Improvisation as Original Ethics: Exploring the Ethical in Heidegger and Gadamer from a Musical Perspective

Sam McAuliffe

Abstract

Martin Heidegger famously claimed that ethics needed to become "original" again but offered no detailed insight into what an "original ethics" might be. Several commentators, however, find evidence of such an original ethics in the philosophical hermeneutics of Hans-Georg Gadamer. In this paper, I argue that an original ethics, as alluded to by Heidegger and taken up by Gadamer, depends upon a certain improvisational comportment, such that acting ethically involves spontaneously attending and responding to that which one encounters in factical existence. To substantiate this claim, I draw upon improvised musical performance as an exemplar, highlighting how the responsiveness at issue in musical improvisation is equally present in an original ethics, which is itself demonstrative of a practical, performative, and spontaneous engagement with the world. This account not only elucidates the improvisational character of ethics, but it also equally illuminates the nature of the ethical at issue in improvised musical performance.

Keywords

Ethics is concerned with action or, better, *praxis*. For Enlightenment thinkers, ethics was conceived as providing a rational or reasoned procedure for determining how one should or should not act. It was supposed that the "right" ethical treatise would be able to generate the correct decision for every situation of practical choice. At least since Friedrich Nietzsche (2003),

Corresponding Author:
Sam McAuliffe, PhD student
Monash University
Email: samuel.mcauliffe@monash.edu

however, who spoke of the need to think "beyond good and evil," the idea of the ethical has become increasingly questionable. Dennis J. Schmidt observes that "some of the most cherished assumptions underpinning the dominant traditions of ethical thought – assumptions about subjectivity, agency, and autonomy, among others – have been called into question, and those traditions have largely collapsed, or at least lost all vitality, under this questioning" (2008, p. 35). It is notable that, for Enlightenment thinkers as for many contemporary thinkers (particularly in the English language philosophical tradition), ethics, especially "applied ethics," is primarily an epistemological concern (which is not to forget that it was with Plato that ethics first became a discipline of scientific [*epistēmē*] thought). That is, it is the system or method that prescribes *in advance* the best course of action that has been the dominant concern of ethics. This is perhaps seen most clearly with respect to utilitarian ethics where the action required of the agent – action that seeks, in broad terms, to maximise the happiness or wellbeing of the greatest number of people – is divorced from the conditions from which the ethical imperative itself emerges. One may rightly ask whether utilitarian ethics, for instance, insofar as it is a system based on calculation, is really concerned with a human good or, instead, a mathematical good (Grondin, 2003, p. 105). As Jeff Malpas has noted in an unpublished manuscript entitled "Ethics, Place, and Hermeneutics," in utilitarian ethics the ethical itself disappears and is replaced by a system of calculation. If one begins from *epistēmē*, the standard perspective of intellectualism, a certain (objective) distance is introduced between the agent who must act and the situation from which the imperative to act emerges. And thus, as Malpas argues, the agent is required to act as if they were nowhere and nobody (unpublished manuscript).

German philosopher, Martin Heidegger, like Nietzsche before him, questions the dominant conception of ethics that focusses on systems or guidelines for action divorced from the circumstances that call for that action. In contrast to the epistemological view, Heidegger, somewhat cryptically, suggests that ethics needs to become "original" again. That is, ethics needs to be born anew from out of factical life. While Heidegger offers little with respect to explicit details of what such an "original" ethics may entail, he makes it clear that *ontology is ethics* (1993, pp. 254-259). Notwithstanding Heidegger's own shortcomings with respect to his political acts, there is something worth pursuing in the relationship Heidegger identifies between ontology and ethics. Heidegger writes that "ontology always thinks solely the being (*on*) in its Being" (1993, p. 258), and that "such thinking is … recollection of Being and nothing else" (p. 259). It is this ontological mode of thought that must be, according to Heidegger, the foundation for an original ethics.

For Heidegger, there can be no method for ontological inquiry. Indeed, rather than suggest a particular discipline or method of inquiry, he writes that ontology "means doctrine of being" and thus ontology refers to an "indefinite and vague directive that … being should in some thematic way come to be investigated and come to language" (1999, p. 1). With respect to genuine ontological inquiry, no prior determinations can be made of the object of one's inquiry, thus no prior determinations can be made of the nature of that inquiry itself (Malpas, 2016). Thus, every inquiry into being emerges from out of factical life, is singular, and inheres its own structure. Ontological inquiry is, then, essentially hermeneutical – it involves a certain dialogue between inquirer and subject matter where the direction and structure of that dialogue, and the insights that arise, emerge from the happening of the dialogue itself.

Heidegger asserts that "such [ontological] thinking has no result. It has no effect. …it lets Being – be" (1993, p. 259). He argues further that ontological thinking "is neither theoretical nor practical. It comes to pass before this distinction" (p. 259). With respect to the praxis of ethics, from an ontological perspective there can be no stable rules or guidelines that can be readily applied in advance to our active lives. There is certainly no enduring "system" that one can appeal to that will inform and guide one's decision making in myriad situations. What are we to make of ethics, such that it is ontology, if there can be no prior determinations made as to how one should act, and that such engagement with the world has no theoretical or practical result or effect?

