of score compliance is not considered as positive value.

<sup>4</sup> Fährdrich 2007, p. 185, my translation, my italics. More recently, Canonne arrives to very similar conclusions: ‘Firstly, free improvisation is an improvisation without reference: not because it pretends to free itself from any inherited cultural reference, but because the musicians who practice it try to improvise without prior reference, pre-existing action or schema that would predetermine their way of organising their decisions on an intermediate time scale. This is one of the fundamental characteristics of improvised action, namely the fact of not following a previously established plan’ (Canonne 2016, p. 33 – my translation).

1. This definition has to be taken as a point of departure for the further analyses and in order to have a first idea of what free improvisation is, as well as in comparison with other performances (baroque music, jazz standards, and so on) which contain improvised elements but which don't qualify as free improvisations, as being executed according to some pre-established elements (musical scores, harmonic and melodic structures, as well as more generally, idiomatic and stylistic pre-settings).
2. The two words I put in italics are strategic for the argument I intend to develop. Free improvisation *can* (and possibly necessarily *does*) use existing musical material. But such existing musical material is *not programmatically chosen in advance* by the performer, who therefore is *not committed* to it. He can at any moment decide whether to use specific musical material or not, and he is *entitled* to do so. All this will become clearer in the next pages.
3. The term 'compositional' (*kompositorisch*) is correctly put (by the author) into inverted commas, as it has to be understood *almost metaphorically*, or in any case in a very minimal way, as the fact that the improviser 'puts together' some notes during his performance. However, as among others Bertinetto and Brown pointed out, there are radical differences between the two activities.<sup>5</sup>
4. All the considerations developed in the next sections are not only meant to be valid for a particular *musical genre* (free improvisation), but for the notion of improvisation *per se*. *Free improvisation* is taken paradigmatically as the musical genre where we can observe improvisation *in its purest state*, and therefore the characterisation of it against other kinds of performances will be helpful in order to understand what *improvised* means, as well as in relation to other kinds of performances which, in spite of not qualifying as *free improvisations*, contain however relevant *improvised* elements.

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<sup>5</sup> See Bertinetto 2012, Brown 2000 and 2011.

## 2. Improvisation as Unrepeatable Musical Performance: A First Criticism

I will start with the criticism of the notion of free improvisation as *unrepeatable*, i.e., *non-multiply instantiable* performance.<sup>6</sup> In order to criticise this notion, I will refer to the well-known distinction formulated by Philip Alperson<sup>7</sup>, according to which a musical improvisation can be understood as a *sonic product* or as a *performance*. Accordingly, the notion of free improvisation as unrepeatable entity can be criticised along two different perspectives. In order to develop my argument I will refer, in both the sides of the criticism, to two passages from a classic article of Lee Brown. In the first case, if we consider a musical improvisation as a sonic product, Brown designs the following scenario, which immediately falsifies the above mentioned characterisation:

Suppose that an improvisation by Corman Hackins (H1) just happens to be perceptually indistinguishable from the famous "Body and Soul" solo of Coleman Hawkins (H2) [...] this pair not only parallel each other perceptually, but they are equally spontaneous. I shall call such a pair a *perfect pair*.<sup>8</sup>

This scenario, though *highly implausible*, still cannot be categorised as *impossible* (it is like to imagine that the number 27 will come out 345 times consecutively at the roulette wheel – quite difficult, but not impossible). In fact, it is plainly possible for a performer, who has never been acquainted with a previously improvised performance, to improvise *the same sequence of notes* a second time after its first instantiation. As sonic products, these two sound sequences will be *two tokens of the same type* and so cannot be labelled as *unrepeatable*.

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<sup>6</sup> The equivalence between repetition and re-instantiability will be taken here as a common assumption in musical ontology. See for example this passage of Julian Dodd: 'Here are some ontological facts about works of Western classical music. First, such works are *repeatable* (that is, multiply instantiable) entities whose instances are their respective individual performances' (Dodd 2014, p. 278).

<sup>7</sup> Alperson 1984, pp. 21, 23.

<sup>8</sup> Brown 1996, p. 358.

