

INTRODUCTION

DISSOLVING DOGMA

Improvisation, Rights, and Difference

We're all connected; we're all one. I'm concerned about my world—I'm concerned with the Africans in Rwanda, and I'm concerned with what happens in Ireland. Any artist should be. I've seen the suffering of my people, the murder of Palestinians in the Middle East, the murder of Iraqis. Look at America today. There are more and more homeless, and George Bush wants \$87 billion for [the war in] Iraq. You don't have to be a musician to be sensitive to these things. Politics is about people. I don't think that it's unusual that I am committed to this. As an artist, I feel obliged to do this, it is part of my destiny to do this . . . Music doesn't change things, but in my own small way, it makes a statement.

—Archie Shepp, "What Inspires You to Compose/Perform Music That Has Political Overtones?"

This book tells a portion of an emergent narrative that links forms of improvised musical expression with global and local struggles to achieve social justice. Analyzing complex social practices at the best of times is risky business. This analysis is especially risky when, as in music, formal and ideological content relies on nonverbal means of expression in conjunction with multiple, overlapped contingencies and histories. Moreover, in music, the nonverbal, instead of being a reduced mode of signifying that can only be self-referential, as it is sometimes argued, may well be an alternative strategy for conveying ideas that circumvent the limitations of spoken or written discourse. Interpretation often works on a lowest-common-denominator logic of reduction. And its methodologies and outcomes are frequently driven by ideologies that remain occluded,

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not part of a self-reflexive process that makes transparent the driving forces behind a particular analysis. This tendency to reductive interpretation is especially so when describing surpassingly large areas of human activity. Musical improvisation, for instance, is an inescapable aspect of what it means to be human; it is ubiquitous across cultures, national sites, and differing histories. Inescapable too are emergent rights and social-justice discourses that represent manifest global tendencies, discourses that refuse to be silenced as they struggle into being. The epigraphs at the beginning of this book assert improvisation as a human right (Muhai Richard Abrams) and recognize its underlying embeddedness in all aspects of being human (John McLaughlin). These two positions, however seemingly at odds with each other, are not inimical and outline the scope of what we argue in this book. It is our right to be who we are—to enact a “natural state of being” that is cocreative and ethical at once. This natural state, the capacity to express it in contingent relation to others, is at the heart of what it means to have rights. But it is also at the core of what it means to improvise as a way of being in the world, to activate key aspects of this basic form of human agency. So we argue from a cautionary position here, not only in relation to the assertions that follow, which can only tell a version of a more complete story that will come out in its fullness as others continue to elaborate the story, but also in relation to how we’ve come to this moment in the scholarship associated with improvisation, scholarship in which rights are interposed as a necessary concern.

Imagining Rights, Figuring and Refiguring Improvisation

How is one to understand Archie Shepp when he says we’re all “connected” and that he is worried by the state of the world, when he articulates the limits he sees for music as an agent of change? Is he not saying that music, and especially the improvised musicking he has extraordinarily advocated for so many years, does in fact matter, even if only as an iteration, a statement? And if music is only an iterative statement that connects to a worldview in which social justice and equity issues are profoundly at stake, what in fact does it tell us? How does that “statement” operate on and in the larger world to which it contributes? Shepp, as he has been doing since his outspoken critiques of the Vietnam War in the 1960s, asks that we delve deeper into how music, his music, makes con-

nections, how it articulates a worldview that may be powerless in some arenas but powerful in others.

So how then do rights and musical improvisation relate as iterations of complex social practices? Why is their relationship of any importance? What can improvisation teach us about rights, and what can rights teach us about improvisation? Are there core elements in rights and improvisatory utterances that connect the two together at some basic level? This book is a provocation to further thought on these topics.

In the *Grove Music Online* resource, the self-proclaimed “premier authority on all aspects of music,” no entries exist on human rights and music, civil rights and music, or, for that matter, rights and music generally. Censorship and music also receive short shrift in the *Grove* article on censorship, with absolutely no attention paid to jazz, free jazz, improvised musickings, and the like. And yet, *censorship* is one of the key terms in which music and rights issues have traditionally been linked. The opening lines of the *Grove* article affirm this: “Censorship is not readily practised on music, because music does not as a rule convey a precise statement such as persons in authority might wish to tone down or ban. Censorship has in the main affected forms that ally music to words, in particular music theatre (opera, ballad opera, and musical comedy) and music with openly political associations (marches set to revolutionary or nationalistic texts, or cabaret songs). Such forms appeal directly to a large public gathering—a possible fount of subversion or violence” (Roselli). The *Grove* article neglects to mention the work of Freemuse: The World Forum on Music and Censorship, an outgrowth of the first World Conference on Music and Censorship, held in Copenhagen in November 1998. The Freemuse secretariat was formally established in 2000 and “advocates freedom of expression for musicians and composers worldwide” (Aidt) using as its guideline the Universal Declaration of Human Rights of 1948 (hereinafter referred to as the UDHR). Moreover, Freemuse extensively documents the multiple ways music and musicians are repressed, sanctioned, censored, abused, and tortured globally.¹ Indeed, one of Freemuse’s publications, *Shoot the Singer! Music Censorship Today* (Korpe), contains an extensive set of studies documenting global practices of musical censorship, from the Americas and Europe, through to Asia, the Middle East, and Africa. Alenka Barber-Kersovan’s essay in the collection argues that music is a “sensual instrument of power” because of its

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affective potential not only to move people and to “transmit values and stabilize political systems” but also to challenge state power—as in the case of Jimi Hendrix’s infamous rewriting of “The Star-Spangled Banner,” via improvised feedback imitating the bombs falling in Vietnam.

Musical censorship gets at key rights issues often associated with freedom of expression, the freedom to assemble, and the freedom to access divergent forms of thinking. In many of these rights situations a key trope is improvisation: improvisation as a means to speak free of constraint; improvisation as a means to assemble alternative forms of community; and improvisation as a critique of dominant structures of thought. Michael Drewett and Martin Cloonan note that only “recently has the history of music censorship been written about in the west in any systematic way” (3), while pointing to the “range of censorial agencies that serve to highlight the multifaceted nature of music censorship” in Africa (3). And elsewhere, in *Policing Pop*, Cloonan and Reebee Garofalo take pains to indicate that censorship “goes beyond the suppression of content to include issues of access, ownership, and the use of popular music and other forms of popular culture” (3). Censorship, in short, is an important, obvious site where music and rights, and improvisation as a radical experimental practice within music, are located as oppositional and even dangerous discourses that need policing.

The extent to which censorship is aligned with corporate interests in the commercial value of music, and especially the value of black musical practices, needs careful attention. Corporatizing music inevitably imposes constraints on freedom of expression. The market value of music is driven by other imperatives—especially profit. These imperatives are at odds with creative-commons musicking generated out of aggrieved communities in the name of resistance to oppression, community solidarity, and identity narratives. It is increasingly difficult to dream outside of the spaces of corporate control, where the commercial and the dominant culture’s interests align. Black musical practices no longer fly below the corporate radar as they once did, whatever their genre. The transition from the critical, liberatory, and freedom-seeking forms of expression associated with black improvisatory musicking (and with the many genres of music ineluctably tied to that underlying form of expression, such as blues, R&B, soul, jazz in its many forms, and more recently turntabling and hip-hop) to commercial contexts that vitiate or efface the music’s association with resistant politics may well reduce the vision, openness, and

opportunities afforded the next generation to the improvisatory musics we align with struggles for social justice. The forms of corporate control that deny improvisatory music its presence as a compelling expression of public common spaces are directly related to the constriction of the human and creative rights this book addresses.