To address these questions, I want to take what may at first appear to be an unusual route. I intend to address what Heidegger alludes to as an "original ethics" by appealing to music; precisely, improvised musical performance. There are two reasons for taking such an approach: (1) while ethics is of increasing concern to musicologists, ethnomusicologists, and philosophers of music (see Cobussen & Nielsen, 2013; Higgins, 2018; Warren, 2014), there is a relative scarcity of literature that considers the ethical character of music performance from an ontological perspective. By working out an "original ethics" with respect to improvised musical performance I hope to contribute what I take to be a neglected perspective in the dominant literature on music and ethics – that is, a philosophical hermeneutic perspective; (2) given Heidegger's comments on ethics and ontology, and given the way in which these themes emerge in the work of Hans-Georg Gadamer, whose philosophy is characterised by a certain situated engagement with a thing or subject matter, there is good reason to believe that the idea of improvisation at issue in improvised musical performance can provide some insight into the nature of an "original ethics." I will argue that the indeterminacy, spontaneity, attentiveness, responsiveness, and, ultimately, genuine *engagement* at the heart of improvisation is consistent with the dialogic character of hermeneutics that underpins "original ethics."

From here on, this paper will progress as follows: I first provide a brief overview of improvisation as it is manifest in music practices such as jazz and free improvisation – practices that exemplify the spontaneity, indeterminacy, and *engagement* at issue in improvisation. I then outline the ethical character of the hermeneutic dialogue with a view to highlight the way in which the dialogue at issue relies upon a certain improvisational comportment. Subsequently, I extrapolate the insights gained from the discussion of ethics in Gadamer's hermeneutics to outline the nature of ethics in improvised musical performance. Finally, I offer some concluding remarks that address what we can take away from the presented argument.

A Brief Overview of Improvisation

The literature on improvisation is wide-ranging, relatively young, and contradictory. It is increasingly being discussed by art practitioners and theorists (especially musicians) (Caines & Heble, 2015; Lewis & Piekut, 2013; Siddall & Waterman, 2016) and philosophers from fields including performance philosophy (Grant, 2014), philosophy of language (Haas, 2012; MacKenzie, 2000), metaethics (Schroeter & Schroeter, 2009), and embodied cognition (Lindblom, 2015). Given the burgeoning of studies related to improvisation since at least the 1970s from diverse perspectives and the myriad ways in which improvisation itself is manifest in human activity, it is no surprise that the literature is riddled with contradictory arguments. For

example, improvisation is presented as both something that requires a great deal of skill and preparation on the one hand (jazz music, for instance), and, on the other, is thought to be something one falls back on when they are unskilled and unprepared (an "improvised" shelter, for example). Although more nuanced and philosophically rich discussions of improvisation are emerging (Benson, 2003; DiPiero, 2018; Peters, 2011), given the diversity of arguments it is impractical to work through them here in any detailed way. The argument I intend to present below will not be impeded by putting such discussions to one side. What I offer below is a brief overview of improvisation as it is understood in this paper to give the appropriate context for the ensuing discussion.

In its most basic form, improvisation is hermeneutical (Benson, 2003); it is an act of attending and responding to the situation in which one finds oneself such that something productive may emerge from such an engagement. Improvisation is an essentially dialogical activity where, in virtue of one's prior understanding of the world – one's "prejudice," as Gadamer (2008, p. 9) would say – one engages with the circumstances of the immanent situation. Importantly, the circumstances of the situation are not merely observed by the improviser but constitutes that which *addresses* the improviser. The circumstances that arise in the place or situation of engagement are not merely objective or external but stand in a certain topological[1] relationship that defines the very nature of our being-in-the-world – we come to recognise ourselves as subjects by virtue of our situatedness in the world with both other people and things.[2] Players encounter and hermeneutically converse with that which is of concern in the situation. Just as Gadamer tells us interlocuters can engage in hermeneutic conversation but so too can one engage in hermeneutic conversation with a text (2013, p. 401- 407), for it is always the *subject matter* (*Sache*) with which one converses, players engaged in improvised musical performance equally engage in hermeneutic conversation with the work they are performing (McAuliffe, 2021).

That the outcome or "agreement" of hermeneutic conversation is not reducible to the interpreter alone but emerges from *between* the subject matter and the interpreter indicates that the interpreter cannot know with certainty precisely what agreement will be reached, or how it will emerge (Gadamer, 2013, p. 406). Likewise, when improvising music, the work cannot be predetermined by the players; the work emerges from the dialecticity between player and the circumstances given in the situation. The conversation of improvised musical performance is genuinely attentive and responsive. Players cannot merely retreat into themselves, focussing primarily on technique or subjective expression. Instead, they must *engage* with the circumstances *of the situation* that extend beyond their subjectivity.