If we refer, however, to musical improvisation as *performed action*, rather than as performed sonic structure, it seems that unrepeatability turns out to be an appropriate property to characterise it. Let's read Brown again:

An improvisational action is an aesthetic singularity. If  $H_1$  and  $H_2$  really are improvisational in character, then each harbors its own generative act. Essential to  $H_1$  is its being *this* spontaneous action; essential to  $H_2$  is its being *that* one.  $H_1$  and  $H_2$  each possess a kind of *aesthetic indexicality*, so to say.<sup>9</sup>

I want to stress the following point: in my view, in this passage, and in spite of Brown's purposes<sup>10</sup>, the aesthetic singularity of an improvised performance seems to be dependent on its being characterised as an *event*

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<sup>9</sup> Brown 1996, p. 360.

<sup>10</sup> In fact, Brown wants to distinguish on the one side between autographic arts and improvisations, and on the other side between the aesthetic uniqueness of a specific improvised performance and the fact that is, as musical performance, an acoustic event. However, in order to stress such differences, he employs the notion of *presence* which, *de facto*, is related to spatio-temporal location: 'I observed earlier that improvisational and autographic art both feature a kind of *directness*. However, there is a difference in this respect between the two. I shall term the kind of directness that typifies improvised music *presence* [...] The feature of the music that I have called presence suggests that it is over *processes* that an autographic principle of continuity would have to range, if we are to apply it at all. Improvisations are not excluded from the sphere of the autographic simply because their effects are ephemeral results of processes. They are excluded because improvisations *are* transient processes. Indeed, they are *actions* [...] The way the acoustic material is generated in these cases is an essential component of the genuine article' (Brown 1996, pp. 356-357). A first point to be made is the following: The statement that the very notion of *presence* should direct the investigation on *processes* rather than on *things* or *events*, is a very questionable assumption, as the considerations developed by Walter Benjamin in his *Artwork-Essay* concerning the notion of *aura* quite convincingly show (see Benjamin (1969)). But independently from any considerations about the *auratic presence of authentic artworks*, there is another point which is in my view decisive in this context. I can agree with Brown's statement that 'The way the acoustic material is generated in these cases is an essential component of the genuine article'. But this way characterises also, and *in the same way*, a non-improvised live performance against the product of it, while the main question of understanding what an improvised performance is, is not to characterise a *live* performance against what is *not live*, but rather to characterise an improvised performance against another *live performance which is not improvised*. The notion of aesthetic singularity, in this respect, does not work, in my view, as it characterises any other performance (more or less improvised) which is, as *live* performance, unique. And this characterisation has to do exactly with its *presence*, as spatio-temporal location.

much more than as an *action*. Both the use (in another passage – see Note 10) of the notion of *presence* and the putting in italics the terms *this* and *that* in the above quoted passage, in fact, highlight the critical role of the spatio-temporal location in determining the aesthetic indexicality of an improvised performance. All this, in the first instance, seems not to be problematic for the notion of free improvisation as unrepeatable musical performance. *Free improvisations, as musical events, are per definition unrepeatable*. This is true. However, I do believe that such a conclusion misses the point, for at least the following two reasons:

1. The characterisation of free improvised performance as *aesthetic singularity* (and so, unrepeatable) doesn't help at all to distinguish it from *any other live musical performance*, which is, *as live performance*, aesthetically singular. This explains, among others, why there are many people who are ready to invest a lot of money and time in order to attend a *Première*: Of course, there are deep social reasons connected with such behaviour. But it would be *naïve and superficial* to think that those are the *only* reasons for it. In fact, one of the main reasons for attending a *Première* is the assumption that on *that* particular occasion, in *that* particular situation, music will be *played* and *heard* in a unique atmosphere and with a unique feeling, which cannot be repeated in any of the replicas of that particular program.
2. There is more than that. Unrepeatability can even become a *programmatic objective* of the classical performer; as Vladimir Horowitz pointed out in his famous remark: 'I can say that a work should never be played the same way. I never do. I may play the same program from one recital to the next, but I will play it differently, and because it is always different, it is always new'.<sup>11</sup>

Along these lines, it seems to me, that the characterisation of free improvisation as unrepeatable musical performance is on the one side *false*, if we consider the product of the improvisation, as it is in principle possible for another improviser to repeat the same sound structure improvised a first

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<sup>11</sup> Mach 1991, p. 119.

time by someone else; on the other side it is *non-informative* if we consider the whole performance, as in this case musical improvisation turns out to be *unrepeatable, as any other live performance*.

