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The History of Remembered Innovation: Tradition and Its Role in the Relationship between Musical Works and Their Performances*

JOSÉ A. BOWEN

Two of the most fundamental assumptions musicologists make are that musical works exist and that they are stable. We assume that we can study the same works studied by Schumann and Schenker, and we also assume that these musical works are somehow related to certain basic musical elements which remain the same from performance to performance. (Our primary tool, analysis, deals only with this fixed part of the work.) By looking first at the admittedly extreme example of jazz, and then at some more canonic European genres, I want to focus on what differs in a musical work from performance to performance, and thereby to reexamine its ontological status.

Most musicologists study music from the Western art tradition,¹ which, since it is primarily written, appears more stable and fixed than

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* A version of this paper was read at the AMS/SEM/SMT Annual Meetings in Oakland, California, November 1990 under the title "Jazz, Utterance and Tradition: Finding the Tune in 'Round Midnight." A detailed history of the tune 'Round Midnight will appear separately. I would like to thank Karol Berger, Laurence Dreyfus, Thomas Grey, Richard Taruskin, Hermann Danuser, Caryl Emerson, Charles Cronin and Herbert Lindenberger for their comments on the drafts.

¹ Despite my best efforts to avoid the terms "art" or "classical" music, these references to the standard repertoire of classic art music, or to "Bach, Beethoven and the Boys" as David W. Barber has put it (*Bach, Beethoven and The Boys: Music History as it Ought to be Taught* (Toronto: Sound and Vision, 1986) require some terminology.

the more flexible oral tradition of jazz. Jazz too, however, has its notated sources, but their relationship to the musical work and its performances is a fundamentally different one. We need not look beyond the confines of Western Europe, however, in order to find examples of more oral musical traditions. In the recent scholarship of both Latin plainsong and Italian opera, the debate continues over the nature of the surviving texts: are the preserved notes and neumes merely “frozen improvisations”² or a broad recipe for any number of performance events?³ Is the score a sample, a summary or a sketch? Not all scores were written with the same intention as a Beethoven manuscript, and jazz provides a different model of how the written text may relate to both the performance and the musical work.

For the last three hundred years, composers have increasingly tried to exercise more control over the variability of performances by being more specific in everything from pitch content and instrumentation to dynamics and even the physical experience of playing.⁴ With this growing emphasis on the immutable notated text, it was only natural that musicologists study scores and not performances. The nineteenth-century model for a musical work, which musicology inherited, was based upon Beethoven’s “finished” scores and the *letzter Hand* concept: the idea that an artist creates a final fixed and immortal text.⁵ Beethoven, however, lived at a time when composers were first learning to protect themselves from performers who freely changed the score. Emphasizing the “text” was an antidote to the virtuoso excesses of the *bel canto* era.

Our emphasis on the written text, however, has obscured two key factors:

Please note that I have chosen to distinguish this repertoire from both European folk song and Western Jazz (both of which are art) with the term European or Western art music.

² Helmut Hucke, “Der Übergang von mündlicher zu schriftlicher Musiküberlieferung im Mittelalter,” in *Report of the Twelfth Congress of the International Musicological Society, Berkeley, 1977*, ed. Daniel Heartz and Bonnie Wade (Basel: Bärenreiter, 1981), 180–90. “In der schriftlichen Überlieferung von Solostücken ist, beispielsweise in den Tractus und in den Gradualienversen, eine Vortragspraxis eingefroren worden” (p. 180).

³ Carl Dahlhaus, *Die Musik des 19. Jahrhunderts*, Neues Handbuch der Musikwissenschaft, Volume 6 (Wiesbaden: Akademische Verlagsgesellschaft Athenaion, 1980); *Nineteenth-Century Music*, trans. J. Branford Robinson, *California Studies in 19th-Century Music* (Berkeley: University of California Press, 1989), p. 9.

⁴ Charles Rosen cites the example of the Brahms version of the Bach Chaconne which tries to preserve the experience of playing the solo violin by restricting the pianist to his left hand in his review of “Authenticity and Early Music: A Symposium,” *New York Review of Books* (July 19, 1990), p. 49.

⁵ The title of the first edition of Goethe’s complete works, for example, is *Werke: Vollständige Ausgabe, letzter Hand* (Stuttgart: J. G. Cotta, 1827–30).

1. Scores are not musical works. Through the means of notation (and recording) we have learned to translate music into something else (figures, dots, magnetic fields and numbers) which can be reconstituted into music, but these are merely spatial representations; they are not the temporal musical work.

2. Even two performances which contain the same instrumentation and sequence of pitches (even by the same performer) vary in virtually every other respect. We only assume that since all performances of a work by Beethoven share a fixed pitch sequence, determined by a score, that all musical works must consist of a set of predetermined pitches. It is far from obvious which elements Beethoven and his contemporaries considered essential for the integrity of a musical work.⁶ Both the opera and plainchant debate, demonstrate the difficulty traditional musicology has had when identity may not involve a repeated pitch sequence.

This paper focuses primarily on jazz because it so clearly demonstrates that even the most sophisticated scores do not alone contain musical works and that performances of the same work can vary dramatically. Jazz is still in the process of translation into written form, so there is little or no temptation to confuse the score with the musical work. Also, while it is difficult to discuss objectively the differences among the various performances of a Beethoven sonata, every performance of the same musical work in jazz will actually differ in pitch content. Repeating an exact pitch sequence is even considered “cheating.”⁷ As Louis Armstrong once said, “Asking a jazz musician to play something twice in exactly the same way is a bit like going up to a bird in a tree and saying, ‘How’s that again?’”⁸

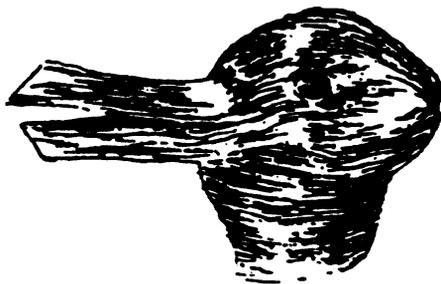
⁶ Berlioz, for example, was very specific about which elements he considered essential. He complained that when a symphonic work was played on the piano, “The whole idea, the essence and genius of the passage in fact, is destroyed or distorted.” (Hector Berlioz. *Autobiography*. trans. by Rachel and Eleanor Holmes. 2 vols. [London: Macmillan, 1884]; *Memoirs of Hector Berlioz*, 1803–1865. trans. David Cairns. [New York: W. W. Norton, 1975], p. 112). Although doubling was allowed, instrument substitution was not. In addition to clarinet players substituting B-flat instruments when A or D clarinets are specified in the score, “a habit as vicious, and still more baneful” is the use of “horns with cylinders and pistons” and especially of using the horn in F, regardless of the key. *Grand traité d’instrumentation et d’orchestration modernes contenant: le tableau exact de l’étendue, un aperçu du mécanisme et l’étude du timbre et du caractère expressif des divers instruments, accompagné d’un grand nombre d’exemples en partition, tirés des oeuvres des plus grands maîtres, et de quelques ouvrages inédits de l’auteur.* (Paris: Schonenberger, 1844. English ed. trans by Theodore Front. [New York: Kalmus. 1948], p. 256).

⁷ Ted Gioia, *The Imperfect Art: Reflections on Jazz and Modern Culture* (Oxford: Oxford University Press, 1988), p. 52.

⁸ George Cleve, liner notes from the recording Bill Evans/Eddie Gomez. *Intuition* (Berkeley: Fantasy Records, OJCCD-470-2(F-9475), 1975).

Although this radical position on repetition of pitch sequences might seem alien to traditional musicological assumptions, our European tradition is full of examples, from Baroque continuo realization to Italian opera, which demonstrate that the difference between jazz and performances of the European repertoire is a difference in degree and not in kind. As any studio musician can tell you, even when the goal is exact repetition, every performance is different. Nuances may be harder to talk about than the pitches, but they are just as real. While in jazz it is more obvious that the way you play the tune changes the tune, in fact all musical works are social constructions which change through the mechanism of performance.⁹

FIGURE 1. Rabbit or Duck? Reproduced from *Die Fliegenden Blätter* in Norma V. Scheidemann, *Experiments in General Psychology* (enlarged edn., Chicago, 1939), p. 67, fig. 21. and in E. H. Gombrich, *Art and Illusion: A Study in the Psychology of Pictorial Representation* (Princeton: Princeton University Press, 1960; Bollingen Paperback Edition, 1969), p. 5.



⁹ I am proposing that Martin Heidegger's maxim that all knowing is historical, personal and temporal, also applies to the specific way in which musical works exist. E. H. Gombrich has already made this claim for the visual arts. As part of his proof that there is no non-interpretive seeing he offers the illustration shown in Figure 1 which must either be a duck or a rabbit. Accordingly, the parallel claim can be made for music that there is neither non-interpretive playing nor hearing. I will return to this and the claim about social constructions at the end of the paper.

Roman Ingarden has already created a framework for the discussion of these problems by asserting that a performance, a musical work and a score are not identical entities.¹⁰ By clarifying the nature of each and by using a verbal analogy, however, I hope to better illuminate the relationship among them.

Performance

While music is only partially analogous to language, M. M. Bakhtin's theory of language helps to clarify my concept of "performance" as a musical utterance which is both example and definition.¹¹

Bakhtin proposed two opposing forces in language: the one toward unity and the need to understand each other, and the other toward the specific and the desire to express our uniqueness. The unifying or centripetal force, as Bakhtin called it, manifests itself in an abstract set of postulated normative conventions which operate to keep the possibilities of communication open.¹² The stratifying or centrifugal force is more omnipresent and apparent through the presence of stratified dialects and sub-languages particular to certain professions, classes or generations.¹³ This dichotomy can also be expressed as the tension between individual expression and communication or between innovation and tradition.

Every verbal speech act is a unique utterance which acts as the focal point in the reciprocal relationship between these two forces.¹⁴

¹⁰ Roman Ingarden, *The Work of Music and the Problem of its Identity*, trans. by Adam Czerniawski, ed. Jean G. Harrel (Berkeley: University of California Press, 1986), pp. 9–23, 34–40.

¹¹ Mikhail Mikhailovich Bakhtin, *The Dialogic Imagination, Four Essays*, trans. Michael Holquist and Caryl Emerson, ed. Michael Holquist (Austin: University of Texas Press, 1981). Most of this discussion is taken from the fourth essay, "Discourse in the Novel."