Indeed, as Sam McAuliffe and Malpas note (forthcoming), the improvisation manifest in music, especially with respect to the way it cannot be reduced to a method or a set of precepts or principles, is consistent with what the later Heidegger describes, in essays such as "Building Dwelling Thinking" (2013a), in terms of "dwelling." That is, the recognition that the world is not produced by human subjectivity or that the world is *for* or *controllable* by humans. Instead, one is *a part* of the world and thus, one cannot simply shift one's responsibility for engaging with the world on to a set of preconceived rules or principles. This insight applies to what Heidegger

---

[1] On the relationship between the topological and the hermeneutical, see Malpas, 2017.

[2] This point has been made on both sides of philosophy, most notably perhaps by Heidegger (2008, p. 155) and Donald Davidson (2006a, p. 243).

refers to as a "dwelling life" (2013c, p. 227) inasmuch as it applies to improvising music, or any improvisational activity. Thus, to improvise is to *engage* with and "give oneself over to," in the sense that musicians typically refer to as "being in the moment," the circumstances of one's situation.

Improvising musicians must be *responsive* to the situation and allow the situation itself to play a role in the direction of the performance. Individual players are not solely responsible for bringing the artwork into presence. Rather, insofar as one is genuinely improvising and therefore attentive and responsive to the situation, the player (regardless of whether one is performing solo or as part of an ensemble) allows the situation to lead them. This view is consistent with Gadamer's account of "play," where we can liken "play" to "improvisation." He writes, "the actual subject of play is obviously not the subjectivity of an individual who, among other activities, also plays but is instead the play itself" (2013, p. 108).[3] Just as the "outcome" of a game is not solely reducible to the players of that game but is tied up with the to-and-fro of the game itself, so too does the productive "outcome" of improvised musical performance (the work) emerge from the improvisational situation itself. That is, in a duet, for instance, one cannot say that the work performed is reducible to one player or another. Neither can we say that the performed artwork is simply the result of two contributions coming together, as if what is played by each individual musician constitutes one half of the same token, such that the performance is merely the uniting of two parts to make a whole. Rather, the "play" or conversation of performance is integral. To reiterate, improvisation is fundamentally hermeneutical.

Gadamer's Ethics

It is not altogether surprising that not a single volume of Gadamer's *Gesammelte Werke* is devoted to ethics. Given Gadamer's central argument is that there can be no method for arriving at knowledge in the human sciences, it would be perplexing to find that he had written a treatise on ethics outlining guidelines for determining how one should act, comparable to that which one finds in conventional epistemology and metaphysics. Like Heidegger, Gadamer is primarily concerned with ontology. Thus, one might suspect that by working out the fundamental way in which we arrive at truth and understanding, Gadamer's account will implicate a concern with ethics.

Schmidt (2008, pp. 37-39) argues there are three ways in which one can acknowledge the centrality of ethics in Gadamer's philosophy: (1) across the entirety of Gadamer's collected works one finds an overwhelming number of remarks explicitly dealing with questions of ethics; (2) Gadamer relies upon a range of ethical texts, from Aristotle to Kant, to develop his theory of hermeneutics; (3) one can extrapolate a concern for ethics from key hermeneutical concepts in Gadamer's work. While Schmidt convincingly argues for all three,[4] with the space available, here I focus on the third of these options. My aim will be to highlight both the ethical and improvisational character of the dialogic nature of hermeneutics.

The Dialogic Nature of Hermeneutics

---

[3] Cynthia Nielsen (2016) has discussed the nature of Gadamerian "play" with respect to free jazz.
[4] A range of thinkers have also discussed the nature of ethics present in Gadamer work (Davey, 2006, pp. 9-12; Grondin, 2003, pp. 100-110; Warnke, 2002, pp. 79-101).

For Gadamer, understanding is not an individual achievement; understanding is not reducible to the subjectivity of the individual. Rather, all understanding is mediated through another. There is always something beyond oneself that brings one to understand – a person, a text, an artwork. Indeed, Gadamer writes that "understanding belongs to the *encounter*" (2013, p. 91, my emphasis). According to Gadamer, as we go about our daily activities the world is more or less as we expect it to be. We have an historically mediated prior understanding and prior expectations of the world and more often than not the world meets those expectations. For the most part, we have no reason to alter our understanding of the world. It is when we encounter something in the world that does not meet our prior expectations that we are presented with the opportunity to review our understanding. "We understand in a *different* way, *if we understand at all*," writes Gadamer (2013, p. 307). By encountering a certain discord between our expectations and our experience, we encounter the limits of our own knowledge – and thus we encounter ourselves – and we are presented with an opportunity to understand *differently* and broaden our horizons.