### 3. Free Improvisation as Neither Composition nor Performance of a Normative Sound Structure: A Second Criticism

In this third section, as in the previous one, the criticism will be developed along two different directions, included in the double characterisation (as composition or as performance) of this second definition of free improvisation. This time, however, I will develop my argument based on the considerations of another main contributor to the literature about musical improvisation, namely Alessandro Bertinetto.

If we start with the first part of the definition, according to which a free improvisation is *not a composition of a normative sound structure*, we can immediately state the following: An improvised performance is not meant to define a norm for further instantiations. It is meant to be, and to remain, a singular event. In this sense, as pointed out by Bertinetto, even if somehow the improviser *composes* something, as he *puts together* some notes, the improvisation should be understood as the *other* of composition:

An improvised performance is, as such, a ‘composition’ only in the sense that it ‘puts together’ sounds and silences (composition derives from the Latin word ‘con-ponere’). It is not a ‘proper’ composition, which is the construction of a set of instructions (the performable MW) that are prescriptions for further performances.<sup>12</sup>

The notion of musical score implicitly adopted by Bertinetto, as a *set of instructions*, is in my view more than questionable. However, the argument I intend to develop does not depend on this assumption. In fact, even by considering the musical score as a representation of a sound structure (as I think is the case), what remains untouched is that *multiple performability* is somehow entailed in the very idea of composing. In this respect, we could

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<sup>12</sup> Bertinetto 2012, p. 212.

state that a free improvisation is *not a composition at all*, musically speaking (as already pointed out by many authors). And in fact, it is not even only a question of producing a sound structure which is not meant to be re-instantiated. It is the very process of composition which entails characteristics, like *correctability*, which are not entailed in a performed improvisation. Such elements are tacitly assumed in the musical domain as essential elements of composition. That is why, for example, when Salieri, in the famous scene from *Amadeus*, discovers that Mozart's manuscripts were 'first and only drafts of the music. Yet they showed no corrections of any kind', he states immediately after that all this 'was puzzling – then suddenly alarming'<sup>13</sup>. What is implicitly assumed in such puzzlement is that composition is a correctible process, and that only such correctability enables composers to put in place very complex structures. So, in relation to this first part of the definition, it seems that there is not so much to be criticised.

If now we move to the second part of the definition, according to which a *free improvisation is not a performance of a normative sound structure*, it seems, again, that such a definition is more than plausible. The same meaning of *improvviso* (not foreseen - done in the moment) seems in fact to exclude the use of pre-established sound-structures, or performing instructions, as a *rule to be followed*. That is why the very notion of *wrong-note* is, in a certain respect, incompatible with the notion of improvisation, as again pointed out by Bertinetto:

Musicians who have to perform composed works run the risk of playing the wrong notes, i.e. notes that are not indicated in the score. Therefore, they can make mistakes. Conversely, improvisers do not follow a score while performing their music. They cannot make mistakes because they just play what they want to play in the moment of the performance [...] Performers of composed works seem to risk more than improvisers do, because they can easily fail to exactly perform the music prescribed by the score. Hence, where there are no scores to be followed, performers obviously do not run the risk of

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<sup>13</sup> Shaffer 1987, p. 90.

making these kinds of mistakes. Precisely in this sense, Miles Davis claims that there are no mistakes: you cannot make mistakes when there are no norms to violate.<sup>14</sup>

We have to clarify: In the passage immediately following his essay Bertinetto clearly states that, evidently, an improviser *can* also make mistakes.<sup>15</sup> However, the situations of an improviser and, for example, a classical music performer (and so, someone who is performing a normative sound structure) remain radically different, for (at least) the following two reasons:

1. Mistakes in a free improvisation are not to be understood in terms of *compliance* with a pre-established sound structure. So, the people, when attending to an improvised performance, do not expect that the performer will play such and such notes. They are not only curious about *how* the performer will play some notes, but also about *which notes* he will play.
2. The normativity governing a free improvised performance is a *real-time normativity*, which can change during the performance. So, for example, the improviser can *decide*, during the performance, how to resolve a particular harmonic situation, or how to continue a melodic line. This is why, in a free improvisation, *mistakes* can become *opportunities* for new developments, and this capacity of transforming mistakes into opportunities is an essential part of the art of the improviser, as convincingly expressed in a well-known quote from Art Tatum: ‘There’s no such thing as a wrong note. It all depends on how you resolve it.’<sup>16</sup>

Finally, it seems that concerning this second part of the definition, we have

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<sup>14</sup> Bertinetto 2016, p. 86).