¹² In Bakhtin's words, "Unitary language constitutes the theoretical expression of the historical process of linguistic unification and centralization, an expression of the centripetal force of language. A unitary language is not something given [*dan*] but it is always in essence posited [*zadan*]¹²—and at every moment of its linguistic life it is opposed to the realities of heteroglossia. But at the same time it makes its real presence felt as a force for overcoming this heteroglossia, imposing specific limits to it, guaranteeing a certain maximum of mutual understanding crystallizing into a real, although still relative, unity—the unity of the reigning conversational (everyday) and literal language, 'correct language.'" Bakhtin, *Dialogic Imagination*, p. 270.

¹³ Bakhtin maintains that these sub-languages are the concrete realities of our linguistic existence: "Language . . . is never unitary. It is unitary only as an abstract grammatical system of normative forms, taken in isolation from the concrete, ideological conceptualizations that fill it, and in isolation from the uninterrupted process of historical becoming that is characteristic of all living language." Op. cit., p. 284.

¹⁴ "Every concrete utterance of a speaking subject serves as a point where centrifugal as well as centripetal forces are brought to bear. The process of centralization

Bakhtin uses utterance to examine the individual's attempt to convey a unique message with a minimal amount of interference from pre-existent meanings. These pre-existent meanings are necessary for conversation to take place at all, but an individual personalizes his utterance through various choices of gesture, articulation, intonation and vocabulary. Every performance, like every verbal speech act, is also a unique and personal utterance. As with the abstract conventions of language, ideal musical works may exist somewhere, but our only access to these ideals is through this set of concrete temporal events.

Finally, Bakhtin reminds us that we get our words out of the mouths of others and not from dictionaries.¹⁵ Unlike composers who create new works, performers and listeners must extract musical works out of other personalized performances.¹⁶ Since every performance of a musical work—like every utterance—is a unique example of the thing and not the thing itself, there do not exist real musical works (or words) that have not already been endowed with meanings, some of which will be alien to what the performer wants to convey.¹⁷

Each performance, therefore, is a unique moment during which the individual struggles to convey both a unique message and a specific musical work. This musical work is abstracted from other concrete performances: "it is from there (other people's mouths) that one must take the word and make it one's own."¹⁸ Although Bakhtin

and decentralization, of unification and disunification, intersect in the utterance." *Ibid.*, p. 272.

¹⁵ "As a result of the work done by all of these stratifying forces in language, there are no 'neutral' words and forms—words and forms that belong to 'no one'; language has been completely taken over, shot through with intentions and accents. For any individual consciousness living in it, language is not an abstract system of normative forms but rather a concrete heteroglot conception of the world." *Ibid.*, p. 293.

¹⁶ Scores too are merely another type of personalized performance or utterance. (See page 148.)

¹⁷ It is ironic that the attempt to "recover" something about a work through the means of historical performance practice argues against the textual fidelity which has been the hallmark of the field, because it assumes the existence of something not in the text. If we have lost this ineffable quality through changes in performance style and we are attempting to regain it through reform of our current performance style, then surely we are arguing for the existence of some part of the musical work outside of its written source. In other words, the score does not contain the entire essence of the work. Like the idealized rules of grammar, the essence can only be grasped from the examples. Unlike a literary work, any attempt to create a definitive version of a musical work (or the abstract essence of grammar) is doomed to become only another specific example. The parallel between music works and language (as Bakhtin describes it) is that both exist as a collection of real examples and not as an abstract system of normative forms.

¹⁸ The complete context is as follows: "The word in language is half someone else's. It becomes 'one's own' only when the speaker populates it with his own intention, his own accent, when he appropriates the word, adapting it to his own semantic and expressive intention. Prior to this moment of appropriation, the word does not exist in a neutral and impersonal language (it is not, after all, out of a dictionary that the speaker gets his words!), but rather it exists in other people's mouths, in other people's

describes the process of linguistic appropriation, a simple substitution of “tune” for “word” renders the jazz players credo: it is from other people’s mouths (performances) that one must take the *tune* and make it one’s own.

The Musical Work

The traditional view in musicology assumes a distinction between the accidental (or changeable) characteristics and the essential (or fixed) ones. If all performances of a musical work share an essential structural content (the notes, for most music) and vary only in nuance or accidental characteristics, it is not always clear which qualities are which. Nelson Goodman argues, for example, that tempo is accidental (he calls it an auxiliary direction) and that a performance at any tempo, “however wretched,” is still a performance of the work.¹⁹ While it does seem possible to make a distinction between ornamental and essential notes, we are incapable of telling them apart without multiple samples of the same piece or without a set of pre-conditioned established rules for pitch hierarchies.

This traditional structuralist concept of a musical work, however, completely breaks down for a pair of jazz performances which share nothing in common. For example, the version of *Round Midnight* in Example 1a retains only the melody and key of the “parent” while the version in Example 1b retains only the harmony and the rhythm. Both are recognizably *Round Midnight* to an audience familiar with the work, but they share no common elements.

The structuralist view is that anything having all of the essential characteristics is a member of the class; however, there is a problem with this view when several performances do not share any single set of characteristics. The concept of family resemblance developed by the anti-essentialist Ludwig Wittgenstein provides a framework to understand the two *Round Midnight* performances.

After comparing board games, card games, ball games and Olympic games, Wittgenstein was unable to find any single element which they all share. Rather, he found “a complicated network of similarities, overlapping and crisscrossing.”²⁰ These, he called family resemblances.²¹ An examination of a family portrait often reveals a set of

contexts, serving other people’s intentions: it is from there that one must take the word, and make it one’s own.” Bakhtin, *Dialogic Imagination*, p. 293–94.

¹⁹ Metronome marks, however, are binding and essential to the musical work. Nelson Goodman, *Languages of Art*, 2d ed., (Indianapolis: Hackett Publishing Co., 1976), p. 185.

²⁰ Ludwig Wittgenstein, *Philosophical Investigations*, trans. G. E. M. Anscombe (Oxford: Basil Blackwell & Mott Ltd., 1968.), #66.

²¹ Wittgenstein, *Philosophical Investigations*, #67.

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EXAMPLE 1. *'Round Midnight** (arranged by José A. Bowen)

a. Version retaining the "traditional" key and melody.

Musical notation for Example 1a, measures 1-4. The score is in 3/4 time with a key signature of three flats (B-flat, E-flat, A-flat). The melody in the right hand features a triplet of eighth notes in measure 3 and a four-measure phrase in measure 4. The bass line provides harmonic support with chords and single notes.

Musical notation for Example 1a, measures 5-8. The melody continues with eighth and quarter notes. The bass line features a steady accompaniment of chords and single notes.

b. Version retaining the "traditional" rhythm and harmony.

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Musical notation for Example 1b, measures 1-4. The melody in the right hand is a more active eighth-note line compared to the traditional version. The bass line remains the same as in the traditional version, providing the same harmonic foundation.

Musical notation for Example 1b, measures 5-8. The active eighth-note melody continues in the right hand, while the bass line remains consistent with the traditional arrangement.

**'Round Midnight*

(Cootie Williams, Thelonious Monk, Bernie Hanighen)

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characteristics (i.e. big feet, long ears and small noses) which various members possess. No *one* member of the group may have all of the characteristics, and any two may share nothing in common (i.e. there is no one essential family trait.) To be identified as belonging to this family, an object must have "some" of the characteristics, but obviously not every combination of characteristics will do (a war has winner and losers, for example, but it is not a game).

Wittgenstein called this a “blurred concept,”²² and it exactly describes the state of the above jazz tune: a group of performances related to each other by various combinations of characteristics.

Lead Sheets

Another standard argument for the structuralist form/content dichotomy is that while, for example, the over 1000 chronicled versions of the *Cinderella* story may vary, we would all summarize the story in similar ways.²³ Barbara Herrnstein Smith has identified a number of problems with this theory;²⁴ two are relevant to the idea of the musical work.

1. It may be that most summaries of *Cinderella* are as similar as they are because *we* (in the West) have all learned to make summaries in the same way. However, each summary will still differ depending on the audience for which it is intended, the point the person summarizing is trying to make, and, of course, his or her own specific cultural and personal rules.²⁵

2. Not all versions of *Cinderella* (or *'Round Midnight*) share one unique set of essential attributes.

In jazz, the lead sheet, like the summary, is an attempt to bring together the essential qualities of the work;²⁶ that is, a theoretical intersection set of all of the performances. But in jazz, all of the performances do not share a common set; one can play the tune without playing everything on the lead sheet. Miles Davis created a new school of playing by leaving out various “essential” notes on the

²² For both Wittgenstein's concepts and our musical works indefiniteness is a virtue. “One might say that the concept ‘game’ is a concept with blurred edges.—But is a blurred concept a concept at all?—is an indistinct photograph a picture of a person at all? Is it even always an advantage to replace an indistinct picture by a sharp one? Isn't the indistinct one often exactly what we need?” Wittgenstein, *Philosophical Investigations*, #71.

²³ “This transposability of the story is the strongest reason for arguing that narratives are indeed structures independent of any medium.” Seymour Chatman, *Story and Discourse: Narrative Structure in Fiction and Film* (Ithaca, N.Y. and London: Cornell University Press, 1978), p. 20.

²⁴ Barbara Herrnstein Smith, “Afterthoughts on Narrative: Narrative Versions, Narrative Theories,” *Critical Inquiry* VII/1 (Autumn 1980), 221.

²⁵ Laura Bohannon's essay about trying to read Hamlet to a tribe in the African bush makes this point abundantly clear. Her audience finds that Claudius and Gertrude behaved in the best possible manner and that Hamlet and Ophelia must have been bewitched. They also maintain that their interpretation is the universal one. “We believe you when you say your marriage customs are different, or your clothes and weapons. But people are the same everywhere; therefore there are always witches and it is we, the elders, who know how witches work.” Laura Bohannon, “Miching Mallecho, That Means Witchcraft,” *London Magazine* I/5 (Jan. 1954), 51–60, especially p. 59.

²⁶ Lead sheets became widespread when jazz hit the colleges and teachers and students wanted a short-cut. Traditionally jazz players have learned tunes through other peoples “versions” of them and not with these musical “Cliff-notes.”

lead sheet. So while the lead sheet is an attempt to specify all of the characteristics of a jazz tune, it is really just another type of version, performance or utterance.