Robert Petti, multimedia scholar and producer, argues that one of the most powerful and monopolistic arbiters of what people actually listen to, Clear Channel, as of the 1996 Telecommunications Act, was “able to purchase over 1,225 radio stations within the United States . . . It owns and operates over two hundred radio stations abroad and it ‘controls more live-music venues than any other company.’ . . . As one of the most prominent gatekeepers in the radio industry, ‘Clear Channel has designed itself as a self-contained, nationwide feedback loop, calibrating the tastes of its listeners and segmenting them into market-proven “formats”’ . . . This monopoly proves to be very useful and powerful for corporate profit but does very little for musical innovation and aspiring artists” (25). The corporatization of music in such a pervasive “feedback loop” of condoned taste is a destructive new form of censorship. It shapes our listening and musical learning landscapes in ways that can either utterly marginalize the experimental practices associated with improvisatory black musicking or that can wholly appropriate it to new contexts that eradicate the complex histories and engagements of that music with creative struggles against oppression and injustice. Keith Negus, a scholar examining the work of the writer Nelson George, observes that “tracing the fate of rhythm and blues throughout the twentieth century, George . . . has emphasized the rationalization and restructuring of the record industry [that] gained momentum in the late 1960s. This has been decisive. It has ripped apart the connections that were being established between black musicians, independent black and white businesses and the black community. In their place it has instituted the ‘conglomerate control of black music’ in which black artists are forced into adopting a ‘crossover mentality’ to reach a mass white audience” (41). Such a mentality, a form of market-dictated aesthetic choices, amounts to a kind of censorship when it undercuts how “blues singers, regardless of their ethnic background, recognize the historical connection between blues music and black experience” arising from injustice and mistreatment (Davis 114).

Censorship, in its multiple forms, has always been an aspect of how black music that has political content is received. In many cases this cen-

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sorship took the form of physical violence, especially when music and rights contexts came together. Dorothy Cotton, an activist in the civil rights movement, recalls how in St. Augustine, Florida, she and her fellow activists suffered “forty-five straight nights of beatings and intimidation.” She remembers, “We marched regularly at night. We kept being ordered not to march especially at night because it was so dangerous. We sang every night before we went out to get up our courage. The Klan was always waiting for us—these folk with the chains and bricks and things—Hoss Manucy and his gang. After we were attacked we’d come back to church, and somehow always we’d come back bleeding, singing ‘I love everybody’” (qtd. in Sumera, liner notes). Here the black historical experience of struggling against racism via public marches in which music played an important role is pitted against physical intimidation, the coarsest form of censorship. Blood and songs about love were used against chains and bricks. The black experience of this historical context ineluctably ties music to protest and community solidarity.

Crossover forms that negate or ignore that connection, or reshape it to more comfortable, uncritical historical contexts (as so often happened when the blues was appropriated to white rock culture), dilute and reduce the potent aesthetics of the music in ways that serve dominant interests. Angela Davis’s extended discussion of the politics of the blues, as in the work of Ma Rainey, Bessie Smith, and Billie Holiday, reminds us that “art may encourage a critical attitude and urge its audience to challenge social conditions, but it cannot establish the terrain of protest by itself. In the absence of a popular mass movement, it can only encourage a critical attitude. When the blues ‘name’ the problems the [black] community wants to overcome, they help create the emotional conditions for protest, but do not and could not, of themselves, constitute social protest” (113). Yet when the social force of the music is overwritten by market conditions that eliminate these affective ties to community expression and critique, both the music and the social-justice potential embedded in the music suffer. And, as Keith Negus notes, “Not everyone has equal access to the means of creating and distributing music. The ability to control access to production facilities, manufacturing plants and distribution networks means that the larger corporations have far more influence than the smaller companies or enterprising individuals” (50–51).

These complex circumstances are very much part of the censorship discussion when it comes to improvised musicking in black culture,

whether in the debates over who gets programmed at Wynton Marsalis's corporate-affiliated Jazz at Lincoln Center (JALC), discussed at length later on in the book, or the critical work done by people like William Banfield, who argues, "There is across the board a real suspicion of market forced, corporate-dictated stuff, the need for an American jazz re-education among the masses, concern about the dislodging of jazz from Black identity and the need for musicians to rise up and take back the music" (181). In the case of JALC, the rhetoric of corporate outcomes is familiar. Patrons can attend "Dizzy's Club *Coca-Cola*" where the "Dizzy Ethos," as it is called on the JALC website, gets formulated, somewhat shockingly, as follows: "'Dizzy's Club *Coca-Cola* is designed to entertain people in the spirit that Dizzy had . . . very welcoming,' Mr. Marsalis explains. 'We just want people to have a good time. We want the musicians to feel comfortable to play'" ("The Dizzy Ethos").

The comment reduces Dizzy Gillespie's complex situatedness as a black, improvising musician with a politics to a comforting ethos associated with entertainment. And it overwrites his identity in the name of a powerful, globally ubiquitous corporate brand, effectively piggybacking that brand's name recognition onto his. In short: "Have a good time. Don't think critically. Drink Coke." Gone is the memory of Gillespie's run for president of the United States, in 1964, even if it was partially conceived of as a PR stunt, of which Gillespie has said, "Anybody could [have] made a better president than the ones we had in those times, dilly-dallying about protecting blacks in their civil and human rights and carrying on secret wars against people around the world. I didn't think there was any choice. I had a real reason for running because the proceeds from the sale of the buttons [that said "Dizzy Gillespie for President"] went to CORE [the Congress of Racial Equality] and SCLC the Southern Christian Leadership Conference, whose president was Dr. Martin Luther King, Jr., and I could threaten the Democrats with a loss of votes and swing them to a more reasonable position on civil rights" ("Dizzy Gillespie for President").

The Dizzy ethos in the JALC context effectively censors and dehistoricizes Gillespie's lifelong advocacy of civil rights and battles against endemic racism in the United States, while offering up an anodyne context for listening to music, a context far removed from the civil rights struggles to which Gillespie was so attuned. Even the website instructions on how to get to JALC situate the music in a web of corporate affiliations: "Fredrick P. Rose Hall, home of Jazz at Lincoln Center, is located in the Time

Warner Center, Broadway at 60th Street. Frederick P. Rose Hall can be accessed using the JAZZ elevators located on the ground floor of The Shops at Columbus Circle across from Hugo Boss” (“Getting Here”). The politics of such alignments are complex and controversial, and something to which we return elsewhere in the book. But it is clear that corporatized structures that appropriate improvised music in the name of their own “ethos” pose a real threat, refashioning the cultural contexts of the music in ways that dramatically realign its politics and efface its original cultural contexts.

Randy Weston’s experience with *Uhuru Afrika* in 1960 is telling. Robin Kelley, jazz scholar and historian, notes how the album was a “manifesto, a declaration of independence for Africa and mutual interdependence between the continent and its [diasporic] descendants” (*Africa* 61). Weston’s landmark album, with global rights implications, focused on (African) independence from (Occidental) colonial structures of oppression and on resistance to racism and injustice, appeared in the same historical moment as Max Roach’s *We Insist! Max Roach’s Freedom Now Suite*. Both used improvisatory structures to create compelling musical statements with significant political and aesthetic valences, much like the *Ten Freedom Summers* suite, released in 2012 by the American improviser, composer, and trumpeter Wadada Leo Smith as an exploration of key moments in the civil rights movement in the United States. In the case of *Uhuru Afrika*, Weston recalled, “Out of the rhythmic fervor engendered [in the recording sessions for *Uhuru Afrika*], waves of spontaneous creativity rose on the pulse of a common musical emotion to break against the microphones in sprays of exciting sounds—and all this within the basic pattern of an overall conception” (cited in Kelley, *Africa* 62).