<sup>15</sup> ‘The fact that improvisers can make technical and aesthetic mistakes seems a truism. Even though they do not follow instructions provided by a score, improvisers have (technical, aesthetic, historical, social...) backgrounds that sustain and feed their practice [...] In reference to those backgrounds, their music can be judged as more or less good or bad’ (Bertinetto 2016, p. 86).

<sup>16</sup> Quoted from Bertinetto 2016, p. 88.

no problems. In fact, a free improvisation is *neither a composition nor a performance of a normative sound structure*. So why, and on which grounds, should such a definition be criticised? The problem is the following: This characterisation of improvised performance does not help us to distinguish between free improvisation and other forms of musical performances, like standard jazz performances. While on the one hand none of them is performed in order to be re-instantiated, so cannot be regarded as *composition* in the strict sense, many of them are not even based on the normative structure provided by the standard, but take it only as inspiration for improvisation. A classic and often quoted example is Chick Corea's version of *Sophisticated Lady*, which is considered as a performance of Duke Ellington's standard in spite of (according to Andrew Kania) 'containing no obvious statement of the melody, and substituting chords all over the place.'<sup>17</sup>

Still, one could ask again: so, *what is the problem?* Possibly, standard jazz performances and free improvised performances *should not* be distinguished from each other. Or, even if they should, it is a question of being more detailed, and in this sense the definition will in any case be valid, even if not detailed enough to differentiate between two kinds of improvisation. The question is in my view a bit more complicated, and the reason for my criticism does not reside in a mere request for more precision, and in any case, such a request is not just *for the sake of precision*. The point is that, in my view, in the non-differentiation between standard jazz and free improvised performances lies a *slippery slope risk*: if we include standard jazz performances and free improvisations in the same set of *neither compositions nor performances of normative sound structures*, then why not also include in this set baroque performances, which include relevant improvised elements, and why not also Mozart's Piano-Concertos, which include cadenzas that are often fully improvised? In fact, a great number of

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<sup>17</sup> Kania 2011, p. 394. In fact, Kania's statement can and should be questioned, as the very use of the term *obvious* calls immediately into question *obvious for whom?* It seems to me that some passages of Corea's interpretation of *Sophisticated Lady* can sound, to a jazz professional or even a simple jazz connoisseur, as obvious statements of Duke Ellington's standard. Anyway, the argument I am going to develop in the main text is independent from the rightness of Kania's considerations in this specific respect.

classic performances (particularly when we take into account performances practices of the 19<sup>th</sup> Century or before) should also be included in such a set, without however being considered as musical improvisation, as in fact they are rather *performances of musical works containing relevant improvised elements*. Finally, the result of such a move would be to consider any performance which intentionally deviates from a given musical score as an improvisation, even when such deviations are decided in advance or are in any case following some well-established rules and/or codes. Finally, *by labelling any deviation from a given normative sound structure as free improvisation, we risk trivialising the very concept of improvisation and we will no longer be able to differentiate what, in fact, is improvisation from what is not*. In this risk of trivialisation and in this lack of differentiation reside the main points of my criticism.<sup>18</sup>

#### **4. Free Improvisation as Non-Interpretative Performance: Three Preliminary Objections and two Defences**

After having developed my criticism against two existing characterisations of musical improvisation, in this fourth section I intend to propose a first characterisation of free improvisation in terms of *non-interpretative performance*. Such a characterisation is nothing new. Many authors, more or less recently, implicitly or explicitly, have already defined improvisation in opposition to interpretation. Before positively arguing for it however, I will formulate three possible objections against such a definition of musical improvisation, in order, in a second moment, to develop my argument by defending such a definition *against* such objections.

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<sup>18</sup> Bruce Ellis Benson's well-known book *The Improvisation of Musical Dialogue* runs, in my view, the above-mentioned risk of trivialisation. If every musical act, including composition, performance (more or less improvised), and reception, are *per se* defined as improvisation, then we would better substitute the word *improvisation* with the word *music*. But my interest is exactly to differentiate improvised from non-improvised music: 'I will argue that the process by which a work comes into existence is *best* described as improvisatory as its very core, not merely the act of composing but also the acts of performing and listening. [...] I think that the activities that we call "composing" and "performing" are essentially improvisational in nature, even though improvisation takes many different forms in each activity' (Benson 2003, p. 2).