Although there is no intersection set of characteristics, the different performances of *'Round Midnight* collectively share a set of family resemblances. Its lead sheets attempt to provide an exhaustive list of these attributes. Ironically, a performance which adhered to all of the characteristics on a lead sheet (an overly literal performance) would barely be considered a performance of the tune at all. It would be a *caricature* of the tune in every sense of the word.

Thus, the lead sheet, like the musical work is formulated by a listener; it is not intrinsic to the performance. Despite the attempt to schematize the musical work, a lead sheet is merely another specific version.²⁷

Music with Scores

While scores are different from lead sheets, and music with a fixed pitch sequence is different from jazz, the process outlined here can operate in both more oral and more notated traditions. As with a jazz tune, a composer can establish a *particular* musical work by defining specific restrictions (most often pitch and relative durations) but the nuances—everything that is not absolutely specified by the score—are still varied by the performer.²⁸

Roman Ingarden calls them (the nuances) the open spaces which allow for different realizations or concretizations in performance. Charles Rosen has recently reminded us that the open space between a musical work and its possible realizations was greater before Beethoven,²⁹ and that Bach freely transcribed his music for radically different settings.³⁰ Even in the most note-specific music, however,

²⁷ Even if *the* essential characteristics existed it would be impossible to commit them to paper or performance without making them specific. Wittgenstein points out that we cannot picture a schematized leaf without conceiving of a specific leaf: "what does the picture of a leaf look like when it does not show us any particular shape, but what is 'common to all shapes of leaf?'" Wittgenstein, *Philosophical Investigations*, #73.

²⁸ Wittgenstein argues that defining a class of board games (i.e. making the board an essential quality) doesn't change the quality of "games" in general (Wittgenstein, *Philosophical Investigations*, #69.) Performances of a Beethoven symphony, like board games, all share the defined feature (a fixed sequence of pitches), but aside from that, they vary like any other musical work.

²⁹ It was well into the twentieth century, before performers stopped personalizing their performances with trills, cadenzas, octave doubling and other extra notes. Chopin and Beethoven each encouraged *those who could handle it* to take a certain amount of leeway with the exact pitch choice.

³⁰ "To take a harpsichord concerto by Johann Sebastian Bach and arrange it for four-part chorus, organ and orchestra would not, for most music lovers today, be

dynamics, tempo, phrasing, rhythmic placement, accent, rubato, timbre, use of vibrato and portamento and all of the other factors that a performer adds to the pitch content are highly variable. (As Mahler said, "What is best in music is not to be found in the notes."³¹)

It is clear that we believe that some part of the work exists among these nuances, or we would not be trying to recover anything by the use of historical performance practices. Even if the score did *represent* the essential content of a musical work, we could not get at that content without creating a specific and unique performance.³² While tradition, like the lead sheet and other forms of authority, can have the effect of establishing a canonical set of essential notes or practices, every performance is an opportunity for the performer to redefine those notes.

*The Musical Work in Jazz*³³

The jazz musician is thrust into a world full of appropriated tunes which he must "make his own." The new player decides how to play the tune by listening to other concrete examples of it. The new performance will be heard against the background of previous performances.³⁴ Therefore, a tension exists between standing out from the tradition just far enough to be unique and yet still retaining the identity of the musical work (or "tune"). The performer must make it new, but how much can he change it before it becomes something different?³⁵

considered the proper way to realize the composer's intentions or even to show decent respect for the score. Yet this is what Bach himself did to his own harpsichord concerto in D minor." Rosen, review of "Authenticity and Early Music: A Symposium," p. 46.

³¹ Bruno Walter, *Gustav Mahler*, trans. Lotte Walter Lindt. New York: Alfred A. Knopf, 1958), p. 95.

³² See also fn. 15. I will return to the subject of music with scores once I have established the relationship between oral and written traditions.

³³ A history of the tune 'Round Midnight, will appear separately. I will only summarize the relevant details here. The complete discography appears below as an appendix. (See pp. 169 ff.)

³⁴ Which performances (and compositions) are remembered is an important, but separate topic.

³⁵ Jazz players often blur the identity of a musical work by quoting or combining tunes. A recent disc from Laurindo Almeida (*Outra Vez*. Picatne, CCD-4497) features a work called *Beethoven & Monk* which consists of Almeida playing the *Moonlight Sonata* on the guitar while Bob Magnusson plays the melody of 'Round Midnight on the bass. Bebop players often changed melodies and renamed songs to avoid royalty fees, just as John Cage did in his *Cheap Imitation* of Satie's *Socratie*. (Cage retained the rhythms and bar divisions and incorporated the vocal line into the piano part while randomly changing the pitches.)

In the eighteenth and nineteenth centuries, unlike the twentieth century, arrangements and transcriptions were a common practice, and most music was new music. While musicology emphasizes texts rather than performances, earlier composers were paid to create new music and not new texts for specific occasions; music was more something you did than something you wrote. Scores were treated more like recipes than holy writ. Bach, for example, could transcribe concerti by other composers without guilt or fear of a lawsuit. The continued emphasis on texts and the growing importance of originality have contributed (along with the lawyers) to making this a legal as well as musical question in this century.

Under American copyright law, both events and works can be protected; the only requirement is that the entity be "fixed."³⁶ (This had to be a score or a written document until 1978 when the U.S. Copyright Office began accepting sound recordings as well.) Even concerts and sporting events can be protected.³⁷ Like musicology, copyright law has tried to make music more like the physical arts, stable and fixed, when, in fact, musical works (in jazz for example) are often neither stable nor fixed.

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A second component is that all variations ("derivative works") remain the property of the original author.³⁸ Thus copyright law complicates how we have considered musical works historically. For example, under current copyright law Bach's transcriptions of Vivaldi concerti would belong to Vivaldi and not Bach. Vivaldi could enjoin (stop) Bach from performing his (Bach's) versions if Bach did not pay Vivaldi the appropriate royalty fee. All of Bach's and Vivaldi's works,

³⁶ "Copyright protection subsists, in accordance with this title, in original works or authorship fixed in any tangible medium of expression, now known or later developed from which they can be perceived, reproduced, or otherwise communicated, either directly or with the aid of a machine or device." Title 17 (Copyrights) United States Code (U.S.C.), sec., 102(a)(1976). The concept of a fixed work is further defined as: "A work is 'fixed' in a tangible medium of expression when its embodiment in a copy or phonorecord, by or under the authority of the author, is sufficiently permanent or stable to permit it to be perceived, reproduced, or otherwise communicated for a period of more than transitory duration." 17 U.S.C., §101 (1976).

³⁷ Not all aspects of the event are covered. For example, a professional football game itself is not protected, but the videotaped highlights of that football game require the "express written consent of the National Football League." The laws for film are different than the laws for music, however, and under current copyright law, only compositions and not performances are protected. A sound recording as a "product" is protected against illegal copying, but a new recording of a Beethoven symphony can be broadcast without the written consent of anyone. A jazz solo is similarly not protected, although it seems plausible that a court might find that improvisation is equivalent to spontaneous composition, and therefore protectable. The case, however, has never been tried.

³⁸ "The subject matter of copyright as specified by section 102 includes compilations and derivative works." 17 U.S.C., §103(a)(1976). Exactly what constitutes a "derivative work" or "substantial similarity" is a question left to the courts.

as well as most of the canonic works of the European tradition, have now become part of the public domain through expiration of copyright or failure of the composer to protect his work. Players of the “public domain” repertoire, therefore, tend to ignore this aspect of the law (jazz players cannot), but it indicates a shift in our attitude toward performance. The point of all performance used to be to “make the tune one’s own” or to “say something new”; it would never have occurred to either Bach or Miles Davis that the goal of performance was to “re-produce” a work. It was only recently (with the help of Stravinsky and the Early Music Movement) that the performer was demoted from interpreter to technician,³⁹ and the composer was given legal power over later incarnations of his work.

In jazz, the harmonic progression is repeated (much like a ground bass), and each player improvises new melodies over it. The history of a work is also like a set of variations over several generations. In jazz, however, the original recording is the first variation, and holds no exceptional authority. Each jazz performer includes those notes which he or she considers necessary for the musical work to retain its identity, thus defining certain notes as essential and the others as ornamental or accidental. After the first performance the tune is least fixed because the tradition has not yet begun to distinguish the essential notes from the accidental ones. As the “tune” is re-played, a tradition of essential notes or a “traditional tune” gradually emerges, but every performance is an opportunity to reassign those notes. The traditional notes change from generation to generation, and performance is the mechanism of that change. The tune only exists as the sum of these performances as they are remembered in the performer’s tradition.

For example, Thelonious Monk wrote *'Round Midnight* in 1944, but Cootie Williams, who made the first two recordings, may have added some embellishments.⁴⁰ The first recording features Williams playing the melody much as it occurs on the original sheet music (See Examples 2a&b).⁴¹

³⁹ Richard Taruskin, “The Pastness of the Present and the Presence of the Past,” in *Authenticity and Early Music: A Symposium*, ed. Nicholas Kenyon (Oxford: Oxford University Press, 1988).

⁴⁰ That is George Avakian’s claim in the liner notes to the Miles Davis Quintet album *'Round About Midnight* (Columbia CK 40610).

⁴¹ The first vocal recording was made by Jackie Paris, *Avant Garde of the 1940’s* (Emarcy 366016, 1949). Since recordings were only granted federal copyright protection on 15 February 1972 (prior to that they were protected via state anti-piracy laws), it was customary for an arranger to listen to the recording and create the sheet music for the U.S. Copyright Office and often for publication as well. It is very likely, therefore, that the sheet music corresponds to the recordings and not vice-versa.

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EXAMPLE 2a. Transcription of the top and bottom lines of the original recording, Cootie Williams, *Cootie Williams with Bud Powell* (Phoenix 1; Hit Majestic 7119, 7148, 1944), by José A. Bowen. Used by Permission. See Example 1.



The image displays two systems of musical notation for piano. The first system consists of two staves: a treble clef staff and a bass clef staff. The treble staff begins with a whole rest, followed by a quarter note G4, an eighth note A4, a quarter note B4, and a quarter note C5. The bass staff starts with a whole note chord of G2, B2, and D3, followed by a quarter note G2, a quarter note B2, and a quarter note D3. The second system also has two staves. The treble staff continues with a quarter note G4, an eighth note A4, a quarter note B4, and a quarter note C5. The bass staff features a complex rhythmic pattern with many sixteenth and thirty-second notes, including triplets, and ends with a quarter note G2.