The response to *Uhuru Afrika*, with its use of the Swahili word for “freedom,” was decidedly cool. White fans were turned away by the politics, and Weston’s label, Roulette, to whom he had refused to give the publishing rights to the music, failed to promote the album properly. As Kelley notes, “Ironically, *Uhuru Afrika* and [the] *Freedom Now Suite* received a great deal of publicity in [apartheid] South Africa: the government banned both LPs. The South African Board of Censors minced no words—they vowed to censor all records by African American artists, ‘particularly any that use “Freedom” in the title’” (Kelley, *Africa* 63–64). Between corporate control and governmental censorship (let alone how African American musicking that explicitly tied itself to rights outcomes was re-

ceived by a conservative public) both Weston and Roach faced an uphill battle, much like that faced by the civil rights activists with whom they aligned. Moreover, systemic, indirect ways of making sure that politically nuanced musical practices involving improvisation and rights activism were securely in place both as a function of corporate and governmental practices, including choices associated with programming for mainstream jazz festivals. It is worth noting the role that mainstream jazz festivals have played and continue to play in reinforcing institutionalized versions and interpretations of history that reflect corporate interests, especially in terms of the ways these festivals (somewhat like the Clear Channel example described earlier) are shaping the listening landscapes based on what sells, what is “hot,” or what is being pushed by major label interests.

Even more ironic than South Africa’s ban on LPs with the word “freedom” in the title, and other contexts shaping access to and the dissemination of major African American artists’ work, was the fact that black American culture was being used as a diplomatic tool by the American state department during the height of the Cold War, from 1956 to the 1970s, as documented at length by Penny Von Eschen. Major stars like Louis Armstrong (playing with an integrated band), Earl “Fatha” Hines, Dizzy Gillespie, and Dave Brubeck were all involved in this program, with Brubeck’s rueful blurb on the back of Von Eschen’s book noting, “My quartet was one of the first jazz groups to participate in the U.S. State Department’s ‘people-to-people’ program. We understood, of course, that we played a role in Cold War diplomacy, but unfortunately, we were unaware of the part we played in the overall strategy” (Von Eschen, n.p.). Von Eschen argues that there has since been a shift from “state sponsorship of the jazz ambassadors to predominantly market-driven and corporate images” (258). Citing the “indispensable role of Colin Powell’s global tours on behalf of the Bush administration,” Von Eschen concludes that present U.S. officials “continue to depend on blackness to legitimate global agendas, even as they have reverted to an empty politics of racial symbolism, devoid of any relation to the vibrant egalitarian movements that animated the jazz tours of the 1960s. In the 1950s and 1960s tours, the unprecedented global scope of the government sponsorship of the arts enabled the musicians to travel, perform, and collaborate independent of the competitive logic of commodity capitalism and even state control” (258). So even when corporate or governmental control are exerted to neutralize, ignore, or manipulate the message associated with African American improvising

musicians, the message they were carrying still got out, albeit in circumstances that were often challenging and far from ideal.

In the case of artists like Milford Graves and Don Pullen there was clear pushback against attempts to control improvised black musicking. Eric Porter describes how “in a January 1967 article for *Liberator*, [the percussionist] Graves and pianist Don Pullen linked black intellectual, cultural, and economic self-reliance, as they discussed what they termed [the] ‘New Afro-American Cultural Revolutionary (NAACR)’” (199). Graves had “blamed white control of the music industry for the lack of mass black interest in the new music” (E. Porter 199) with which he was associated. Porter maps out how

Graves and Pullen called for a “self-reliance program,” emphasizing that one of the major mistakes [black] artists had made was to forsake the production end of music. Taking a cue perhaps from Charles Mingus Enterprises, they announced the recent release of a self-produced album, *Don Pullen, Milford Graves in Concert at Yale University*, which was available only by mail order. They called for abandoning “Western thought” as a means of understanding black music and advocated creating new instruments and recording techniques that would do a better job of facilitating black self-knowledge than existing technologies, which were products of white society. (E. Porter 200)

“Western thought” in this context exercised control over creative expression as well as the means of production, a key linkage that Graves and Pullen saw as a threat to the music and to freedom of cultural expression. The reproduction in corporate musical culture, then, of the same structures of marginalization and exclusion (let alone of profitability) associated with the very injustices (slavery and racism) that played such a key role in black musicking in the Americas was and continues to be a serious problem in terms of how to reconcile notions in the public commons of improvisatory musicking with “conglomerate control.” The struggle to sustain experimentalist, improvisatory spaces of musicking where new forms of musical and social practice can be incubated in the face of imperatives pushing music into the realm of commercial economies of scale cannot be separated from other policing forces that we associate here with censorship. These forces define creative, improvised musical practices as irrelevant, dangerous, or disruptive of neoliberal logics associated with profitability and ownership models of the creative commons. Such

practices are eliminated, ignored, or forced to conform to a Clear Channel vision of the musical universe.

In short, the multiple ways different forms of policing are aligned against experimentalist music have a great deal to do with the potential social, political, and affective power music possesses. As Petti argues, “Music has always been a driving force throughout society and it is increasingly becoming used as a tool for economic exploitation. Le Cocq states ‘commercialism in the music business is merely looking for what sells, and trying to reproduce it as closely as possible to maximize sales’ . . . Fantasy becomes packaged with the intention of priming and transforming society into a collective web of receptive consumers [that entices] people into accepting and believing an ideal rendition of reality rather than having artistic integrity reflect and shape culture and society” (27).

The power of improvised music is to articulate and embody an event horizon of what is creatively possible and thus gives voice to a fundamental right to speak freely, to speak in compelling ways about the human condition. In the history of black musicking, this power cannot be dissociated from improvised music’s connection to civil rights struggles. The censorship of music in such a context, whether through limiting access to corporate channels or through direct restrictions on access to the means of production and dissemination, is clearly something to which we must pay a great deal more attention. What are the rights implications for improvisatory musics profoundly tied to aggrieved communities when corporatization, commercialism, consumerism, and the inherent conservatism of these become the norm—or at the very least a dominant force shaping the music and its political contexts?

The perplexing *Grove Music Online* assertion that censorship is not “readily practiced on music” is contradicted by even as conservative a publication as the *Economist*, which in an article from 1998 on banned music stated unequivocally, “Music is probably the most censored of all art forms” while simultaneously musing, but “isn’t music too abstract and intangible to corrupt the innocent or threaten the mighty” (Berger 91). These examples indicate the disjuncture between how musical scholarship treats rights issues and the material realities facing musicians the world over. Censorship seems to define the ways music generally relates to rights discourses, even for an organization like Freemuse. That is, music is defined by a negative relationship in relation to rights as a cultural prac-

tice under various forms of attack from censors, corporate culture, and other strategies of cultural policing in which race is a factor.

Jazz, in its various manifestations as an expression of improvisatory explorations arising from the social and historical circumstances of African American diasporic cultures, has had a long history of being associated with various forms of censorship and social opprobrium. As is documented by Peter Blecha in *Taboo Tunes*, since the early twentieth century jazz has been designated a “musical impurity,” associated with a “virulent poison which, in the form of a malarious epidemic, is finding its way into the homes and brains of youth to such an extent as to arouse one’s suspicions of their sanity” (17, citing *Etude*, a magazine published in 1900). Ragtime was associated with the “horrors of war or intemperance and other socially destructive evils” and was deemed a “polluting nuisance” (17). And the discourses attacking jazz often resorted to inherently racist language, bridling at the “syncopated savagery,” the “return to the primitive,” and immorality (17). Blecha cites a Cleveland city ordinance from 1925 (No. 20456-A) that states, “Vulgar, noisy Jazz music is prohibited. Such music almost forces dancers to use jerky half-steps and invites immoral variations” (18). The battle lines here are clear: any music that liberates the body and that allows for variation (that is, improvisation) is a challenge to moral civic discourse, as opposed to an invitation to throw off repression and restrictions that limit one’s expressive freedoms.