One comes to reflect upon oneself by encountering the world; indeed, this was the appeal of hermeneutics for the early Heidegger who saw hermeneutics as a means to encounter oneself – the reflexive character of hermeneutics offered a means to call *Dasein* back to the facticity of its self-existence (Grondin, 1994, p. 98). As Gadamer writes of aesthetic experience, "in art man encounters himself" (2013, p. 54). The cultivation of the self is dependent on the encounter with another. The encounter, however, is not directed by the subject. Rather, Gadamer asserts that "understanding begins … when something addresses us" (2013, p. 310). Thus, irrespective of whether or not one actively seeks out understanding, it is never entirely directed by the individual. Indeed, as Nicholas Davey writes, "it is the dialecticity of the hermeneutic encounter, rather than the wills of the participants, that achieves a fundamental shift in how different parties understand themselves and each other" (2006, p. 10). It is the "dialecticity of the hermeneutic encounter," the hermeneutic dialogue, that is essential for understanding. Understanding is not something we achieve subjectively, rather, it dawns on us, or, better, it approaches us and we receive it. We may say that understanding is something that *happens* by virtue of hermeneutic engagement.

In being addressed by something one becomes absorbed in conversation, such that Gadamer says "we fall into conversation [*wir in ein Gespräch geraten*]" (2013, p. 401). Gadamer describes the (conversational) engagement that ensues from this "falling into" as "tarrying" (*Verweilen*), which describes the mode of conversation that occurs when we are taken up by what addresses us. He writes,

> To tarry is not to lose time. Being in the mode of tarrying is like an intensive back-and-forth conversation that is not cut off but lasts until it is ended. The whole of it is a conversation in which for a time one is completely "absorbed in conversation," and this means one "is completely there in it." (2007, p. 211)

Such a statement will resonate with anyone experienced in improvising music; tarrying appears synonymous with what musicians commonly refer to as "being in the moment" – we will pursue

this idea further in the following section. Presently, we will consider how this hermeneutical tarrying with the other inheres an ethical dimension.

"No one knows in advance what will 'come out' of a conversation. Understanding or its failure is like an event that happens to us," says Gadamer (2013, p. 401). The conduct of tarrying, or hermeneutical conversation, does not lie with either participant. The engagement at issue here is something that *happens*, beyond one's intending it. Moreover, there is an indeterminacy and unpredictability present in conversation; what emerges from conversation, and, indeed, the conversation itself, cannot be predetermined (the indeterminacy of language and conversation is highlighted not only by Gadamer but also by Davidson, 2006b). Thus, the understanding or agreement that emerges by virtue of conversation is not reducible to either the subjective or objective. Rather, understanding emerges from the dialecticity of conversation, from the interplay between transmission and reception. It is a result of the indeterminate nature of conversation and the fact that tarrying always goes beyond the individual that we encounter an ethical character of hermeneutic engagement.

Gadamer asserts that "understanding is, primarily, agreement" (2013, p. 186). When interlocutors fall into hermeneutic conversation their tarrying moves toward reaching agreement about something. It is the subject matter that determines the path of their conversing. While conversation entails "argument, question and answer, objection and refutation" (Gadamer, 2013, p. 187), genuine conversation moves toward reaching agreement. Agreement, however, does not mean that one simply accepts the view or opinion of the other. Instead, it is about coming to understand *what the other is saying*. Each interlocutor, Gadamer writes, must be "at one with each other on the subject" (2013, p. 403). Neither party can approach the conversation with an obstinately fixed perspective that views all other opinions as secondary or absurd. Interlocutors must be open to the views of others and take seriously what the other has to say. They must, in their tarrying, work with the other to genuinely understand each other's point of view such that something productive might emerge from their conversing – agreement. Hermeneutical conversation, then, is grounded upon what Davey refers to as a "civility of difference" (2006, p. 12).

Indeed, with respect to the dialectic of conversation, Gadamer argues that it consists "not in trying to discover the weaknesses of what is said, but in bringing out its real strength" (2013, p. 376). The partners in dialogue do not talk at cross purposes, nor do they try to argue the other person down. As Schmidt writes, "for Gadamer the ethical task of philosophy is not to lay down the law, but to listen to what is said" (2016, p. 68). The ethics at issue here, then, is not primarily concerned with "right or wrong" or "good and evil." Neither is it primarily about understanding how a prior set of dispositions can determine future behaviour – although, as will be discussed below, pre-existing rules and conventions are not irrelevant. Hermeneutic understanding emerges by taking seriously the alterity of the other. There must be a mutual (ethical) civility between interlocutors such that they each recognise the limits of their prior understanding and recognise that they depend on one another to broaden their understanding.

Hermeneutics and Original Ethics

The structure of hermeneutic dialogue cannot be given in advance. There can be no rules or system for how one should act. And yet there is clearly an ethical dimension to Gadamer's account. The ethics at issue here, however, is not determined "objectively" by those beyond the situation but by those enmeshed in the happening of the unpredictable and indeterminate situation itself. Indeed, Heidegger writes that "*êthos* means abode, dwelling place" (1993, p. 256). The origin of ethics, in the sense that ethics might be originary or original, is the place in which we each always already *are*. Insofar as we are open to the alterity of the world – genuinely *engaged* with the world – our very being-in-the-world, as Malpas notes, is always *already* ethical (unpublished manuscript). Given that the ethical imperative itself emerges from the situation in which we each always already are, there can be no singular "perfect" or "objective" action that we can make. Rather our ethical responsibility requires us to do our best by the situation in which we find ourselves with the knowledge available. To act ethically is to attend and respond to the peculiarities of the situation in which one finds oneself. It requires one to be open to the alterity of the other rather than dogmatically asserting the superiority of one's argument or perspective or turning away from the other and pretending their views do not exist or are not worthy of consideration.