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The copyright notice on *'Round Midnight* includes both Williams and Monk, so his additional notes (if there were any) are legally part of the musical work. Any embellishment from any performance, however, can later become part of the work. Despite the legal requirement of being “fixed in a tangible medium,” the actual codification of the tune is a historical process. It is later interpretation that determines which notes belong to the tune and reinterpretation that can change those notes.

The “traditional” eight-measure introduction (and coda) were first added by Dizzy Gillespie in his 1946 recording⁴² (it is actually the coda from his 1945 version of *I Can't Get Started*).⁴³ Unlike the Williams embellishments, however, the Gillespie introduction and coda are not part of the original sheet music.

As you would expect, the lead sheets split on the issue of whether or not the introduction is part of the tune. Of the three included here, two do not include the introduction and one does. (See Examples 3a,b,&c.) Note that the Dick Hyman lead sheet (Example 3a) includes footnotes and alternate readings, just as if the editor were dealing

⁴² Dizzy Gillespie, *Tempo Jazzmen* (Spotlight, 132, 1946). This intro can be found on the Aebersold lead sheet (Example 3b) or on the renewed copyright sheet music (Example 4).

⁴³ Dizzy Gillespie, *Dizzy Gillespie Sextet* (Manor 1042; mx W1223, 1945) reissued on *The Smithsonian Collection of Classic Jazz*. Rev. Ed. (Washington: Smithsonian Records, 1987).

HISTORY OF REMEMBERED INNOVATION

EXAMPLE 2b. Original sheet music for 'Round Midnight Music by Cootie Williams and Thelonius Monk, Lyrics by Bernie Hanighen (Advanced Music Corp., 1944). Used by Permission. See Example 1.

Lyric by
BERNIE HANIGHEN
A.S.C.A.P.

'ROUND MIDNIGHT

Music by
COOTIE WILLIAMS and
THELONIOUS MONK

Slowly

Voice

Piano

mf *rit.* *p a tempo*

E_b E_b E_b
maj7 maj7 E_b 7

It be-gins to tell, 'ROUND

4

$F7$ A_b m B_b7 E_b m sus 4 E_b m

MID - NIGHT — 'ROUND MID - NIGHT, — I do pret - ty well 'til

6

$F7$ E_b7 sus 4 E_b7 A_b m7 D_b9

af - ter sun - down; Sup - per-time I'm feel - - in'

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EXAMPLE 3. Three lead sheets for 'Round Midnight.

a. Dick Hyman, *Dick Hyman's Professional Chord Changes and Substitutions for 100 Tunes Every Musician Should Know*. (Katonah NY: Ekay Music Inc., 1986.) Used by Permission of Warner Bros., Dick Hyman and Ekay Music. See Example 1.

Slowly

Ebm Ebm/D Ebm/Db Cm7-5 F7-9 EMa7-5 E7-5
*Ebm/Db *Cm7-5 CbMa7 Bb7-9*

It be-gins to tell 'Round Mid - night, 'Round Mid - night.
 Mem-'ries al-ways start 'Round Mid - night, 'Round Mid - night.
 Let our love take wing some mid - night, 'Round Mid - night.

Ebm7 Ab7 Bm7 E7 Bbm7 A7
Eb7

I do pret-ty well till af - ter sun - down.
 Have-n't got the heart to stand those mem - 'ries.
 Let the an-gels sing for your re - turn - ing.

** Alternate: F7-9 EMa7-5 E7-5*
Cm7-5 CbMa7 Bb7-9

Mid-night, 'Round Mid-night.

*** Usually all quarter-notes:*
Bm7 E7 Bbm7 Eb7

af - ter sun - down.

with multiple *manuscripts*. (In other words, he is treating the variant performances like variant texts.) Most of the recordings by Monk himself also include this imported introduction.⁴⁴

In an unusual recognition of performance practice, the copyright renewal sheet music for 'Round Midnight includes the Gillespie introduction. Even though it is absent from the original copyright, the Gillespie introduction is now legally part of the musical work; even the Copyright Office had to admit that the musical work changed. (See Example 4.)⁴⁵

⁴⁴ All of the following recordings include a version of the Gillespie introduction. Thelonious Monk, *Thelonious Himself* (Riverside RLP 12-235, 1957); *Mulligan Meets Monk* (Riverside, RLP 12-247, 1957); *Blues Five Spot* (Milestone 9115 or VIJ 4039, 1958); *Thelonious Alone in San Francisco* (Riverside 312); *Quartet Plus Two At The Blackhawk* (Riverside, RLP 12-323, 1960) All of these recordings are available on the reissue *The Complete Riverside Recordings* (Fantasy RCD-02202, 1986).

⁴⁵ The legal term is "deposit copy," meaning the tangible copy of the work filed with the U.S. Copyright Office.

HISTORY OF REMEMBERED INNOVATION

b. Jamey Aebersold, *Play-A-Long Book & Record Sets*. vol. 40: 'Round Midnight. (New Albany IN: Jamey Aebersold, 1987.) Used by Permission of Warner Bros. and Jamey Aebersold. See Example 1.

A° $D7+9$
 G° $C7+9$
 F° $Bb7+9$
 $+11$
 $Eb\Delta+9$ (D Triad over $Eb\Delta$) $Bb7+4$
 Ebm Ebm/D Ebm/Db C° Abm $Db7$
 It be-gins to tell 'Round Mid - night, 'Round Mid-night.
 Mem-'ries al-ways start 'Round Mid - night, 'Round Mid-night.
 Ebm $Ab7$ Bm $E7$ Bbm $Eb7$ Abm $Db7$
 I do pret-ty well till af - ter sun-down. Sup - per-time, I'm feel - ing
 Have-n't got the heart to stand those mem-'ries. When my heart is still with

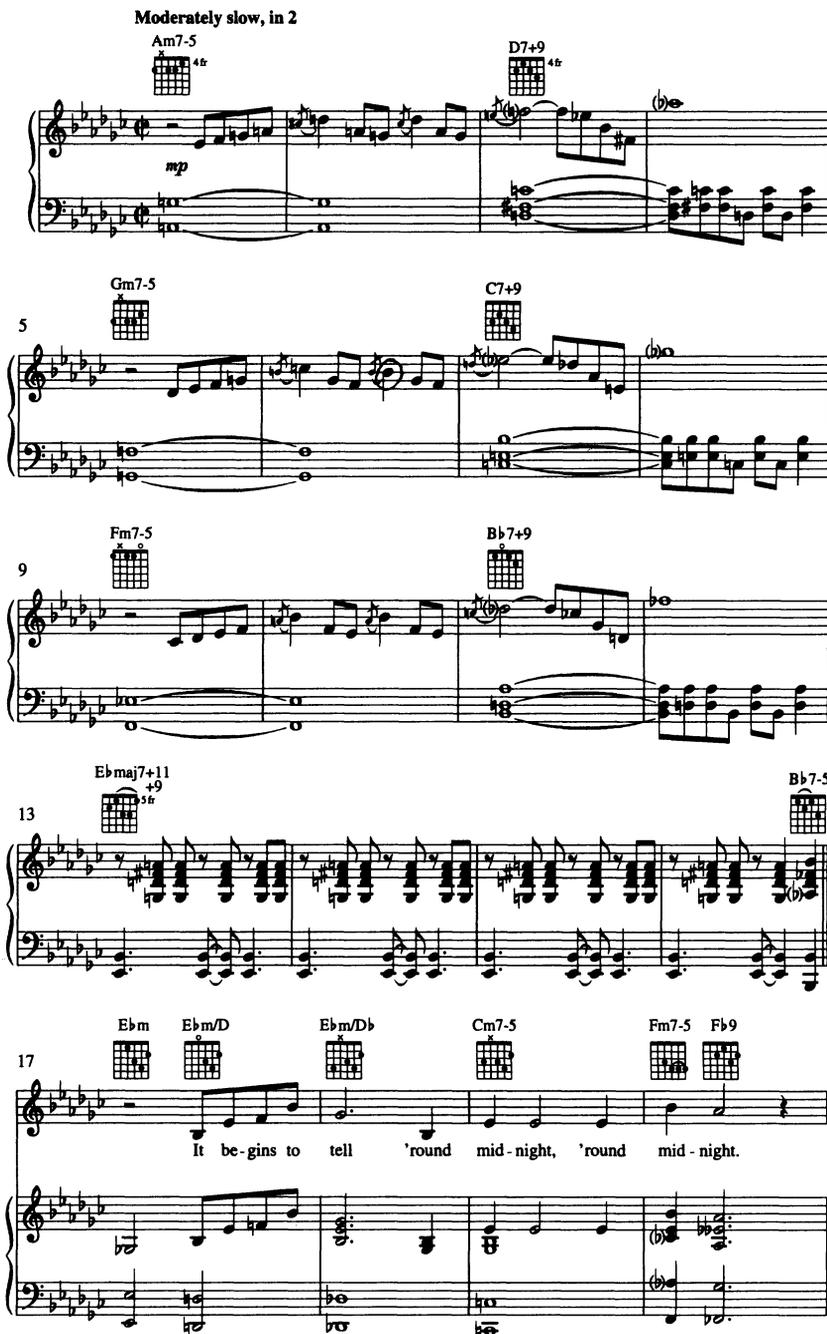
c. *The Real Book*, Fifth Edition. Used by Permission. See Example 1.

Ebm $Cm7b5$ $Fm7b5$ $Bb7$ alt. $Ebm7$ $Ab7$
 $Bm7$ $E7$ $Bbm7$ $Eb7$ $Abm7$ $Db7$ $Ebm7$ $Ab7$

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EXAMPLE 4. Copyright Renewal Sheet Music for 'Round Midnight, Deluxe Edition, (Secaucus N.J.: Warner Bros. Publications Inc., 1982.) Used by Permission. See Example 1.

Moderately slow, in 2



Am7-5 4tr

D7+9 4tr

mp

5 Gm7-5 C7+9

9 Fm7-5 Bb7+9

13 Ebmaj7+11 3tr Bb7-5

17 Ebm Ebm/D Ebm/Db Cm7-5 Fm7-5 Fb9

It be-gins to tell 'round mid-night, 'round mid-night.