In 1933, the Washington state legislature was presented with a “Jazz Intoxication” measure as part of house bill 194, by Representative William A. Allen: “The intention was to establish a five-man statewide commission ‘to survey the havoc being wrought on society as a result of jazz intoxication’” (Blecha 23). If the commission found evidence of this, it “should recommend that the governor act to bring about immediate cessation” with all “persons convicted of being jazzily intoxicated [to] go before the Superior Court [to be] sent to an insane asylum” (Blecha 23). In Hitler’s Germany, equally despicable moves were made from 1930 on, with the rise of National Socialism. Early elected representatives who were National Socialists “instituted the Ordinance Against Negro Culture with the goal of ridding the land of ‘all immoral and foreign racial elements in the arts.’ One result was that jazz music was outlawed (a move that Mussolini made in Fascist Italy as well)” (23).² So censorship and censoriousness in multiple forms, from early restrictions on how slaves could make music through late forms of fascist incursion, have always

been present in the history of improvised music. Cultural marginalization and restrictive ordinances disallowing musicians from playing in specific venues (national and international) have also been an ongoing part of the way censorship has been employed against the music. These restrictions are profoundly linked to general rights affirmations that have to do with freedom of expression.

But what we argue for in this book is that the censorship view tells only part of the story that brings improvised musicking together with rights discourses. By getting at why music is deemed worth attacking, does not another story emerge? Perhaps the story tells of the rather extraordinary and exemplary powers embedded in music as a social practice that resists and critiques other more limiting, less creative stories that shape our relations to each other. And this understanding of the exemplary powers of music may be especially pertinent in thinking about improvisation as a fundamental aspect of all musical endeavor, found everywhere, in all musical forms of expression. No child learning an instrument can evade learning how to play as a function of an improvised relation to the instrument as he or she gains mastery over it (and in fact “mastery,” as so many of the greatest improvisers have shown us, will require an extended relationship to the instrument that is only made possible as a function of improvisatory practices). No composer can create without “playing” with musical materials, a play that is always a function of improvised relationships that eventually become more “stable.” No community of music-making that starts from scratch can come into being without passing through multiple forms and phases of improvised experimentation.

So musical improvisation, however unrealized or misunderstood, is a key element in how music is created. And if improvisation is such an important component of music, what might focusing on it tell us about why music, as a general social practice found virtually everywhere, is under attack, a crucial site in which contested views of how the world is ordered are articulated, experimented with, and remade? As a universal, generalized practice that is articulated in a myriad of distinctive and specific ways, and as a fundamental response to how we encounter the world around us, improvisation has something to teach us about other such social practices. This is so, even as comparisons to other practices are fraught with the risk of oversimplification and interpretive strategies that reduce the expansive signifying potential inherent in improvisation as a generative creative practice. Rights discourses putatively get at under-

lying principles shared by all humanity. In our view, a key element in a more expansive understanding of rights would involve explicating how specific musical practices like improvisation relate to rights. What can thinking about rights through the prism of improvised musicking teach us, not only about the general relations between the two, but also about specific aspects of each that need to be better understood?

The *Grove* article on censorship opens with the extravagant and unsubstantiated claim that “censorship is not readily practiced on music,” associating this difficulty with music’s putative imprecision as a signifying practice that is nonverbal and extradiscursive. The affirmation is highly debatable. Music and musicians are frequently the objects of repression, and they are so precisely because the content of music, both in its formal qualities and in its ideological connotations as a cultural practice, can be highly charged and potentially subversive. It is instructive to remember the comment by Hans Werner Henze, the German composer, that “today music that truly wishes to speak, to be open, virtually resembles an esoteric cult: under attack, sometimes even persecuted, in flight from the dangers of mass society and standardization under dictatorships, and elsewhere from the platitudes of aesthetic slogans . . . Music ignores theoretical correctives, and dissolves dogma whenever it wishes” (123–25).

Henze’s comments get at music as an alternative space and form of discourse: one that “dissolves dogma” and is therefore a challenge to the conservatism and ideological agendas associated with dogma. Music becomes an alternative form of discourse that always has the potential to break free of “theoretical correctives” (for example, the tritone as the *diabolus in musica*, the devil in music). Music stands apart from standardization and mass society (as in the music of the early punk movement or the free jazz avant-gardists) and attacks moribund aesthetics (think of the music of Charles Ives or Frank Zappa).³

In what follows, we lay the groundwork for a specific vocabulary that addresses the sites in which improvisation as a musical and cultural practice intersects with rights and social-justice discourses. Though many examples of sites where music and rights discourses align are to be found globally, we are specifically interested in improvisation as a form of musical discourse whose ideological underpinnings and historical contexts resonate in particularly interesting ways with the ideals and aspirations enunciated by rights and social-justice discourses. In order to imagine the

potential of rights discourses more fully, we need to refigure improvisation as a musical force that is also a social force, a creative practice that calls into question how we think of community, freedom of expression, integration, identity, and alterity.

Improvisation and Freedom

Improvised music and the political location of the musician playing it bear a complex relationship to each other, as the above examples show. Improvisation can be, and largely has been as it emerged out of black diasporic musicking, both a symbolic and an embodied representation of human potential and freedom, whatever one may wish to argue about how “free” any improvisation really is.⁴ If Derek Bailey is correct in affirming (and we think he is) that “historically, [improvisation] pre-dates any other music—mankind’s first musical performance couldn’t have been anything other than a free improvisation” (*Improvisation* 83), then every act of improvisation may invoke this originary moment from which all music was to come. Improvisational utterances, seen in this context, relive this moment of creative potential, however unknowable it will ever be, at the same time as improvisation embodies the freedom enacted in the moment.

Improvisation is both deeply historical (diachronous) and profoundly here and now (synchronous) in its symbolics, both a remembrance of past freedoms and of human potentialities set to erupt in the present moment. Improvisation is a locus where such energies and potentialities, territorializations and reterritorializations, knowledge and embodied content occur. They occur in the performers, as a function of performative utterance. But improvisation always has the potential to transfer this knowledge, intangible as it may be, to the community of listeners it addresses. Inspiration by example is one of the registers in which improvisation embodies itself as a cultural practice. Though difficult to trace in quantitative terms, the influence of improvisation as a model for liberatory, experimental, and self- and community-enabling action cannot be separated from its roots in the African diaspora’s musical response to the conditions of its existence.

Olu Alake, a member of the Equality and Human Rights Commission in the U.K., in a fascinating discussion of cultural rights, identity, and citizenship entitled “A Long Way Gone,” tells the story of

the former Liberian child soldier Ishmael Beah [from whose memoir he takes the title of his essay]. In this [memoir], the shred of humanity that the young boy held on to in very difficult situations and in the face of various atrocities he was witness or party to, was reggae music. Indeed music was to play a significant role in his eventual rehabilitation and today many child soldier rehabilitation centres utilise the arts as a means of empowering the youths to confront and expunge their past demons. This is not just a tale of the redemptive power of music, but also indicative of a need for cultural rights to be enshrined in the psyche of all. Moreover, the assertion of this cultural right to access culture served as a catalyst for reconnecting Beah to his higher self and [for the] assertion of a new identity and sense of citizenship. This right (to access culture) is a core Cultural Right within the human rights framework.