The first possible objection relates to the considerations made by Lydia Goehr and Clement Canonne, according to which improvisation defined itself ‘in opposition to the praxis of interpretation, understood as faithful rendition of the work’<sup>19</sup>, only during the 19<sup>th</sup> Century, when composers started to provide detailed scores and consequently interpretation started to be understood in terms of *faithfulness to the work (Werktreue)* and *faithfulness to the text (Texttreue)*. This point is made very clear by Lydia Goehr:

As long as the composers provided incomplete or inaccurate scores, the idea of performance extempore could not acquire its distinct opposite, namely, the fully compliant performance of a work. Such a contrast emerged fully around 1800, just at the point when notation became sufficiently well specified to enable a rigid distinction to be drawn between composing through performance and composing prior to performance.<sup>20</sup>

It is evident, however, that the notion of interpretation, when also limited to the musical domain, cannot be simply identified with the notion of *Texttreue*. Many, if not the majority of the interpretative practices, within and beyond the Western musical tradition (and including interpretative practices of the 19<sup>th</sup> century, in which improvisational elements *survived*, in spite of the dominance of the notion of interpretation in terms of *Texttreue*) contemplate, and in most cases, *require* improvisational activities. So, we can summarise the *first criticism* to the notion of improvisation as not interpretative performance in the following three statements:

1. A musical performance does not have to be faithful to the musical text in order to qualify as interpretation of a specific MW.
2. An interpretation of a MW can contain improvisational elements, as regularly happens in several interpretative practices.
3. The notion of improvisation seems *prima facie* to be compatible with the notion of interpretation.

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<sup>19</sup> Canonne 2016, p. 19.

<sup>20</sup> Goehr 2007, p. 188.

The second objection relates to the following passage of Stephen Davies, where the opposition between MW and improvisation is understood in terms of *uniqueness* of a musical improvisation against the *plurality* of interpretations of a MW:

In contemplating a musical piece, we consider the different ways it can be interpreted. If someone is interested in a work, she could not be completely satisfied by hearing it performed a single time only [...] By contrast, when people improvise, it is the immediacy and presence displayed in what they do that attracts us.<sup>21</sup>

In spite of its plausibility, such a point is not at all a valid criterion in order to differentiate an improvised performance from a performance of a MW. One can easily imagine a MW (in contemporary music such cases are quite common) which contains the performing instructions of *being performed only once and thereafter of destroying the score*. In that case, we could go to listen to the *first and only* performance of it (the composer could even indicate the performer), which still would not at all be an improvised performance.

In order to develop the third objection, I will refer to a passage of Alperson where a free musical improvisation is considered as not interpretative as there is no MW to be interpreted in an improvised performance:

Interpretation [...] may be safely said to be absent from an improvisation: it makes no sense to characterize an improvisation as an interpretation or to praise it as a good interpretation of a previously existing work since no such work exists.<sup>22</sup>

Again, in spite of its apparent plausibility, such a statement is more than problematic. First of all, an improviser *can* and almost always *does* use existing musical material during the performance, as quotes or allusions. Such use of existing musical material is possibly a necessary condition of

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<sup>21</sup> Davies, 2001, pp. 13-14.

<sup>22</sup> Alperson, 1984, p. 26.

every improvised musical performance. In this sense, as Nicholas Cook correctly stressed: ‘The concept of ‘free’ improvisation is in a certain sense self-defeating.’<sup>23</sup> Secondly, we can safely argue that Alperson’s statement is, at least in one respect, false (- we will see later that in another respect it is true). In theory, it is possible for a performer to improvise, by chance, a note sequence, which faithfully reproduces an existing musical score which is unknown to him, and possibly that has never been performed, or that has been performed only a couple of times at the beginning of the 18<sup>th</sup> century, and which thereafter fell into oblivion. Accordingly, the non-existence of a corresponding MW is not a *necessary* condition for categorising a musical performance as improvised. And, as a matter of fact, it is not even a *sufficient* condition, as a performer can play a memorised sound sequence which does not appear in any existing musical score or other artefact that can serve for identifying a MW. In that case, therefore, the performer *is not* improvising even if he is playing a sound sequence which *does not* correspond to any existing MW.