By 1955 when Miles Davis recorded a new version of the tune,⁴⁶ the introduction was already becoming standardized, but at the end of the first chorus, Davis added another three-bar embellishment sometimes called the “Miles bars” or the “Interlude.” Jazz performers are always playing new notes over old tunes, but a new note becomes part of the tune only when it is *reproduced* in later versions. The question of whether or not the Miles Davis interlude or the Dizzy Gillespie introduction are part of the tune is answered by whether or not future performers include them. There are no generic performances; by the choice of what notes to include, each performance both comments on and becomes a part of the tradition. Every jazz performance is an interpretation of the history of the tune. In other words, my version of *'Round Midnight* is not intended to be a version of the tune, it is my version of what the tune is.⁴⁷

Oral Tradition Becomes Written Tradition

Clearly, it is in part the continuing “orality” of its tradition that allows jazz works to change in reflection of performance practice (it is still possible, although rare, for a jazz performer not to read music), but jazz has begun to undergo its own process of “canonization” with canonic recorded versions (which substitute for canonic texts), a “classic” period and “classic” works, performers who specialize in exactly reproducing “classic” versions of “classic” works, and finally, of course, the creation of actual texts. For music written before recordings, musicologists have had to deal with only the surviving texts. If all jazz recordings were to vanish in a hundred years, jazz scholars might find themselves engaged in the same debate as the chant and opera scholars: are these pieces of paper lead sheets or transcriptions?

Examining this question from the point of view of the text creator rather than the text decipherer, one can see a parallel between the creation of a text to correspond to multiple performed versions of the same work (recordings fix a performance so that it becomes a kind of text) and the creation of a critical edition to correspond to multiple manuscripts of the same work. Just as every player must select, from the multitudes of possibilities, only one version to perform at a time,

⁴⁶ Miles Davis, *'Round About Midnight* (Columbia CK 40610, 1955)

⁴⁷ My claim that a jazz performance is both example and definition is merely a more specific version of Gadamer's sweeping assertion that “there cannot be any kind of artistic production that does not similarly intend what it produces to be what it is.” Hans-Georg Gadamer, *Die Aktualität des Schönen* (Stuttgart: Philip Reclam Jr., 1977); Hans George Gadamer, *The Relevance of the Beautiful and Other Essays*, trans. Nicholas Walker, ed. Robert Bernasconi (Cambridge: Cambridge University Press, 1986), p. 25.

the editor of either an oral or a written tradition must also select only a single version to print. Musicologists are familiar with the problem of trying to edit several differing manuscripts into one coherent edition, and have adopted the two schools of recension from classical philology. The first school of thought suggests that we can do no better than any one version (thus we try to determine which version is the most reliable and that is that). The second school of thought suggests that we can create a composite text which resembles none of our samples, but the elements which they share, in an attempt to recover a parent-original.

It hardly matters if the editor is dealing with variant manuscripts or variant oral performances, both the problems and the solutions of creating a single text result in the same choices: either transcribe a single example or compile a summary. Jazz editors have, in fact, created both examples (transcriptions) and hypothetical composites (lead sheets). Our two earliest Western literary texts also provide us with examples of each method of redaction, but musicologists have so far only considered the option that the plainchant texts might be like the Homeric texts, and therefore "transparent to the oral tradition that was its ultimate source."⁴⁸ Suppose, however, that the earliest examples of Western notation, while still representative of an oral tradition, were edited more like the Bible.

Erich Auerbach, in *Mimesis*, made a distinction between the representation of reality in Greek literature, which is fully externalized and leaves nothing "hidden and unexpressed,"⁴⁹ and ancient Jewish literature in which time, place and motivation are all left unexpressed, leaving questions which *require* explanations and interpretation.⁵⁰ This basic opposition of literary style, however, could also be the result of the different editing strategies mentioned above.

The Homeric poems are full of the kind of embellishment and elaboration that a teller of tales would routinely have added to his narrative as answers to the kind of questions which are left unanswered in the Biblical story of Abraham and Isaac. Here, the reader is required to ask why Isaac waited three days to ask Abraham any questions. How did Abraham get Isaac past Sarah and out of the

⁴⁸ Leo Treitler, "Communication" in *The Journal of the American Musicological Society* XII (1988), 575.

⁴⁹ Erich Auerbach, *Mimesis: The Representation of Reality in Western Literature*, trans. Willard R. Trask, (Princeton: Princeton University Press, 1953; Princeton Paperback Edition, 1968), p. 6.

⁵⁰ As Auerbach says, "Homer can be analyzed, . . . but he cannot be interpreted." *Op. cit.*, p. 13. If everything in Homer, however, is in an equally illuminated foreground, the Hebrew Bible is "fraught with background; and therefore requires subtle investigation and interpretation." *Ibid.*, p. 15.

house while holding only a knife? And how did this hundred-year-old man bind his thirty-seven-year-old son for sacrifice? We know how some of these questions were answered, just as we know about the ornaments that were added to a Rossini aria: an accompanying oral tradition has survived.⁵¹

Milman Parry and Albert Lord argued that the Homeric epics were transcriptions of a single performance.⁵² Thus, one could argue that we have ancient examples of both types of edited texts.

First there is the Homeric or transcription approach: a sample of an entire performance with all of the ornaments and peculiarities of a single specific version. Like the performance it preserves, however, the transcription is only a single example of the musical work: one snapshot of one family member.⁵³

Second, there is the Biblical or lead sheet approach: a summary of the perceived basic elements. Editors of these texts have different degrees of awareness that they are actually creating new specific and individual versions.⁵⁴ Many editors of jazz lead sheets deliberately use the most “square” unauthentic rhythmic notation possible, avoiding

⁵¹ Jewish oral folklore has been preserved in the Midrash, which is a type of interpretive literature which was originally oral (sermons and other teaching of the sages) and continues today. Midrash also refers to the written collections of Midrashim (plural of Midrash) most of which were made between 400 and 1200 A.D. Some of the preserved answers to the previous questions are respectively: (1) Perhaps Isaac was a little dim. (2) Abraham said he was taking Isaac to a military school. (3) Isaac knew what was happening and allowed himself to be sacrificed. Culi, Rabbi Yaakov (1689–1732). *MeAm Lo'Ez: el gran comentario biblico sefardi*. ed. David Gonzalo Maeso & Pasual Recuero. (Madrid: Editorial Gredos, 1964.); *The Torah Anthology: MeAm Lo'ez*. trans. Rabbi Aryeh Kaplan (New York: Maznaim Publishing Corp., 1972), p. 323 (commentary on Gen. 22:2) and p. 333 (commentary on Gen. 22:9).

⁵² *The Making of Homeric Verse: The Collected Papers of Milman Parry*, ed Adam Parry (New York: Oxford University Press, 1971) and Albert Lord, *The Singer of Tales* (Cambridge, Mass: Harvard University Press, 1960), pp. 123–30. Later, however, Milman's son, Adam Parry, modified this theory and asserted that the Homeric poems were edited especially for written text and were longer and more elaborate than any single performance (a point not considered in the comparison of plainchant to Homer.) See Adam Parry, “Have We Homer's Iliad?” in *Essays on the Iliad: Selected Modern Criticism*, ed. John Wright (Bloomington: Indiana University Press, 1978).

⁵³ Unlike a performance, a critical edition can have footnotes with variants. New technology, however, does allow a performer to make a recording with appendices. It is hardly surprising that the first CDs to include multiple versions of the same musical work are of jazz, opera and early music. See especially Joel Cohen and The Boston Camerata, *The Sacred Bridge: Jews and Christians in Medieval Europe*. (Erato 2292–45513–2) and Giuseppe Verdi, *Don Carlos*, Abbado, Domingo, Riciarelli et al. (DG 415 316–2 GH4), which includes the five-act version (i.e. the four-act revision 1882–83 preceded by the Fontainebleau act of 1867) with an appendix of the six pieces dropped before the first performance in 1867, eliminated in the four-act revision of 1882–83, or recomposed in that revision. The home listener can thereby program a multiple disc CD player to perform any one specific version.

⁵⁴ See the section on summaries above.

the syncopation so common in jazz, in order to not codify a particular version. This approach in general assumes (or at least hopes) that a continuing oral tradition will preserve the variant process.⁵⁵

There is also oral tradition for music that is more specifically notated. In today's opera world, for example, phrasing, ornaments, cadenzas, tempos, vowel placement and most of what we have described as nuances are passed along by a network of coaches and teachers, who are the guardians of these "correct" and often fixed interpretations. While the composer can define his own "traditional but unchangeable boundaries," and the notes can be fixed, the oral tradition has a life of its own.

With lead sheets, with Rossini, and with the Bible, we at least have other sources that inform us about the actual performance of these works. However, with chant and Homer we do not. While it is currently being debated whether or not early chant notation is like a Homeric transcription, it might, I suggest, be instead more like the Bible, or a jazz lead sheet. Imagine you have discovered written records of jazz a thousand years from now. Even if you knew which manuscripts were lead sheets and which were transcriptions, you would still have no idea of the kind and amount of flexibility that was tolerated. We understand how a score is turned into music only by learning a complicated set of conventions derived from our oral tradition, which we naturally take for granted. As Wittgenstein points out, however, to understand the example we must understand the concept.⁵⁶ Without the help of a remaining oral tradition, we are helpless to know how an actual performance of either ninth-century

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⁵⁵ The two kinds of jazz scores and the two kinds of ancient texts are being presented here as two examples of the dichotomy in strategy of preserving a fluid oral tradition in fixed written form. These two types of editing produce written documents in either of the two phenomenological categories established earlier for scores. This table demonstrates the correspondence between these equivalent dichotomies:

Phenomenological Category:	Sample	–	Summary
Jazz Scores:	Transcription	–	Lead sheet
Ancient Texts:	Homer	–	Bible

Before musicologists can study a new type of music, we must determine with which category of score we are dealing.

⁵⁶ In order to show how cavalierly we take this relationship, Wittgenstein compares three methods of trying to teach a man what the color yellow is. Wittgenstein asks whether we should point out the color yellow in several pictures, show the person different shapes all painted the same color yellow or show the person different shapes all painted different shades of yellow. (Wittgenstein, *Philosophical Investigations*, #72) A score is only a partial transcription of the musical work and not a set of complete instructions. Like a spy carrying part of a coded message, a certain amount of information, we cannot always know how much is simply not there.

chant or the *Iliad* actually sounded. We can only conclude that most oral traditions can tolerate a less “fixed” concept of the musical work than we do.