Hermeneutics and Improvised Musical Performance

To properly draw out the nature of ethics at issue in hermeneutics we can appeal to improvised musical performance. While I cannot develop the position here, as touched on above, I contend that hermeneutics and improvisation share an almost identical structure. That is, they are both, at bottom, a mode of attending and responding to – engaging with – the situation in which one finds oneself. By appealing to improvised musical performance, we not only gain insight into the nature of an original ethics but as noted, we also uncover the nature of ethics at issue in improvised musical performance.[5]

Improvised musical performance, like hermeneutic conversation, belongs to the encounter – the encounter between player and situation. Just as in a conversation where interlocutors are primarily concerned with the *subject matter* that exists between them, so we may say that the *work* exists between players. And just as one can engage in hermeneutical conversation with a text or artwork, i.e., when there is not another interlocutor as such, so too is the solo performer concerned with the work that they are performing, and thus solo performance is essentially conversational (McAuliffe, 2021). What is important to acknowledge is that just like hermeneutic understanding, improvised musical performance is not an individual achievement. Even if the solo performer is playing a "free improvisation," where there is no pre-conceived melody, harmony, musical structure, and so forth, and so the performance may, on the face of it, appear to be entirely reducible to the performer, the work itself exists *beyond* the subjectivity of the individual and *leads* the player inasmuch as the player leads the work. In this way we might think of someone playing with a ball – the player is never entirely in control of the situation, rather their acting is always responsive to the peculiarities of the game that they are *participating*

---

[5] Notably, Marcel Cobussen and Nanette Nielsen (2013, ch. 3), as well as Daniel Fischlin, Ajay Heble, and George Lipsitz (2012), have attended to improvised musical performance to develop an account of ethics. While the account of ethics offered here diverges from their work, there is of course a degree of overlap. My account may be seen to complement and contribute to the work that they have already undertaken.

in. So too must the performer of solo free improvisation be responsive to the to-and-fro of the situation in which they find themselves.

The way in which one is "taken up by" or becomes "caught up in" the musical such that they tarry with the work or lose themselves "in the moment" cannot be predetermined. Rather, just like Gadamer's conversation, it is accurate to say that it is something that simply *happens*, or that one "falls into" the moment. When players improvise music "in the moment" (assuming that there is in this instance an ensemble of at least two players, for this draws out the ethical considerations most clearly), the happening of the work is thoroughly indeterminate. The "work" in this sense is best understood as that which players concern themselves with during performance – the "work," then, is not necessarily merely sonic or acoustic, it may equally encompass the gestures of other players, the reverberant qualities of the performance venue, the cheering or heckling of the audience, and so forth. Thus, we may say that what is of concern to the players, first and foremost, is the *situation* itself, which encompasses each element that contributes to the coming forth of the work.

Irrespective of how "good" or "experienced" a player is, their primary task is to *attend* and *respond* to the situation. Insofar as one is genuinely improvising, one must be engaged with the situation. One cannot be concerned with, first and foremost, their technique or their subjective thoughts about what the audience may think of them,[6] for such thinking draws the player into themselves and impedes their ability to engage with the *situation* that exists *beyond* their subjectivity. The responsibility of the player is not to retreat into themselves, but to do their best by the situation with the knowledge and skillset available to them. As Jean Grondin writes of the capacity to discern what is right in hermeneutic engagement, "this capacity of discernment is not a matter of objectivation, but of vigilance, of awakening to the situation" (2003, p. 106). The player of improvised music must *awaken* to the situation. They must, as musicians would say, be good listeners. For that which they encounter in the situation cannot be predetermined – the very nature of improvisation suggests that players must be open and receptive to that which *approaches* them. Players can rely upon nothing except their ability to spontaneously attend and respond to the indeterminate situation. One cannot meaningfully attend and respond unless they are genuinely engaged, that is, as Grondin would say, *awake* to the situation.

To give an example, improvised musical performance involves a certain degree of risk, vulnerability, and trust (Cobussen & Nielsen, 2013, p. 64). In their mutual attending to the work, players engage in a dialectic comparable to Gadamer's conversation. Bringing forth a work of art is the mutual concern of each player. Playing at cross purposes, then, such as undermining the contributions of another player or drawing attention to the weaknesses in their playing, does little to positively contribute to the *work*. Drawing out the strengths of the other player's contributions however, strengthens the work. Knowing that other players are working in the best interests of the work, each player can feel supported, which fosters trust amongst the ensemble and gives players the confidence to take risks and be vulnerable. The ethical dimension of improvised musical performance, then, concerns the way in which players *awaken* to the situation and

---

[6] Tracy McMullen (2013) has argued against the centrality of "recognition," originally developed by Derrida and subsequently taken up by Butler, that dominates performance theory, and instead argues for what she calls the "improvisative." McMullen argues the subject is not constructed by "recognition" from the Other but by the "generosity" of performing.

perform in the best interests of the work. Thus, genuine improvised musical performance can strengthen relationships, enhance creativity, and foster solidarity among players.