In spite of the objections formulated, I do believe that the definition of free musical improvisation as a *non-interpretative musical performance* can and should be defended. It is true that a) an interpretation of a MW can contain massively improvisational elements, that b) a MW can contain the instruction of being performed only once, like a free improvised performance, and that c) a free improvised performance can make use of existing musical material, and even instantiate, by pure chance, the same sound structure of an existing musical score, whether or not it has already been performed. In spite of all that, I do believe that a free improvised performance should be understood as a non-interpretative performance as *a performer of a free improvised performance can neither commit nor refer in advance to any musical work or musical material to be used (as rule to be followed or as inspiration) for his performance*. This is in fact already included in the definition by Walter Fähndrich previously quoted, and constitutes my first defence. My second defence consists in *drawing the consequences of that definition* in terms of the kind of aesthetic judgment

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<sup>23</sup> Cook, 2013, p. 226.

that we can formulate in relation to a free improvised performance.

Free improvisations, contrarily to musical interpretations, *should not* be judged based on criteria relating to the MWs or the musical material they *use for their own purposes*. And this is exactly because the improviser *does not commit* to referring to any MW or musical material in advance. This makes a big difference, for example, with improvisations performed in the context of a standard jazz performance. We can take again the example mentioned before. In spite of the fact that, according to Kania, Corea's version of *Sophisticated Lady* contains no obvious statement of Ellington's standard, one can still ask if it is a better interpretation than Ellington's original version. The fact that text-compliance in this case will not be a significant criterion does not mean that I can still refer to the original MW in order to formulate some judgment. One can even say that *the less faithful interpretation is the best one*, the one which best respects the *spirit* of the work. This is open and to be discussed in every single case. But the *legitimacy* of an aesthetic judgment based on the reference to the MW which Chick Corea *claimed, and therefore committed, to performing*, seems to me more than defensible.<sup>24</sup> The very statement of Kania is in this sense a confirmation of this point. Why should one notice that Corea's performance contains no obvious statement of *Sophisticated Lady*? *Because he implicitly assumes (correctly) that Chick Corea committed to interpreting that MW.*

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<sup>24</sup> In this respect I fully agree with Julian Dodd, who does not see any ontological discontinuity between classical MWs and Jazz Standards: 'Prima facie, the jazz *cognoscenti* treats standard form jazz as ontologically akin to classical music. Consider [...] Thelonious Monk's "Straight, No Chaser." People knowledgeable about jazz speak and act as if "Straight, No Chaser" is a multiply performable entity: they describe "Straight, No Chaser" as having been performed by various ensembles, and they happily compare such performances *as* performances of the same number. It is easy to imagine someone saying that they prefer one performance of it [...] to another' (Dodd 2014, p. 277). So, when in a performance the original standard is not at all recognizable, people *can* (and in my view *may*) formulate negative judgments. In fact, one can easily find in *you tube* comments of the following sort: 'This is a great improvised performance, but is not *Sophisticated Lady*!' One does not have to agree with such judgments, which can be wrong. Possibly the problem is not that Corea's performance *is not based on Sophisticated Lady*, but that *one is not able to recognize* the harmonic or melodic references, which can be hidden (and this is as licit as faithfully executing the original score). Such judgments can therefore be taken, in some cases, as *admissions of ignorance*. Still, they seem to me more than legitimate.

On the contrary, no one would ever be surprised if, in a free improvised performance, no existing MW were recognisable. And even if one could recognise some melodies or harmonic sequences typically exemplified in a very well-known MW, it would make no sense to judge that improvised performance based on the better or worse rendition of those patterns. Such judgment, in my view, should be considered *illegitimate*, as *one would judge the performer on something he did not commit to do*.<sup>25</sup> In fact, free improvisations cannot be catalogued as “commentaries” on the pieces upon which one improvises.<sup>26</sup> They are not interpretations, and even less commentaries. They are rather *statements on their own*, in which performers sometimes (and not necessarily) use *heteronomous* musical material for *their own* purposes.

## 5. Free Improvisation as Self-Programming Musical Performance.

While the characterisation of free improvised performance as non-interpretative performance seems to me more than defensible, it does not constitute in any case a *sufficient* identity condition, but only a *necessary* one. If a two year old kid plays randomly on a keyboard, he is surely not interpreting but, most plausibly, he is not even *improvising*. So, while no interpretation can be considered as, strictly speaking, free improvisation, not all non-interpretative musical performances can be considered, just from that, as free-improvised musical performances. We therefore need a supplementary criterion in order to provide the *necessary* and *sufficient* identity conditions for free improvised musical performances.