The issue of trying to identify whether the score is more like a sample or a summary remains as we approach more recent material. Let us look at an example of ornamentation done by Handel, at the publisher’s request, for the English edition of his Harpsichord suite in D minor. (See Examples 5a and b.) In this case, Handel has provided us with one score of each type: Example 5a is a summary of his musical work, while 5b is a sample. The question here is not how to embellish authentically based on Handel’s model, but whether or not any one rendition can be absolutely authentic.⁵⁷ Not only can there be no definitive performance for many periods and genres, but a “re-performance” of *exactly* the same notes would be “unauthentic,” or at best unimaginative.⁵⁸

A Performance Theory of Musical Works

Since the first performance is only one example of the musical work, we have no way of knowing whether it is an extreme one or not. The notes we choose to think of as essential are totally at our discretion (and our traditional learned responses, of course). If the first performance of *'Round Midnight* one heard was Jessica Williams’ bossa nova version,⁵⁹ one might reasonably assume the bossa nova rhythm was one of the essential characteristics of *'Round Midnight*, and tradition might indeed define it as such some day.

A geometric metaphor may help. In the following diagrams, the dots represent performances. The number of dimensions of our shape are determined by the number of degrees of freedom which

⁵⁷ On the subject of Rossini ornamentation, Philip Gossett chastises many young singers for thinking “that ornamenting an aria means singing what they transcribe from a record or reading other people’s variants from a book. Nothing could be farther from the truth. Ornamentation, to be worthwhile, must be personalized: it must reflect the vocal capacities and dramatic needs of a particular singer’s interpretation.” Philip Gossett, “The Met Stakes Its Claim in the Rossini Renaissance” *New York Times*, November 25, 1990, sec. H, p. 25.

⁵⁸ Despite a basic bias towards the spontaneous and the new, even some jazz players have been infected with this desire for an urtext. Singer Abbey Lincoln says, “I’ve learned to always consult the lead sheet when I do a song. That’s because, after singing one of Duke Ellington’s songs for years, I found the lead sheet and discovered that I hadn’t learned Duke’s tune as written, but someone else’s embellishment of Duke’s tune. I want to embellish what the composer wrote.” Quoted in liner notes by Bob Blumenthal, to Abbey Lincoln. *The World is Falling Down* (Verve, 843 476–2).

⁵⁹ Jessica Williams, *Nothin’ But the Truth* (Black-Hawk Records BKH 51301 CD, 1986).

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EXAMPLE 5. Handel, Harpsichord Suite in D minor (first set) Manfred Bukofzer, *Music in the Baroque Era: From Monteverdi to Bach* (New York: W. W. Norton and Co., 1947), ex. 102, p. 376.

a. First publication.



b. English publication with sample ornaments written out by Handel.

A musical score for an 'Air' in D minor, 3/4 time. The score is written for a harpsichord with a treble and bass clef. The treble clef part is highly ornate, featuring rapid sixteenth-note passages and several trills (marked 'tr') with decorative flourishes. The bass line is simpler, with chords and single notes.

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the work leaves open: tempo, articulation or even pitch choice. Performance style is a combination of these factors, so these graphs represent changes in the history of the style of performance. (See Figures 2a,b,c and d.)

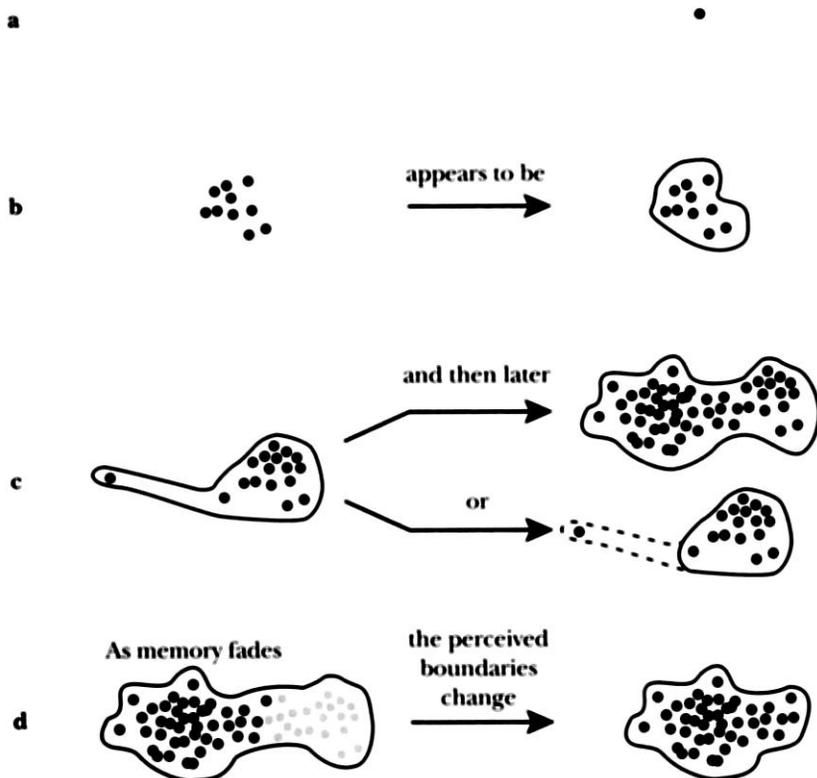
Only later performances can tell us if the first performance (Figure 2a) was fast or not, but subsequent performances are most likely to occur near the first, since it at present is the only example of the possibilities of the musical work (Figure 2b).

This first group of performances in turn define a set of normative assumptions (an oral tradition) about the piece for the time being. In other words, the piece temporarily looks as if it has the boundaries drawn in on the right side of Figure 2b. An innovative performance (the stray dot in Figure 2c) can reinterpret these defined boundaries and take us into a new area. We literally hear of what we could not conceive, which is why we keep going to performances of works we

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FIGURE 2. Performance Dispersion Maps.

● = performance



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know. Figures 2c and 2d illustrate how as performance style changes and older styles fade from memory, our concept of the musical work can also change.

A musical work is a blurred concept with boundaries in different places for different people.⁶⁰ The performance tradition, however,

⁶⁰ Each listener must also determine which qualities are essential. You may consider an especially slow or out-of-tune performance of the Brahms Violin Concerto a performance of that work but not everyone does: "His intonation problems were so severe and pervasive as to put the entire concerto in jeopardy. How much of the score can come through when most of the notes are only rough approximations of the pitches the composer asked for?" Joshua Kosman, Review of Roy Malan and Berkeley Symphony, *San Francisco Chronicle*, September 14, 1990.

can define approximate boundaries. Conversely, tradition is the history of remembered innovation, and is always changing. Tradition is enforced through reproduction: notes which are no longer played are no longer part of the tune (as portamento is no longer essential to the Brahms Violin Concerto).

Every utterance of a musical work is a compromise between communication and individual expression, just as a jazz performance is a compromise between the identity of the musical work and trying to "make the tune one's own." The performance is the focal point in this reciprocal relationship. It is both example and definition. Gadamer says that the genuine experience of art changes us,⁶¹ and in a very real sense every musical performance makes us reconsider our concept of the musical work. The effect of each performance, however, grows smaller as the tune develops a tradition. The initial performances have the ability to shift the "center of gravity" farther than can later versions, which literally have more tradition to move. The new bossa nova version by Jessica Williams will probably inspire a few similar performances, but it is not going to be able to shift the central style of rendering the tune as the Dizzy Gillespie and Miles Davis versions did thirty years ago.

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Performance styles also change in European art music. The table in Figure 3 illustrates that Mahler's Sixth Symphony is gradually getting longer. As we would expect, the numbers do not proceed in a straight line. They in fact operate like the previous diagrams would indicate. The more recent performances are slower in general than the earlier ones, but the mode of change appears to be experimental variation.⁶² (Like Jessica Williams' *'Round Midnight*, Sinopoli's ninety-three-minute version of the Mahler Sixth is an extreme rendition which may or may not be reproduced.)

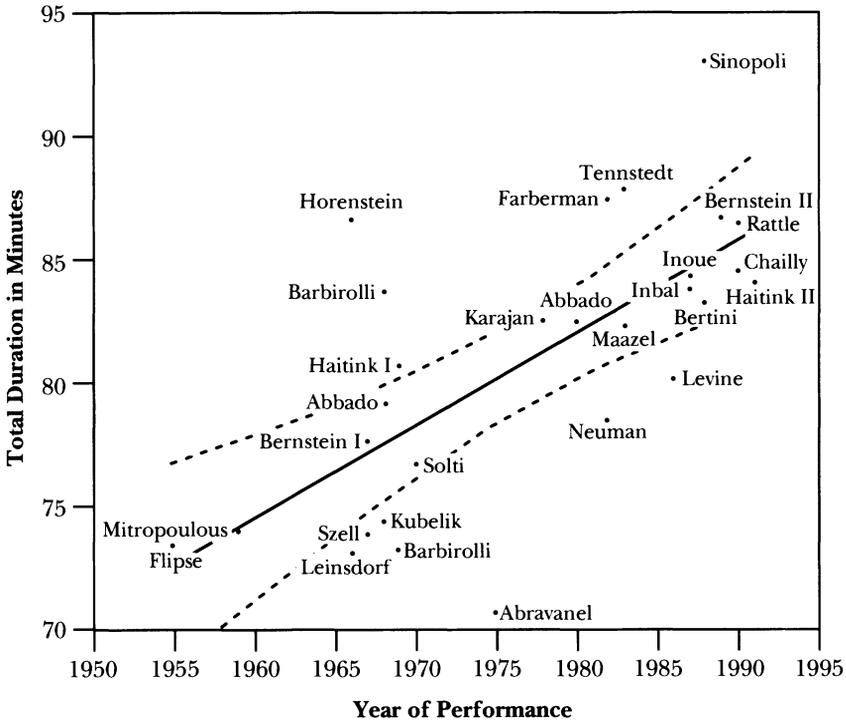
The evolutionary model also works on a principle of variation and environmental response. Our mutations may be conscious artistic choices, but those which are best suited to their environment are more likely to reproduce. Jascha Horenstein's innovative reading (the "mutation" or stray dot in Figure 2c) did not find a receptive home among peers and audiences of the 1960s (we could say that the cultural climate was not right), but Klaus Tennstedt's very similar reading

⁶¹ See footnote 47.

⁶² It is likely that Mahler himself would have approved of all of this variety since his own style of conducting emphasized spontaneity over textual fidelity. "Make it work," Mahler said; "if after my death something doesn't sound right then change it. You have the right to change it—not only the right, the duty to change it." From an archival interview with Otto Klemperer in Norman Lebrecht, "The Real Mahler," BBC Radio 4, 25 December 1988 cited in Norman Lebrecht, *The Variability of Mahler's Performances*, *Musical Times* (June 1990), 303.