Reggae was born in the 1960s (as was free jazz) of African diasporic musical experimentations that were heavily reliant on improvisation, whether in their rhythmic accompaniments or in the vocal styles known as “toasting,” in which the DJ improvises along with dub tracks. Alake’s narrative shows how Beah’s rehabilitation from child soldier to citizen is mediated by reggae’s inspirational force, leading Alake to argue for the fundamental right to access culture as a positive strategy for asserting and developing citizenship. The sublimated role of improvisation here is not to be forgotten, for it remains deeply tied to innovative musical forms that can only emerge out of the conjunction of sonic experimentation and historical specificities (in this case located in how Jamaican musicians linked their own political consciousness of materialism, apartheid, and social criticism generally with new forms of musical expression in which improvisation is implicated, without which reggae could not have been created).

Beah’s example demonstrates what Panagiotis A. Kanellopoulos, the scholar of music education, has described as the “political character and the political role of improvisation as a vehicle for constructing particular modes of human agency, of human relationship, and of relationships among children, music, and knowledge” (97). That is to say, improvisation is both a musical and a cultural discourse with political implications, especially in how it functions epistemologically. As such, improvisation is a fundamental aspect of the cultural rights associated with the music discussed earlier. Improvisation is vital because it enacts these rights in a public sphere; it enacts the very origins of these rights embedded in the

impulse to improvise that generates specific acts of agency and cultural identity.

Alake's essay ends with productive suggestions with regard to cultural rights generally: "There should be increased support for cultural cooperation programmes as a vehicle for promotion of rights . . . There needs to be a keener sense of cultural responsibility . . . Alliances for the development of cultural creative industries are important and need to be fuelled by cultural diversity, in terms of both the diversity of cultural products and also diversity of human existence." Alake further points to very different notions of rights operative in Africa and the Occident: "In the West, rights are deemed 'inalienable,' natural and inherent in every person, as this concept arises from ancient Greek and Roman ideas of natural law and democracy and [is] strengthened by liberalism and Enlightenment thinking. Many African languages do not have a translation for human rights, but concepts of cultural belonging and responsibility abound in many traditional knowledge systems and cultural understandings."

The distinction is important for our argument about the relationship between the emergence of the improvised musical practices associated with jazz and the civil rights movement. Cultural belonging and responsibility are active concepts opposed to the passive notion of individual inalienability. When something is said to be always already inherent, does it lose its political agency? Is there a problem with static definitions of rights and their provenance when apposed with more active, mobile definitions of rights in which defining how and why one belongs via responsible action is the norm? Are these differences enacted in the moment of improvisation as a function of its emergence from the hybridized musical discourses and cultural practices of the African diaspora? To each of these we would answer a qualified yes. The public spaces in which improvisation occurs demand agency over passivity, demand voicing and countervoicing, demand that group dynamics be freely, cocreatively embodied in both consonance and dissonance. As Kanellopoulos argues,

Improvisation creates a "public space" where freedom may appear, where players and audience search for ways of musical communications under "no-rule." In improvised music, not only is there no ready-made form awaiting realisation, but "there is nothing to co-ordinate or synchronise the intentions of the musicians as the music unfolds" (Hodgkinson 2000, 30). What remains endlessly open is the determination of the musicians to work on

the basis of what Prévost (1995) calls “heuristic dialogue” and “dialogical heurism” (3). Heuristic dialogue . . . refers to acts of discovery within improvisational contexts that take the form of continuous dialogue between the human body as a thinking mechanism—and producer of sounds—and their investiture with meaning. It is the “inner debate” (Prévost 3) experienced by every improvising musician. Dialogical heurism denotes the struggle between differing personal musical intentions of partners in improvisation. Thus, “Inner debate meets outer debate” (Prévost 3). The irrevocable character of musical acts creates a special sense of listening-in-action. (110–11)

The freedom that appears in improvisation, in Kanellopoulos’s reading (derived from the political theory of Hannah Arendt), is an action with no intrinsic value, a performance whose *telos* is the performance and nothing more (102):

At the same time, a life may be termed human only to the extent that it creates a free space for this “useless” and utterly distinctive form of activity. This is the only possible locus of freedom. In Arendt’s (2006/1968b) words, “Freedom does not appear in the realm of thought at all” (144). Arendt “conceives [of] *freedom* not as a mysterious inner capacity (the “free will” of the philosophers) but as the act of *being free* manifest in the performance of action within a context of equal yet diverse peers. Freedom truly exists—has the fullest phenomenal reality—only during action’s performance” (Brunkhorst 2000, 181). Arendt’s conception of freedom centers “on the universal human capacity for initiation” (Kanellopoulos 188). Being free to make new beginnings is what marks her notion of “natality,” which is “the existential condition of possibility of freedom.”

These ideas associate improvisation as an embodied performance practice of what freedom may mean with the realization of human potential, the capacity to make new starts “within a context of equal yet diverse peers.” The enacted freedom in the moment does not have a context (before and after the moment of improvisation) that may impose a *telos*, that may associate the thing in itself (the improvised performance) with an intention or an exemplarity, as is the case with the musicians we have examined who explicitly associate the *telos* of free improvisation with spiritual and ethical signifying. If this is the case, then improvised music is more the sublime object of ideology (as a function of how it gets interpreted) rather than the sublime object of nonideology (in Arendt’s sense).

Improvisation may entail the conjunction of irreconcilables, like purposelessness and intention, spontaneous moment and diachronous context, individual and community agency, and regulatory hierarchies and the pleasure taken (and differential political agency achieved) in enacting freedom from these (remember that Nietzsche considered improvisation to be the “pinnacle of pleasure” [qtd. in Peters 141]). In all these, improvisation functions as a maker, and marker, of difference, an emergent, collective, processual, and modulatory agency in which freedoms are at stake, freedoms predicated on creation and expressive gestures that test the capacity of the commons to change, self-critique, and evolve new forms and social practices.

Paul Hegarty, author, musician, and lecturer in philosophy and visual culture at University College Cork, argues in *Noise / Music: A History* that the “freedom of free jazz does not go away, but dissolves into other areas (including itself as a genre); the freeness is caught within sets of paradoxes that not only do not prevent its existence, but are the reasons for it. The freeing up of playing, like the freeing up of ‘all sound,’ filters into many musics, spreading noise even as they lose their initial moment as noise in their own right” (54). Hegarty is thinking here of improvisational music’s relations to other forms of music and to itself as it resolves into new forms, say, in the influence of free jazz on the experimentalist (for want of a better term) rock musicians Captain Beefheart and Frank Zappa.

But what if we were to suggest that music is not only self-referential in the way Hegarty’s analysis suggests, but also has wider reference as a form of cultural practice that resonates with and disturbs other forms of being social, being in culture? So when Albert Ayler talks about “freedom” as a function of his music, his term also carries with it wider points of reference. When he talks about “spiritual unity,” referencing the ethics of collective improvisation, that concept has metonymic relation to broader cultural and political practices that have bearing on community and rights discourses. What if, in fact, improvisation as a musical practice filters into other cultural practices, virally spreading its aesthetic and ethical challenges in as yet misunderstood or unstudied ways? Our focus here is on the link between the performative symbolics of improvisational music and embodied rights struggles, both framed as a function of the performance of community. Regarding rights struggles, Hegarty points to John Zorn’s notions of improvisatory communities, stating,

There is a widely held belief in improvised music that it is a highly communal activity. John Zorn offers a slightly more anarchist version of a society working as a collective moderation of conflicts: “I basically create a small society and everybody finds their own position in that society. It really becomes like a psychodrama. People are given power and it’s very interesting to see which people like to run away from it, who are very docile, and just do what they’re told, others try very hard to get control and more power. So it’s very much like the political arena in a certain kind of sense” (qtd. in Bailey, *Improvisation* 78). We might not agree or like the sound of all Zorn says, but it shows key elements of how improvisation is not anarchic, but anarchistic, in that de facto power exists—it is open to all, and is transitional (if the society is working). Like Foucault, Zorn does not pretend power can be dissipated, but recognizes that it is a creative force. (56)

Hegarty recognizes the provisional nature of community dynamics, a strategy made explicit in improvisatory practices that perform and explore the contingent nature of all human relations.