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<sup>25</sup> I will use an extreme and even provocative case in order to clarify my point. Judging a free improvised performance based on the rendition of recognisable musical patterns, in my view, would be (almost) equivalent to judging an improvised performance based on the colour(s) of the shoes of the performer(s). Of course, it is not *forbidden* to formulate the statement ‘I did not like today’s improvised performance because the musicians were wearing black shoes, while I prefer brown ones.’ However, and in the same way, it is not forbidden to consider such a judgment a quite *illegitimate* one. This is exactly what I do in the case mentioned in the main text.

<sup>26</sup> Benson 2006, p. 458.

In order to do that, I will refer to Niklas Luhmann's theory of art, and specifically to his two interrelated notions of codes and programs:

The codes are [...] distinctions by which a system observes its own operations; they determine the unity of the system. [...] The system of science includes all and only the communications which orient themselves to the code true / untrue, the legal system only those which orient themselves to the code just / unjust, etc. [...] The observation of art is based on a specific code, which in the traditional aesthetics was expressed by the distinction beautiful / ugly. Today this distinction is reinterpreted through the alternative fits / does not fit [...] Programs establish criteria for the correct attribution of the code values. [...] The programs of science (theories and methods) establish the conditions that must be fulfilled to assert a truth [...] Programs compensate the strict binarity of codes [...] by introducing decision criteria external to the system.<sup>27</sup>

According to Luhmann, while art, for many centuries, was more or less strictly regulated by external programs, sorts of aesthetic *frameworks* providing formal and thematic criteria both for the production and the evaluation of artworks, modern aesthetics, paradigmatically exemplified in Kant's notion of *genius*, requires the artist to *break rules* much more than *implementing existing canons*.<sup>28</sup> So, each artwork can no longer be justified on the basis of the implementation of pre-existing schemas, but should find within itself its own aesthetic criteria of construction. This situation is what Luhmann defines as *self-programming*:

As, in the modern age, from work of art is demanded novelty and no longer merely the correct application of certain rules, one needs

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<sup>27</sup> Baraldi, Corsi, Esposito 1997, pp. 36, 105-106, 139-141, my translation. In his theory of codes and programs Luhmann implicitly refers to the aesthetic judgments which apply to *artworks*, more than their *performances*. The fact that, in the specific case of musical *performances*, we can use other codes for aesthetic judgment (like good-bad, plausible-not plausible, or even authentic-not authentic) is not so relevant for the argument developed in this context.

<sup>28</sup> The *Querelle des Anciens et des Modernes* can possibly be considered as the main cultural scene where this conflict about aesthetic programs within the European tradition has been staged. All of this subject, in any case, exceeds the limits of this essay.

specific programs which, for each distinction, make it possible to determine whether it fits or not. In the case of art, one can speak of self-programming; Every work of art is self-programmed in the sense that the necessity of the order produced by this programming is the result of the decisions made in the work of art itself. [...] The bonds, therefore, do not derive from external laws, but from the way in which one begins. The program is the result of the operations it programs itself.<sup>29</sup>

The situation described above should not be understood mechanically, as a sort of implementation of an algorithm, which would be a simple *substitute* of the canons inherited from the tradition. It has rather to be understood as a situation where the artist finds himself continuously in a *contingent* situation, where freedom and constraints are interrelated, where free decisions can be taken on the basis of the constraints constituted from *what happened*:

Creating a work of art [...] generates the freedom to make decisions on the basis of which one can continue one's work. The freedoms and necessities one encounters are entirely the products of art itself; they are consequences of decisions made within the work.<sup>30</sup>

The decisive point in all this is that this situation *almost literally corresponds to the way improvisers understand themselves and their activity*. The following passage from Max Roach seems almost an exemplification of Luhmann's notion of *self-programming*:

After you initiate the solo, one phrase determines what the next is going to be. From the first note that you hear, you are responding to what you've just played: you just said this on your instrument, and now that's a constant. What follows from that? And so on and so

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<sup>29</sup> Baraldi, Corsi, Esposito 1997, pp. 108-109 (my translation).