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FIGURE 3. Plot of duration against year for recordings of the Mahler Sixth Symphony from José A. Bowen, "Tempo, Duration & Flexibility: A Partial Methodology for the Historical Study of Performance Styles" (forthcoming).



seems to have found very fertile ground in the 1980s, since slower durations are being reproduced in other performances. This musical work is slowing down.⁶³

The diagrams in Figure 2 are actually generic maps for changes in population density.⁶⁴ As in the life of a musical work, success is

⁶³ The next stage of this research examines the history of performance style in an attempt to document some of the trends which are often referred to in music criticism. While duration is clearly only one aspect of performance style, it is an easy place to begin. Any attempt at a comprehensive history of performance style will have to consider a variety of factors, some more tangible than others. A complete profile of the Mahler Sixth Symphony and further discussion on the implications of tempo fluctuations are forthcoming in José Bowen, "Tempo, Duration & Flexibility: A Partial Methodology for the Historical Study of Performance Styles."

⁶⁴ More specifically they are modeled after clumped or aggregated dispersions, which are the most common kind of population distribution. This kind of dispersion

determined by reproduction. The biological metaphor provides insight because it is the environment/audience and not the organism which determines which variants will reproduce: what plays in Paris may not play in New York. All music is re-creation, and music that is not so reproduced (performed) dies.⁶⁵ (Records and scores can preserve music—unlike an organism, music can be reincarnated—but you have to *play* records before they become music.) The life of a musical work is like the life of a species that changes and reproduces in response to its environment. Likewise, an artist's impact is partially dependent on social factors. If Dizzy Gillespie never had a record contract, the musical work *'Round Midnight* would be different today.

I have tried to explain how this mechanism of reproduction and tradition work, but these charts only tell us what is happening, not why. Why certain performances are reproduced is determined by social as well as musical factors: where you are playing, for whom and who has the power to mechanically reproduce your performance.⁶⁶

Arthur Danto and others have argued that all aesthetics are institutionalized.⁶⁷ I agree that beauty is a political concept, but I am making the even more radical claim that the musical work itself is a social construction. The Gillespie introduction is part of the tune because his records were played more often, and Beethoven's notes are fixed because we refuse to change them. (We could also say that Monk's music belongs to a musical culture where pitches and form can be variable while Beethoven's does not.)

Musicologists are practical; we prefer to talk about what is easily quantifiable. To quote Charles Rosen, "it is much more *convenient* [*italics mine*] to assume that there is only one ideal sound for each

can result from responses by plants and animals to habitat differences, daily and seasonal weather and environmental changes, reproductive patterns and social behavior. Our own species exhibits clumped dispersion owing to social behavior, economics and geography. Essentially, a species will prefer to live where it is easier to live until it gets too crowded. Robert Leo Smith, *Ecology and Field Biology*, 3rd ed. (New York: Harper & Row, 1980), pp. 436–37. See also Thomas C. Emmel, *Population Biology* (New York: Harper & Row, 1976), p. 180 and Charles J. Krebs, *Ecology: The Experimental Analysis of Distribution and Abundance*, 3rd ed. (New York: Harper & Row, 1985), pp. 41–56.

⁶⁵ As Hegel put it: "Unlike buildings, statues and paintings, the notes have in themselves no permanent subsistence as objects; on the contrary, with their fleeting passage they vanish again and therefore the musical composition needs a continually repeated reproduction." G. W. F. Hegel, *Aesthetics: Lectures on Fine Art*, rev. ed. H. G. Hotho (1842) trans T. M. Knox (Oxford: Clarendon Press, 1975), Vol 2, p. 909.

⁶⁶ The length of the recording format has often influenced studio recordings (especially in the choice of repertoire), and vice-versa; the CD itself was designed to be long enough to accommodate the Beethoven Ninth Symphony.

⁶⁷ Arthur Danto, *The Politics of Imagination* (Lawrence: Department of Philosophy, University of Kansas, 1988). Arthur Danto, *The Philosophical Disenfranchisement of Art* (New York: Columbia Press, 1986).

work of music . . . and the goal of the responsible performer should be to renounce the delights of the imagination and realize this ideal sound as closely as possible."⁶⁸ To be really practical, however, is to recognize the intangible nature of our subjects. Musical works owe their existence to a series of variable events. While this is more obvious for jazz and opera, it is equally true for all music. Roman Ingarden claimed that we construct the musical work from its performances, but that our thoughts about the work are directed at a fixed intentional object.⁶⁹ This is merely a more *convenient* way to discuss Beethoven.

As it turns out, finding *the* tune in 'Round Midnight is impossible. We can only find *our* tune or our list of essential qualities (which will change). Each performance is also a version of the tune which presumably includes all of the notes considered essential by that performer, plus any number of additional notes. Tradition, like a lead sheet, has the effect of establishing essential characteristics, but every performance is an opportunity to reinterpret tradition's version of what is essential. With a certain amount of cultural background, the listener can construct musical works (traditional normative assumptions) from a set of performances. With European art music we tend to think that we can determine the musical work from one performance, but even a computer composition that attempts to control all variables is dependent upon specific speakers in a specific room, to say nothing of the specific audience. Today more than ever it should be obvious that different audiences form musical works in different ways. Texture and rhythm are so essential in American popular music that new works are often created by merely "remixing" old ones (i.e. substituting a new rhythmic pattern while retaining some or all of the pitches of the original).⁷⁰ In considering works from earlier

⁶⁸ Rosen, review of "Authenticity and Early Music: A Symposium," p. 47. Rosen goes on to say that this is the expressly stated goal of the early music movement: "Early Music seeks to ascertain the original sound of a work and to reproduce it." (p. 48). This makes the early music movement a natural partner with the recording industry.

⁶⁹ As a student of Husserl, Ingarden also believed that mental acts were directed at and were not the same as mental objects. Therefore, every mental act is unique but the musical work they are all directed at remains fixed. Ingarden, *The Work of Music*, pp. 24-34.

⁷⁰ We would do well to remember Warren Dwight Allen's warning that "All of the music we are not interested in 'sounds the same.'" Warren Dwight Allen. *Philosophies of Music History: A Study of General Histories of Music 1600-1960*. (New York: American Book Company, 1939) reprint ed. (New York: Dover Publications, 1962), p. 324. If you are listening for melody and harmony, all popular music will sound alike, but if you are listening for rhythm, you would never confuse rap with rock. You might, however, mistake Bach for Prokofiev. The history of American popular music in this century is a history of the growing importance of rhythm. Rap music is merely a more distilled incarnation of "It Don't Mean A Thing If It Ain't Got That Swing."

periods, even from our own cultural tradition, the danger is equally great of making assumptions which do not apply.

The performer must mediate between the identity of the work as conveyed by the force of tradition and the individual's desire to explore new territory. To return to Bakhtin's speaker and Figure 2, the performance/utterance is the point of interaction between the centripetal pull of the other performances and the centrifugal force of the open spaces. While the analyst can contemplate the various versions from the safety of the blackboard, the performer must commit each performance to a specific place on the map.

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APPENDIX

Chronological Discography of 'Round Midnight

compiled by José A. Bowen*

- Cootie Williams with Bud Powell, (Phoenix 1 or Hit Majestic 7119, 7148, 1944)
 Cootie Williams, *Aircheck, Savoy Ballroom* (Alamac QRS2440, 1945)
 Dizzy Gillespie, *Tempo Jazzmen* (Spotlight 132, 1946) (* 1st version with Gillespie introduction and coda)
 Dizzy Gillespie Big Band, *46 Live at the Spot lite* (Hi-Fly H-01, 1946)
 Thelonious Monk Quintet, *The Complete Genius* (Blue Note BN-LA H2-2LP, 1947)
 Dizzy Gillespie, *At Salle Pleyel* (Pres 7818, 1948)
 Dizzy Gillespie, *In Pasadena* (GNP 23, 1948)
 Jackie Paris, *Avant Guard of 1940's* (Emarcy 366016, 1949) (* 1st vocal)
 Charlie Parker, *One Night in Birdland* (Col. 34808, 1951)
 Charlie Parker, *Summit Meeting at the Birdland* (Col. 34831, 1951)
 Teddy King, (Storyville 302, 1952)
 Stan Getz, *That Top Tenor Technician* (Alto 704, 1952)
 Jim Rainey with Stan Getz, (Pres 7253, 1953)
 MJQ, *The Quartet* (Savoy 12046, 1953)
 Dizzy Gillespie, *In Paris* (NEC Plus Ultra 502002, 1953)
 Al Haig, *Trio & Quintet* (Pres 7841, 1953)
 Miles Davis, *Lighthouse All Stars* (Contemporary 7645, 1953)
 George Wallington, *Swingin' in Sweden* (Emarcy 36121, 1953)
 Miles Davis with Bird, Rollins, *Collector's Item* (Pres 7044, 1953) (without interlude) reissue: *The Complete Prestige Recordings* (Prestige Records, PCD-012-2, 1987)
 Bud Powell, *The Jazz Legacy* (Verve, VSP. VSPS 34, 1954)
 Thelonious Monk, *Portrait of an Ermite* (Vogue/Jazz Legacy 54, France. 500104, 1954)
 also released as *Pure Monk* (Trip (Jazz) TLP 5022.)
 Hampton Hawes, *The Trio, Vol 2* (Contemporary, OJCCD-3515, 1955)
 June Christy, *The Misty Miss Christy* (Capital Jazz, CDP 7984522, 1955, reissue: 1992)
 Miles Davis, *'Round about Midnight* (Columbia CS 8649, 1955) reissue: CJ40610, 1985) (* 1st version with the Miles interlude)

* Thank you to everyone who contributed to this discography and a special thanks to Ken Plourd whose collection and knowledge were invaluable in assembling the early recordings.