Power and its effects are present as aspects of creation, which can entail destruction, anarchy, and disturbances of the norm. In these aspects, improvisation and rights discourses have significant overlap. Both are confrontations with mediated ways of being in relation to each other as a function of power relations that emerge when communities are formed. Again, we want to situate the notion of improvisation as it relates to free jazz squarely in relation to this dynamic of group-power relations and how they are articulated, enforced, challenged, critiqued, and overturned. Ornette Coleman’s album *Free Jazz* (1960) “changed the concept of how jazz could function. It supplies a method to improvised music across an increasing range of genres (for convenience sometimes later labeled ‘improv’). Instead of a soloist working out variations and tangents from themes, the aim was to have a group improvisation” (Hegarty 45).

Of interest here is that in the very album that names the so-called free jazz phenomenon (and in a sense births it), the key aesthetic is the group’s capacity to generate improvisatory utterances. The radical thing about *Free Jazz*, in this context, is how it demonstrates a musical aesthetic tied to a deep-rooted communitarian ideology of cocreation. The individual-centered notions of virtuosity, soloing, voice, and the like that had played such a key role in defining jazz’s musical values were giving way to something else, a radical critique of how creative communities generate their

own agency. Whether one cares for the music or not, the musical practice here was pointing to a larger cultural critique of communities obsessed with the individual as the prioritized locus of cultural production, something that had never been quite true, since, as we have argued earlier, the individual gains his or her individuality as a function of community, a co-dependent, cocreative, contingent relationship that is, in a sense, always up for grabs, always in need of definition and redefinition. This situation parallels that confronting rights discourses, a state wherein meaning must be made anew as social justice, itself a function of community contingencies, struggles into being against forces seeking to limit, reduce, or eliminate it.

Here it is useful to remember that “free jazz occurs in a particular historical context, that of the demand for civil rights for blacks, and then Black Power and associated movements” (Hegarty 47). As the French improviser Joëlle Léandre argues in her book *À voix basse*,

Improvisation necessitates a group, collective confidence . . . In the end, it’s social, without law, without leader, without king, without score, without music stand. There’s just the passage, the play, and imagination and, evidently, the instrumental work that is its principal driver. Three musicians meet, for example. It’s a microcosm, a little society with its stakes, its tensions, its courtesies, its harshnesses, its silences, its fears, its powers. It’s a game but it’s also about the “I” in the collective . . . improvisation, in the best of cases, is the utopian realization of “being together.” (76–77, our translation)

Léandre’s observations nicely synthesize this sort of pervasive discourse of community to be found in association with free improvisation in all its forms. There is no idealization of what it means to “be together” here, and in fact the community aspects of improvisation necessitate *frottements* and *rudesses*, the dissonances that occur at both the musical and the social level. To not acknowledge their presence is to be hopelessly naive and ill-informed, not only about musical process but also about the sometimes cacophonous processes by which being together is elaborated as a necessary aspect of being human. But for Léandre, improvisation, in its most accomplished forms, is a utopian realization, one that represents its exemplary potential as an alternative cultural practice that must come to grips with other less-than-ideal realizations of community. Improvisation

instantiates what George Lewis, in his study of the AACM, calls the recognition of a “mobile, heterophonic notion of the possibilities for unity” (*Power* 214), an idea that Lewis locates in Muhal Richard Abrams’s notion that “there are different types of black life, and therefore we know that there are different kinds of black music. Because black music comes forth from black life” (214).

Even within the so-called jazz community, the rise of free improvisational structures and playing in the 1960s led to a rethinking of the traditional spaces in which musical interventions could be made. Lewis documents the musician-run “Newport Rebels” festival, which occurred on the fringes of the Newport Jazz Festival in 1960, as a result of efforts made by Charles Mingus and Max Roach: it provided “an alternative to what they saw as the commercialization, racism, and economic exploitation that the mainstream festival displayed. The alternative event, which took place alongside a riot that caused the cancellation of several concerts, featured young radicals Randy Weston and Ornette Coleman” (Lewis, *Power* 90). And just a few years before he died, John Coltrane, along with Babatunde Olatunji and Yusef Lateef, was working on creating an alternative performance space and booking agency, which had the goals of creating an equal partnership among the three, forcing other promoters to book all three musicians and not just one of them as an aspect of their group solidarity, and exploring “the possibility of teaching the music of our people in conservatories, colleges and universities where only European musical experience dominates and is being perpetuated” (91).

Challenging Orthodoxies

Remarkable in these examples is the sense of solidarity and of enacted, alternative community formation gathering around the musical aesthetics these musicians espoused as improvisers. And in the particular case of the community-driven AACM, as the composer and saxophonist Anthony Braxton states, the group was paradoxically “not tied to any one ideology.” Braxton recalls, “At no time during my whole involvement with the AACM did anyone ever tell someone else what to think” (qtd. in Lewis 214). Here the point is that it is possible to be in a community in which association does not mean conformity and in which directive, authoritarian ideologies are not the social glue that binds. This was the radical challenge of the AACM, as it was of other free jazz and improvising collectives, to

norms and orthodoxies associated with more Eurocentric governmental and state-driven notions of community that idealized the individual.

Furthermore, in the specific case of Coltrane, who had effectively “made clear the power of non-European music, both in terms of music itself as well as the place of music in the society,” the technical and artistic innovations he unleashed, involving the “use of African, Indian, and Arabic musics made it clear that they were not ‘primitive’ forms as opposed to European music’s ‘sophistication’” (Nisenson 269). In globalizing the particular form of improvisatory discourse he made thinkable, Eric Nisenson argues that Coltrane was challenging cultural as well as musical orthodoxies:

The idea of improvisation means that every night a musician plays he can redefine himself, and has one more chance to discover the beauty within. It is perhaps not as ironic as it may outwardly seem that the people, African Americans, who have been the least free in our society have had the greatest understanding of what freedom is . . . Jazz in its synthesis of African and European musical elements is a cultural phenomenon that could only have taken place in the “melting pot” of America. Unfortunately, that melting pot has been too often an ideal rather than a reality in American life, but in jazz, at least, one can hear the musical fruit of that wonderful idea. (269)

Although a fair bit of critical pressure, we would contend, needs to be put on Nisenson’s assumption that the melting pot of America represents any kind of “ideal” situation, these comments show how Coltrane represents a high-order example of throwing off the shackles of slavery and oppression, while recognizing global communities of otherness that destabilize limiting and degenerative notions of cultural purity. The music, highly improvisatory in its formulation and execution, enacts creative hybridities that point to musical freedom as a metonymy of greater cultural and spiritual freedoms, what Coltrane called “the life side of music” (Nisenson 122).