The Ethics of Improvisation

Two insights have emerged: (1) improvised musical performance involves an engagement with that which is beyond oneself; (2) the productive outcome of improvised musical performance is indeterminate and cannot be reduced to the subjectivity of the individual players. Resultingly, the ethics of improvisation begins to emerge: (1) improvisation necessarily involves an engagement with the other; (2) the ethical actions required of individual players cannot be given in advance but emerge from out of the situation itself or, as Heidegger would say, the "abode" or "dwelling place" in which one *is*; (3) the coming forth of the artwork is not an individual achievement but relies upon the player encountering and engaging with that which is beyond them. Let us unpack these observations further.

When one improvises music with others, no single individual is responsible for the coming forth of the artwork. Indeed, insofar as the work itself *leads* the players, i.e., the players respond to the call of the work, we may say that even as a collective, the players are not solely responsible for the coming forth of the artwork. Rather it is from the "play" of improvisation itself, as Gadamer (2013, p. 108) would say, that the artwork emerges. Thus, the actions required of the players do indeed emerge from out of the *situation* itself. Players cannot plan in advance how they will act, rather they act spontaneously on the basis of their prior experience in response to the circumstances of the situation. The call to act ethically, emerges from out of factical existence, just as Heidegger suggests. By awakening to and attending to the *situation* players necessarily open themselves up to the alterity of the other. The situation, properly understood, necessarily encompasses the players – the players, along with myriad other elements (Heidegger's fourfold [2013c], which refers to the co-responsive happening of earth, sky, divinities, and mortals, being an apt concept to elucidate the breadth of what those "other" elements constitute; although I cannot do justice to the fourfold here[7]) – but enacts a certain relationality between those players. Each individual player only *is* insofar as they are with the other players and therefore standing in relation to and engaged with the alterity of other players.[8]

As they *are* in their being situated with respect to the work, in their tarrying with the work each player necessarily encounters the contributions of other players, as mediated by the work, and must interpret and engage with the work accordingly. There is no room or time for players to assert themselves or their interpretation of the work over and above another player's interpretation and contributions. Rather they must work with that which is given in the situation as it happens. Thus, we might equate what Gadamer refers to as "agreement" with respect to a hermeneutical conversation with the "work" that emerges from improvised musical performance. What is important to recognise is that the work emerges from the *situation*.

---

[7] For a discussion of Heidegger's fourfold, see Malpas, 2006 (ch. 5). For a discussion of how Heidegger's fourfold relates to improvised musical performance, see McAuliffe & Malpas (forthcoming).

[8] Such an observation may be seen to echo Heidegger's assertion that "the world of Dasein is a *with-world* [*Mitwelt*]. Being-in is *Being-with* Others. Their Being-in-themselves within-the-world is *Dasein-with* [*Mit-dasein*]" (2008, p. 155).

While what it is that we each attend and respond to is given in and by the situation in which we find ourselves, this does not imply that an improvisational/original ethics is void of tradition (rules, conventions, etc.) or normative foundations. Simply because the ethical imperative emerges "in the moment," as it were, does not mean that there is only one option available to the agent who must act, or that all options are of equal value. We do not lose ourselves when we improvise – we retain ourselves essentially and thus we still possess an awareness of our prior experience. Gadamer writes, "a person who has to make moral decisions has always already learned something. He has been so formed by education and custom that he knows in general what is right" (Gadamer, 2013, p. 327). Thus, rules and conventions still play a part in an improvisational/original ethics. But we must acknowledge, as Gadamer does, that "what is right… cannot be fully determined independently of the situation that requires a right action" (Gadamer, 2013, pp. 327-328).

While one should not attempt to shift one's ethical responsibility from oneself to some form of rules or guidelines, the suggestion is *not* that any and every appeal to rules or guidelines is inherently flawed. The argument is, rather, that ethical action must be in response to the indeterminate situation. For instance, certain situations may indeed call for a utilitarian approach. An appeal to rules in this instance does not, however, negate the improvisation at issue. Following rules is inherently indeterminate and requires improvisation, for rules themselves fail to eliminate any sense of indeterminacy, as Wittgenstein points out (2009, pp. 39-40). One's impetus to consider one rule instead of another as perhaps being appropriate must be in response to the situation. Thus, even rule-following is a situated, improvisational practice – the rules appealed to only make sense guiding one's actions insofar as they are understood from the perspective of *that* situation. Thus, one's appeal to rules, insofar as one is awake to the situation, is indeed improvisatory. The rule that one follows strikes the agent as being appropriate in virtue of the agent's attending and responding to the situation in which they find themselves. The indeterminate situation in which we find ourselves, then, is not void of normative foundations. It is simply that this foundation cannot be prescribed in advance.