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- Miles Davis, *Miles Davis Plays the Classics* (Prestige 7373, 1956) same as *Quintet* (Prestige LP 7150, 1956)
- Kenny Dorham, *At Cafe Bohemia* (Blue Note (Jap) 7062, 1956)
- Tony Scott, *52nd St. Scene* (Jasmine 1011, 1956)
- Donald Byrd, *Two Trumpets* (Pres (Jap) 7062, 1956)
- Thelonious Monk, *Thelonious Himself* (Riverside RLP 12-235, 1957) includes "work in progress" reissue: *The Complete Riverside Recordings* (Fantasy RCD-02202, 1986)
- Modern Jazz Quartet (& Oscar Peterson Trio) *At the Opera House* (Verve, MG V-8269, 1957)
- Thelonious Monk & Gerry Mulligan, *Mulligan Meets Monk* (Riverside, RLP 12-247, 1957) reissue: *The Complete Riverside Recordings* (Fantasy RCD-02202, 1986)
- Gil Evans, *New Bottle, Old Wine* (World Pacific 1246, 1958)
- Miles Davis, *In Amsterdam* (Celluloid 6745/46, 1958)
- Miles Davis, *Facets* (CBS (Fr) 637, 1958)
- Lee Konitz, *An Image with Strings* (Verve 8286, 1958)
- Thelonious Monk, *Blues Five Spot* (Milestone 9115 or VIJ 4039, 1958) reissue: *The Complete Riverside Recordings* (Fantasy RCD-02202, 1986)
- 170 Harry Lookofsky, *Stringsville* (Atlantic 1319, 1959)
- Stan Getz, *In Europe* (Europa 1017, 1959)
- June Christy (Capitol 725, 1959)
- Babs Gonzales, *Expubidence 4*
- Wes Montgomery, *Wes Montgomery Trio* (Riverside 310; OJC-034, 1959)
- Thelonious Monk, *Thelonious Alone in San Francisco* (Riverside 312) reissue: *The Complete Riverside Recordings* (Fantasy RCD-02202, 1986)
- Art Pepper + Eleven, *Modern Jazz Classics* (Contemporary 7568; JCD-717-7568; VDJ-15578, 1959)
- Maynard Ferguson, *Maynard Ferguson Plays Jazz for Dancing* (Roulette R52038, 1959)
- Thelonious Monk, *Quartet Plus Two At The Blackhawk* (Riverside, RLP 12-323, 1960) reissue: *The Complete Riverside Recordings* (Fantasy RCD-02202, 1986)
- Bud Powell, *Ups 'n Downs* (Mainstream 385, 1960)
- Sun Ra and His Astro-Infinity Arkestra, *Sound Sun Pleasure* (Saturn 512, 1960) reissue: (Evidence ECD 22014, 1992)
- Stan Getz, *Cool Velvet* (Verve 8379, 1960)
- Bud Powell, *Americans in Europe* (Impulse 36, 1960)
- Barry Harris, *Chasin the Bird* (Riverside 9435, 1960)
- Thelonious Monk Quartet, *Quartet 1961 European Tour* (Ingo-Five, 1961)
- Ella Fitzgerald, *Ella Returns to Berlin*. Live concert recorded Feb. 11, 1961 (Verve 837 758-2, original release 1991)
- Bud Powell, (ESP Disk 1066, 1961)

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- Jackie Byard, *Giant Steps* (Pres 24086, 1962)
- Milt Jackson Orchestra, *Big Bags* (Riverside 9429, 1962)
- Wes Montgomery, *Kings of the Guitar* (Coll.) (Beppo (It.) 14800, 1963)
- Dizzy Gillespie, *Something Old, Something New* (Philips 200-091, 1963)
- Thelonious Monk Quartet, *Spastic & Personal* (Alto, AL 725, 1963)
- McCoy Tyner, *Nights of Ballads and Blues* (MCA Impulse MCAD-42000, 1963)
- Bill Evans, *Conversations with Myself* (Verve 821-984-2, 1963)
- Sarah Vaughan, *Sarah Sings Soulfully* (Roulette, 1964) reissue: *The Roulette Years, Volumes 1 and 2* (Blue Note, Roulette Jazz CDP 7 94983 2, 1991)
- Bill Evans, Bill Evans Trio at Shelly's Manne-Hole (Riverside 9487, 1964) reissue: *Time Remembered* (Milestone 197?); *The Complete Riverside Recordings* (Fantasy RCD-018-2, 1987)
- Sonny Rollins, *Now's the Time* (RCA 2927, 1964)
- Thelonious Monk, *Greatest Hits* (Columbia, CS 9775, 1964)
- Miles Davis *Miles Davis Plays Jazz Classics* (Prestige PR 7373, 1965)
- Bill Evans, *Trio '65* (Verve, V/V6-8613)
- Thelonious Monk Quartet, *Best Moments of Thelonious Monk* (Byg, Japan, YX2029, 1966)
- Art Farmer (Col 38625, 1967)
- Jim Raney, *Strings & Swings* (Muse 5004, 1969)
- Bill Evans, *You're Gonna Hear From Me* (Milestone, 9164, 1969)
- Joe Henderson, *At The Lighthouse* (Milestone 9028, 1970)
- Thelonious Monk Quartet, *In Tokyo* (Far East, ETJ 60006, 1970)
- Joe Henderson, *Live in Japan* (Milestone 9047)
- Giants of Jazz, *Bop Fathers* (Lotus ORL 8252, 1971)
- Giants of Jazz, *The Giants of Jazz* (Atlantic SD, 2-905-2LP, 1971)
- Red Rodney, *Bird Lives* (Muse 5034, 1973)
- George Russell, *At Beethoven's Hall* (BASF 25125, 1973)
- Singers Unlimited, *A Special Blend* (Pausa PR 7062, 1975)
- Al Haig, *Strings Attached* (Choice 1010, 1975)
- Barry Harris, *Live in Tokyo* (Xanadu 130, 1976)
- SuperSax, *Chasin the Bird* (MPS 821867-2, 1977)
- Al Haig, *In Paris* (Musica 3030, 1977)
- Dexter Gordon, *Homecoming: Live at the Village Vanguard* (Columbia CS 344650, 1990 reissue = CS 46824)
- Jackie McLean with the Great Jazz Trio, *New Wine in Old Bottles* (Inner City Records IC6029, 1978)
- Joe Sample, Ray Brown, Shelly Manne. *The Three* (Inner City Records, IC6007, 1978)
- Ella Fitzgerald, *Fine and Mellow* (Pablo Records, PACD 002-2/10, 1979)
- Oscar Peterson, *Freedom Song: Oscar Peterson Big 4 in Japan 82* (Pablo Records 2640-101 1982)

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Herbie Hancock Quartet with Wynton Marsalis (Columbia, CGK 38275, 1982)
Chick Corea, Miroslav Vitous, Roy Haynes, *Trio Music* (ECM Records
ECM1232-33, 1982)

Joe Jackson, *That's the Way I Feel Now* (A&M 6600, 1984)

Kronos Quartet, *Monk Suite* (Landmark Records, LCD 1505-2, 1985)

Michael Petrucciani Trio, *Live at the Village Vanguard* (Concord, King Record
Co., CCD 43006, 1985)

Ahmad Jamal, *Live at the Montreal Jazz Festival 1985* (Atlantic, 81699, 1985)

Manhattan Jazz Quintet, *My Funny Valentine* (ProJazz CDJ 615, 1985)

Jessica Williams, *Nothin' but the Truth* (Blackhawk Records-51301 CD, 1986)

Kenny Barron, *1 + 1 + 1* (Blackhawk Records, 1986)

Herbie Hancock, Ron Carter, Tony Williams, Bobby McFerrin. *Round Mid-
night Original Motion Picture Soundtrack* (Columbia SC 40464, 1986)

Dexter Gordon, *The Other Side of Round Midnight* (Blue Note, Manhattan
Records CDP 7, 463972, 1986) contains 2 versions.

Barney Kessel with the Monty Alexander Trio. *Spontaneous Combustion* (Con-
temporary, CCD14033-2, 1987)

Woody Herman and his Big Band, *Woody's Gold Star* (Concord, CCD-4330,
1987)

172 Steve Kuhn, (New World 351, 1987)

Ray Bryant, *Golden Earings* (EmArcy 836 368-2, 1988)

José Bowen, *Live at Stanford* (Stanford University, July 15, 1989)

Victor Bailey, *Bottom's Up* (Atlantic Jazz 81978-1, 1989)

Charlie Rouse, *Epistrophy* (Landmark Records, LLD-1521-2, 1989)

New York Voices, *New York Voices* (GPR Records GR-9589, 1989)

Frank Morgan, *Mood Indigo* (Antilles, Island 911320-2, 1989)

Sunrise Sunset: The Bob Thiele Collective (Sony Red Baron AK 48632, 1990)

Max Roach & Dizzy Gillespie, *Max & Diz Paris 1989* (A&M Records CD 6404,
1990)

Superblue 2, (Blue Note Records CDP 7 92997 2, 1990)

Carmen McRae, *Carmen Sings Monk* (Novus, BMG 30086-2-N, 1990)

Walter Norris, *Live at Maybeck Recital Hall, Volume 4* (Concord Records CCD-
4425, 1990) (Norris substitutes the "intro" for the last A.)

Jim Self, *Tricky Lix* (Concord Records CCD-4430, 1990)

Chick Corea Akoustic Band, *Alive* (GRP-9627, 1991)

Bobby McFerrin & Chick Corea, *Play* (Blue Note CDP 7 95477 2, 1992)

Cassandra Wilson, *Live* (JMT 849 149-2, 1992)

The Harper Brothers, *You Can Hide Inside the Music* (Verve, Har-2, 1992)

Laurindo Almeida, *Outra Vez* (Picante CCD-4497, 1991)

Art Ensemble of Chicago with Cecil Taylor, *Thelonius Sphere Monk: Dreaming
of the Masters, Volume 2* (Columbia, CK 48962, 1991)

Stanley Jordon, *Moonlight Love* (Blue Note/Manhattan 7777 99490-2, 1992)

Diane Schuur, *In Tribute* (GRP Records, GRD-2006, 1992)

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Hank Jones, *At Maybeck*, Maybeck Recital Hall Series, Vol. 16 (Concord, CCD 4502, 1992)

Jaki Byard, *At Maybeck*, Maybeck Recital Hall Series, Vol. 17 (Concord, CCD 4511, 1992)

Richie Beirach, *At Maybeck*, Maybeck Recital Hall Series, Vol. 19 (Concord, CCD 4518, 1992)

Jim McNeely, *At Maybeck*, Maybeck Recital Hall Series, Vol. 20 (Concord, CCD 4522, 1992)

Sal Marquez, *One For Dewey* (GRP Records, GRD-9678, 1992)

Billy Taylor, *Dr. T* (GRP Records, GRD-9692, 1993)