Jazz critic Leonard Feather, to his everlasting discredit, dismissed Coltrane’s and Dolphy’s ostensibly good musical intentions, saying “even Hitler was sincere” (qtd. in Nisenson 119). This reaction was evidence of both the profound ideological threat inherent in improvised experimentations that were also experiments in new social orderings and of the inherently racialized discourses perturbed by a musical culture that was also challenging white imperial culture.⁵

The criticism of the new music as “just noise” can be seen as a holdover from antebellum days, when the music of black slaves, as historian Jon Cruz notes, “appears to have been heard by captors and overseers primarily as noise—that is, as strange, unfathomable, and incomprehensible.” As Cruz points out, for slave owners to hear only noise is “tantamount to being oblivious to the structures of meaning that anchored sounding to the hermeneutic world of the slaves.” To hear only noise is to “remain removed from how slave soundings probed their circumstances and cultivated histories and memories.” Similarly, the noisy anger of the new musicians seemed strange, surprising, and unfathomable to many critics, along with the idea that blacks might actually have something to be angry about. (Lewis, *Power* 44)

Improvisation in this diasporic context serves as an index or register for musical and cultural otherness at the same time it replays a hermeneutic world that is intensely familiar to its makers. The very act of sounding *in* that supposedly universalist, hermeneutic context but *out* of the specific, oppressive cultural situation is profoundly political, profoundly symbolic of a kind of freedom that extends beyond just the music. One person’s “noise” is another person’s sophisticated signifying system. And the act of sounding discordant, nonnormative musical discourses in a culture dominated by orthodox notions of conventional (commodified) music is, in this instance, an act of critique, courage, resistance, and liberation.⁶

Albert Ayler, saxophonist and composer, articulates the distinctions in an astute observation about free jazz: “It’s really free, spiritual music, not just free music . . . we’re listening to each other. Many of the others are not playing together, and so they produce noise. It’s screaming, it’s neo-avant-garde music. But we are trying to rejuvenate that old New Orleans feeling that music can be played collectively and with free form. Each person finds his own form” (qtd. in Hentoff, “Albert Ayler,” 16–18). Collective free-form improvisation is historically associated here with the roots of jazz in ensemble playing in New Orleans, but it is also located as an important form of self-agency within a collective context, a context in which listening to each other leads to the spiritual unity so important to Ayler’s overall philosophy of improvising. The rights implications could not be clearer. Musical discourse in this context is akin to public declamations of community solidarity and dissent, all buttressed by a strong sense of historical injustice, the very kinds of discourse situated at the heart of

the civil rights movement (whether in the thinking of Frederick Douglass, Rosa Parks, Martin Luther King Jr., or Malcolm X).

Improvised music reinforces, both in its aesthetics and its politics, expressions of solidarity with civil rights ideals even as its symbolics enact dissent with repressive orthodoxies rooted in cultural norms from which it strays. George Lewis cites Coltrane's requiem tune "Alabama," "dedicated to the children murdered in the infamous bombing of Birmingham's 16th Street Baptist Church," as an example of how Coltrane's music was directly politicized in opposition to the resistant "universalist" rhetoric with which Coltrane masked his politics for strategic reasons related to his position as subaltern (*Power* 44).

The point is that for Coltrane the bombing of the 16th Street Baptist Church by the Klan, on September 15, 1963—a bombing that killed four young girls and injured twenty-two other children in attendance at the church to hear a sermon entitled "The Love That Forgives"—was a localized act of barbarity "whose symbolism directly threatened not only the lives of all black people, but the humanity of all" (*Power* 44). The visionary rights perspective inherent in such a view, one that is neither narrowly parochial nor driven by limited contingencies, points to the remarkable political valences embedded in the improvisatory musickings associated with Coltrane, music that comes out of a history, that responds to historical circumstances, and that anticipates visionary alternatives rooted in universalist, integrationist, and communitarian principles.

When asked by the historian Frank Kofsky about the relationship between the so-called "new music" associated with the free jazz of the 1960s and Malcolm X's political ideas, Coltrane responded: "Well, I think that music, being an expression of the human heart, or of the human being itself, does express just what is happening. I feel it expresses the whole thing—the whole of human experience at the particular time that it is being expressed" (qtd. in Kofsky 225). Whatever Coltrane meant by this, and he was always careful never to limit or reduce the potential expressive power he saw in musical creativity, it is clear that he understood music to reference more than just itself as a cultural practice rooted in "the whole of human experience." He comments, "When there's something we think could be better, we must make an effort to try and make it better. So it's the same socially, musically, politically, and in any department of our lives" (227).

Coltrane's rhetoric is similar to that of Albert Ayler, who suggests, "We are the music we play. And our commitment is to peace, to understanding of life. And we keep trying to purify our music, to purify ourselves, so that we can move ourselves—and those who hear us—to higher levels of understanding. You have to purify and crystallize your sound in order to hypnotize" (qtd. in Hentoff, "Albert Ayler" 17). Inherent in this sort of thinking are ideals of peace involving basic rights, understanding, and the attempt to move beyond impediments to achieving these. Music is seen as a critical tool in making manifest these outcomes, and Ayler's was a particularly eloquent and disturbing (some critics have called it "terrifying") voice among many making similar declamations.

Improvisation, Noise, Civil Rights

Members of the Art Ensemble of Chicago, for instance, were contemporaries of Ayler who "protested both America's war in Vietnam and ignorance of a legitimate free jazz revolution within its borders. (On their great album *A Jackson in Your House*, they openly mock the American military and white America's paranoid fear of blacks.) In 1969 the group embarked on an extended residency in Paris with a team of players (including Ayler's frequent drummer Sunny Murray) who would record a torrent of now-legendary obscurities for the French label Actuel. The European subculture the musicians found themselves in embraced their new brand of music—one made with gongs, toys, noise guitar, non-instruments, silence, grunting, preaching, singing and chanting, as well as the more conventional saxophone, trumpet, bass and drums" (Stillman).

David Toop, an English musician and author, notes the symbolic political content associated with choices of instrumentation and acceptable sounds to be included in an improvising context, or indeed in a generalized musical context:

For black American improvisers such as Don Cherry and the Art Ensemble of Chicago, and at roughly the same time [as] their European and white counterparts in AMM, Musica Electronica Viva, Joseph Holbrook, Music Improvisation Company, Nuova Consonanza and the Spontaneous Music Ensemble, a partial move away from the major instruments of jazz and classical music performance was an expression of politics as much as music. From the mid 1960s into the disillusioned 1970s, little instruments and non-

instruments (transistor radios, contact microphones amplifying tiny sounds or surface noises extracted from tables, beards, cheese graters, etc.) became symbols of the drive to democratize music, to allow access to unskilled players (including children), [to] draw sounds from instruments rather than subjugate them to systems, [to] open the music up to chance events and create a sense of collectively organized community as an attempted break from hard professionalism, particularly the star system that afflicted both jazz groups and classical performers. (133–34)

The aesthetics and politics, then, of some of the most sophisticated improvising collectives of this period actively took up the problem of noise, not only as a term used to denigrate diasporic musickings by the slave owner and later by the musical establishments associated with white hegemonic culture, but also in the promotion of musical forms whose values were rooted in democratizing, communitarian, and anticommercialization ideologies. We note how these strategies undo the rhetoric of heroism and individuality so often misaligned with improvisatory musickings and their interpretations. They also point to the weakness of any argument that does not account for the subtle interplay between universalist intentionality (the desire to make the world a better place) and the specific performative and historical contexts giving rise to that intention. And we note how these strategies are a remarkable incidence of the reappropriation of demeaning stereotypes by improvising communities in constructive ways that subvert historical misunderstanding and racist ignorance.

Ingrid Monson's well-taken caveat about the degree to which "the jazz artist as the iconoclastic hero, the nonconformist, the transcendent and self-determining subject, and the social critic is so tied up with the symbolic legacy of the music" is not to be ignored here (*Freedom Sounds* 5). The discourses and aesthetic choices made by these improvising collectives, in addition to the historicity of their marginalization, made them the object of heroism and universalist narratives, a way of converting radical specificity into a familiar, controllable narrative form. But these narratives were always profoundly undercut by the extent to which community narratives were foregrounded, as were narratives that spoke to disempowerment, poverty, marginalization, and the specific contexts affecting the agent making the music. And they were undercut by the way the musicians themselves were extraordinarily careful in their comments about the music (and we have seen this at some length already) to avoid

reductive and limiting affirmations that undermined the signifying potential of the medium. That these discourses simultaneously pointed toward the possibility of enacting self-determination, achieving transcendent spiritual goals, while offering a critique of hegemonic cultures is one of their great achievements.