Players are tasked, then, not with asserting themselves or attempting to conduct or direct the performance but with bringing out the strengths of each other's contributions in the broader context of the work; they each participate in the event of bringing forth the work. While this may include pushing and pulling against one another, cutting one player's theme short or stopping playing to encourage another player to extend their contributions, these tensions are not individual or subjective achievements but, insofar as the players are genuinely engaged, are always in response to what the *work* calls for – each player performs in service to, and is, at least in part, directed by, the work. Thus, while one cannot prescribe in advance guidelines for an ethical performance, insofar as players are genuinely improvising, they necessarily engender a civility of difference as they each act in the best interests of the work.

Conclusion

Improvised musical performance provides a certain insight into and highlights a particular character of hermeneutical or "original" ethics. While the account of ethics at issue here is radically different to conventional accounts of ethics and may seem to offer little with respect to practical insight for how one should act in the world, such an account does illuminate something

of the essential or primary character of the ethical imperative. Just as musicians cannot appeal to rules or methods for how to improvise but rather cultivate their ability to improvise through experience and by surrendering, as it were, to the happening of the situation, neither should we suppose that we can prescribe in advance guidelines for how to act in the world. Indeed, as Schmidt argues (2016, p. 71), "no philosophical ethics should ever forget [the] profound limitation upon the possibility of any contribution in advance to the riddles that one confronts as the riddles of ethical life." What both Heidegger and Gadamer argue with respect to ethics, and what improvised musical performance highlights so well, is that our engagement in the world must engender a return to factical life – that is, one must attend to the situation from which the ethical imperative itself emerges.

In practical terms, the implications of an improvisational/original ethics lie in our recognition of the character and limit of ethical life. Thus the "application" of an improvisational/original ethics, as it were, is simply the recognition of this character of ethics, and living with the awareness of this recognition. Insofar as one is ignorant to the improvisational/original character of ethically being-in-the-world, one may be inclined to suppose that one could simply turn away from the other without consequence; they may be inclined to think that some activities rely upon ethics while others do not. Indeed, a "standard" view of ethics may regard the ethics of improvised musical performance as being of peripheral importance in comparison to other activities, such as being a lawyer or medical practitioner. Should a performer of improvised music adopt this "standard" view and not consider the improvisational situation to inhere an ethical dimension, they not only fail to recognise the true nature of improvisation, they equally engage in a distinctly *un*ethical act. Insofar as one is primarily concerned with oneself at the expense of the other, the quality of the work is jeopardised and consequently, trust within the ensemble is undermined. Having turned away from ethics as ethos – turned away from the situated character of ethics – the player is divorced from the ethical imperative that emerges in *that* situation.

Every engagement involves ethics – to be sure, in some situations the stakes are much higher than in others – our actions not only have the potential to affect others in unforeseen ways, but also, each action we take reinforces our own behaviour. So, when tasked with an immediate and spontaneous call for action we inevitably fall back on prior experience. If we are prone to dogmatically appealing to a certain set of ethical guidelines, or disregarding a particular practice as not possessing an ethical dimension, we cultivate a detached, ethically ignorant approach to factical life. By recognising the improvisational/original character of ethics however, we can guard against such detachment. While we cannot address the "riddles of ethical life," as Schmidt says, in advance, an improvisational/original ethics highlights the imperative to *listen*, *see*, *awaken to*, and *engage with* the situation in which we find ourselves. If we ignore this character of our being-in-the-world, to use a metaphor from music, the "work" suffers.

We might now return to the question posed at the beginning of this paper: what are we to make of ethics, such that it is ontology, if there can be no prior determinations made as to how one should act, and that such engagement with the world has no theoretical or practical result or effect? To engage with the situation in which one finds oneself is, essentially, to improvise; it involves attending and responding to the peculiarities of that which is beyond oneself. Thus, improvisation is necessarily ethical for it involves a certain comportment where one is open to, engages with, and strives to arrive at agreement with, the other. Insofar as no prior

determinations can be made as to how one should act means that an originary ethics calls for improvisation. Such that there is no theoretical or practical result or effect refers us to the very nature of being. Being itself merely is. To question being as an ontological structure is simply the "recollection of Being," as Heidegger says; ontological inquiry comes to describe a way in which being *is*. Thus, there is no result or effect. Rather, to be in the world is to be in the world ethically, which is to improvise – to *engage* with the world. What is important is not to prescribe ethics from beyond the situation, but to remember, to recollect, to recognise, the way in which being is ethos.

References

Benson, B.E. (2003). *The improvisation of musical dialogue: A phenomenology of music*. Cambridge University Press.

Caines, R., & Heble, A. (Eds). (2015). *The improvisation studies reader: Spontaneous acts*. Routledge.

Cobussen, M., & Nielsen, N. (2013). *Music and ethics*. Ashgate.

Davey, N. (2006). *Unquiet understanding: Gadamer's philosophical hermeneutics*. State University of New York Press.

Davidson, D. (2006a). A coherence theory of truth and knowledge. In *The essential Davidson* (pp. 225-241). Clarendon Press.

Davidson, D. (2006b). A nice derangement of epitaphs. In *The essential Davidson* (pp. 251-265). Clarendon Press.