<sup>30</sup> Luhmann 2000, pp. 203-204.

forth. And finally, let's wrap it up so that everybody understands that that's what you're doing.<sup>31</sup>

What I want to argue now is that the notion of *self-programming* is what we need in order to differentiate a free improvisation not only from an interpretation of an existing MW containing even massive improvisational elements (as in the case of many standard jazz performances), but also from a simply randomly produced series of notes, as in the case of the above mentioned two year old kid.<sup>32</sup> While both executions can be characterised as non-interpretative, only the improvised performance is self-programmed, as proceeding based on what it has produced. The improviser, in fact, differently from the two year old kid, continuously takes *free decisions within a scene of constraints*<sup>33</sup>, aiming, in temporal terms, to *open an unforeseen future based on a given present*.

A final consideration deserves, in my view, to be made: the notion of self-programming seems to be very apt in characterising modernity (in fact, it is the central notion of Luhmann's characterisation of modern aesthetics), as the *epoch of autonomy*, which can 'no longer borrow the criteria by which it takes its orientation from models supplied by another epoch', and which consequently 'has to create its normativity out of itself.'<sup>34</sup> On the other side, the very praxis of improvisation seems to *exceed* another key

<sup>31</sup> Berliner 1994, p. 192.

<sup>32</sup> In this respect, the criterion of self-programming already *includes* the criterion of non-interpretative performance, as no self-programming performance can be, strictly speaking, an interpretation. However, if I had limited myself to this second criterion, I would have lost an important *piece of information* contained in the notion of non-interpretation. In this respect, the characterisation of free improvisation as non-interpretative performance has (among others) the *argumentative function* of explicating, to take the example used in this paper, the difference with Standard Jazz Performances, which, in spite of containing many improvised passages, are to be considered as *interpretations*, whilst free improvised performances are not. This is the claim. Economy is an important criterion for structuring an argument, but not the only one.

<sup>33</sup> I refer here to Judith Butler's recent work *Undoing Gender*, where she uses explicitly the metaphor of improvisation: 'If gender is a kind of a doing, an incessant activity performed, in part, without one's knowing and without one's willing, it is not for that reason automatic or mechanical. On the contrary, it is a practice of improvisation within a scene of constraint' (Butler 2004, p. 1).

<sup>34</sup> Habermas 1990, p. 7.

notion of modernity, as characterised by Jürgen Habermas, namely what he calls the *principle of subjectivity*.<sup>35</sup> In fact, in free improvised performances the performers continuously react to what has happened, almost in an *ecstatic attitude*. This is very evident in collective free performances, where the improvisation is driven by the continuous responses between the interpreters. But the passage of Max Roach shows that all this is also basically valid for solo improvised performances. The improviser, in fact, acts in consequence not to *what he intended to do*, but rather to *what he did*. Also in this second sense, mistakes can become opportunities. There is, in this respect, a *radical exposure to contingency*, which is implicit in the very praxis of improvisation. The counterfactual basic statement ‘If I had not made this *mistake*, I would have continued my improvisation in a totally different way’ seems not only licit, but also a *necessarily endorsable statement*, in order to qualify a performance as freely improvised. In this respect, the notion of improvisation, in spite of its modern connotations, is also compatible with one of the key features characterising post-modernity, namely the notion of contingency.<sup>36</sup> Whether or not all this can lead to characterising post-modernity, not as the epoch which moved ‘beyond the horizon of the tradition of reason in which European modernity once understood itself’<sup>37</sup>, but rather which *moved the notion of reason beyond its modern tradition* (rooted in the principle of subjectivity), is a question which cannot be tackled in this context.

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<sup>35</sup> ‘In modernity [...] religious life, state, and society as well as science, morality, and art are transformed into just so many embodiments of the principle of subjectivity. Its structure is grasped as such in philosophy, namely, as abstract subjectivity in Descartes’s “*cogito ergo sum*” and in the form of absolute self-consciousness in Kant. It is the structure of a self-relating, knowing subject, which bends back upon itself as object, in order to grasp itself as in a mirror image – literally in a “speculative” way’ (Habermas 1990., p. 18).

<sup>36</sup> I refer here to Zygmunt Bauman’s classic characterisation of postmodernity as ‘the age of contingency *für sich*, of self-conscious contingency’ (Bauman 1992, p. 134).

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