The pattern is familiar in rights narratives, too, wherein participants in rights struggles, who by dint of adhering to their agency and their political purpose, are frequently elevated to heroic status. Think of Gandhi, King, Rosa Parks, and Angela Davis (and any number of rights activists known globally)—where significant energies have been invested in cultivating their heroic images in what then becomes a comfortable narrative at the expense of the radical challenges these people posed to oppressive regimes. This elevation is an imposition that convenes to normative strategies that attempt to contain the progressivist ethical positions of rights agents in familiar and reassuring ways. But these narratives have little to do with the content and the agency of the people being heroized. In the case of so-called heroic figures from the canon of great African American improvisers, Albert Ayler's grinding poverty and suicide, the vicious attacks (physical and critical) on Ornette Coleman and Cecil Taylor, and the similar stories involving segregation, marginalization, tragic death, quotidian struggle associated with any number of the most distinguished practitioners of improvised musickings hardly denotes the life of heroes, though frequently post facto interpretative discourses make these people the object of such narratives.⁷ These narratives are radically at odds with the tenor of what improvisers were actually saying about the content of their music in relation to its larger social purposes.

It is important to remember that Coltrane was only the tip of the iceberg in terms of improvising musicians who specifically located their musical discourse in direct relation to civil rights struggles for freedom:

With regard to the Civil Rights Movement[,] which challenged a system of racial caste and racism, jazz artists such as Tony Bennett, Miles Davis, Ella Fitzgerald, Abbey Lincoln, Jackie McLean, Oliver Nelson, Oscar Peterson, Sonny Rollins, Archie Shepp, and Nina Simone offered musical and personal support. Similarly, in the summer of 1960, Max Roach and Oscar Brown, Jr. recorded "We Insist! Freedom Now," which was written in honor of the four freshmen who, in February of the same year, staged a sit-in at Woolworth's "Whites Only" lunch counter in Greensboro, N.C. 1960 was also the

year Charles Mingus performed “Prayer for a Passive Resistance” and “Freedom.” The following year, drummer Art [Blakey] recorded “Freedom Rider” in support of groups that tested desegregated interstate bus travel . . . In August of 1963, prior to the March on Washington, Duke Ellington staged his protest-oriented musical, “My People,” as a theatrical celebration of African-Americans and the Civil Rights Movement. (J. Coleman)⁸

To this partial list may be added jazz musicians from before the 1960s who had used music as a platform to express outrage at social injustice. Billie Holiday’s “Strange Fruit,” a poignant condemnation of lynching and racism in the South, began as a poem written by Abel Meeropol, a Jewish high school teacher from the Bronx who likely had seen the horrifying photograph by Lawrence Beitler of Thomas Shipp and Abram Smith hanging from a tree in Marion, Indiana, after they had been lynched by a mob (with the cooperation of the police) on August 7, 1930. Meeropol, who, with his wife, adopted the two sons of Julius and Ethel Rosenberg after their execution for espionage in 1953, published “Strange Fruit” in 1936 in the *New York Teacher*, a union magazine, as if to confirm the links among pedagogy, art, and discourses of social justice. Holiday heard the song in 1939 and it fast became a staple in her repertoire (and her best-selling recording) in spite of the anguish it caused her and her constant fear of retaliation for singing it.

As part of the same continuum as Coltrane’s “Alabama,” “Strange Fruit” is a classic example of the ways jazz and improvised musickings were able to align themselves with discourses of social justice and civil rights over an extended period of time. Recorded performances of Holiday’s singing Meeropol’s poem show her singular ability to improvise melodic lines in relation to the affect of the lyrics, and part of the song’s surpassing emotive power was, no doubt, a direct function of Holiday’s artistic capacities as an improviser of affective melodies.

The significant number of improvising musicians affiliated with civil rights initiatives is one form of thinking the relation between improvisatory and rights discourses, that is, as direct commentary, and as widespread expressions of critique and dissent. But the other important trend associated with the cultural practice of improvisation, and one that had a significant impact on sophisticating the political implications of the music, was the integration of other musical forms that were non-Western, disaffiliated from the cultural norms in the West that were being chal-

lenged. The transnationalist impetus, what the jazz drummer Milford Graves calls “cultural transmutation” (Austerlitz 179), seeks integrative and reconciliatory affiliation with otherness, whether that otherness is an aspect of one’s own roots or of cultures to which one is drawn. That impetus is an important feature of Coltrane’s musical philosophy (and the philosophy of others associated with the free jazz movement of the 1960s), and it is intimately tied with the forms his improvisations explored. But it is also a fundamental precondition for addressing global rights contexts in which global communities linked by shared assumptions about equity and justice struggle into being. Scott Saul, a cultural critic and English professor at Berkeley, argues that Coltrane’s composition “Liberia” (the third track on *Coltrane’s Sound*, originally recorded in 1960, but released in June 1964) heralds “a new black aesthetic, one that aimed to convey the intensity of freedom in a world where it was up for grabs. The cultural roots of blackness were ripe for rediscovery, a new world coming into being in the reinvented image of a much older one, and Coltrane’s imagination was working excitedly in the service of this project, which also meant reevaluating bebop and its assumptions about musical irony, technical ingenuity, and ensemble interplay” (210). As Saul argues, Coltrane “was framing his music as an act of transnational imagination” and clearly understood the wider cultural symbolics associated with his musical innovations (210).⁹

Our purpose here is to draw wider connections than are usually made between the symbolic force of music in a rights and social-justice context, and to point to an emergent shared language associated with improvising musicians of the free jazz movement that brought together in the 1960s crucial concepts of freedom, community, agency, and self-identity as a function of cocreative improvisatory utterances.

Elsewhere in *The Other Side of Nowhere* Daniel Fischlin and Ajay Heble have drawn attention to the argument of Tzvetan Todorov, the Franco-Bulgarian critic and philosopher, that what allowed European culture to triumph over indigenous culture in that early modern colonial encounter was the ability of Europeans to improvise more efficiently than indigenous peoples.¹⁰ Rights are predicated on the fact that so many of the encounter models deployed in the world are essentially failed, a function of militarized, violent, and imperial responses to intercultural contact. That is, rights discourse is preventative and curative, a way of addressing the

inequities and injustices produced by situations of oppression and aggression, before and after they have occurred.

What are the alternatives to failed encounters? How does improvisation, as a form of dynamic encounter narrative, figure in relation to rights discourses?

We would hope that some of the arguments and case studies we advance in this book give at least the beginnings of possible answers to these questions. Rights discourses, like improvised musickings, are essentially, unalterably communitarian in spite of the deforming focus on individualist contributions. Rights, like improvisations, entail a material, ongoing practice of negotiated community. And creative, improvised musickings that reflect on and enact the formation of alternative communities have a great deal to tell us about how successful, meaningful encounters not predicated on violence, oppression, or inequity can be achieved. These alternative forms of engagement that improvisation makes available as part of its aesthetic and political legacy provide a larger-scale understanding of the communitarian stakes that are so high in rights conflicts, so central to the ways improvisatory creations achieve their ends as a function of asymmetrical, cogenerative, dynamic experimentation. It is to further specific examples of the links among community practice, improvisation, and rights that we now turn our attention.