DiPiero, D. (2018). Improvisation as contingent encounter, or: The song of my toothbrush. *Critical Studies in Improvisation/Études critiques en improvisation,* 12(2). https://doi.org/10.21083/csieci.v12i2.4261.

Fischlin, D., Ajay H., & George L. (2013). *The fierce urgency of now: Improvisation, rights, and the ethics of cocreation*. Duke University Press.

Gadamer, H.-G. (2007). The artwork in word and image: "So true, so full of being!" In R. E. Palmer (Ed. & Trans.), *The Gadamer reader: A bouquet of the later writings* (pp. 192-224). Northwestern University Press.

Gadamer, H.-G. (2008). The universality of the hermeneutical problem. In D. E. Linge (Ed. & Trans.) *Philosophical hermeneutics* (pp. 3-17). University of California Press.

Gadamer, H.-G. (2013). *Truth and method*. (J. Weinsheimer, & D. G. Marshall, Trans.). Bloomsbury. (Original text in 1960.)

Grant, S. (2014). What if?: Performance is risk. *About Performance, 12*, 127-144.

Grondin, J. (1994). *Introduction to philosophical hermeneutics*. (J. Weinsheimer, Trans.). Yale University Press.

Grondin, J. (2003). *The philosophy of Gadamer*. (K. Plant, Trans.). Acumen.

Haas, A. (2012). The birth of language out of the spirit of improvisation. *International Journal of Philosophical Studies, 20*(3), 331-347. https://doi.org/10.1080/09672559.2012.699225.

Heidegger, M. (1993). Letter on humanism. In D. F. Krell (Ed.), *Basic writings* (pp. 213-266). HarperCollins.

Heidegger, M. (1999). *Ontology: The hermeneutics of facticity*. (J. V. Buren, Trans.). Indiana University Press.

Heidegger, M. (2008). *Being and time*. (J. Macquarrie, & E. Robinson, Trans.). Harper & Row.

Heidegger, M. (2013a). Building dwelling thinking. In A. Hofstadter (Trans.), *Poetry, language, thought* (pp. 141-160). Harper Perennial.

Heidegger, M. (2013b). The thing. In A. Hofstadter (Trans.), *Poetry, language, thought* (pp. 161-184). Harper Perennial.

Heidegger, M. (2013c). …Poetically man dwells…. In A. Hofstadter (Trans.), *Poetry, language, thought* (pp. 209-227). Harper Perennial.

Higgins, K.M. (2018). Connecting music to ethics. *College Music Symposium, 58*(3), 1-20. https://doi.org/10.18177/sym.2018.58.sr.11411.

Lewis, G.E., & Piekut, B. (Eds.). (2013). *The Oxford handbook of critical improvisation Studies,* Vols. 1 & 2. Oxford University Press.

Lindblom, J. (2015). *Embodied social cognition*. Springer.

MacKenzie, I. (2000). Improvisation, creativity, and formulaic language. *The Journal of Aesthetics and Art Criticism, 58*(2), 173-179.

Malpas, J. (2006). *Heidegger's topology: Being, place, world*. The MIT Press.

Malpas, J. (2016). The beckoning of language: Heidegger's hermeneutic transformation of thinking. In M. Bowler & I. Farin (Eds.), *Hermeneutical Heidegger* (pp. 203-221). Northwestern University Press.

Malpas, J. (2017). Placing Understanding/Understanding Place. *Sophia, 56*(3), 379-391. https://doi.org/10.1007/s11841-016-0546-9.

McAuliffe, S. (2021). Defending the "improvisation as conversation" model of improvised musical performance. *Jazz Perspectives, 13*(1), 1-13. https//doi.org/10.1080/17494060.2021.1889640.

McAuliffe, S., & Malpas, J. (Forthcoming). Improvising the round dance of Being: Reading Heidegger from a musical perspective. In C. Rentmeester & B. Piekut. (Eds.), *Heidegger and music*. Rowman & Littlefield.

McMullen, T. (2013). The improvisative. In G. E. Lewis & B. (Eds.), *The Oxford handbook of critical improvisation studies*, Vol. 1. https://doi.org/10.1093/oxfordhb/9780195370935.013.016.

Nielsen, C. (2016). Gadamer on the event of art, the other, and a gesture toward a Gadamarian approach to free jazz. *Journal of Applied Hermeneutics,* Article 6, 1-17. https://doi.org/10.11575/jah.v0i0.53277.

Nietzsche, F. (2003). *Beyond good and evil: Prelude to a philosophy of the future* (R. J. Hollingdale, Trans.). Penguin Books.

Peters, G. (2011). *The philosophy of improvisation*. The University of Chicago Press.

Schmidt, D.J. (2016). Hermeneutics and ethical Life: On the return to factical life. In N. Keane & C. Lawn (Eds.), *The Blackwell companion to hermeneutics* (pp. 65-71). Wiley Blackwell.

Schmidt, D.J. (2008). Hermeneutics as original ethics. In S. Sullivan & D. J. Schmidt (Eds.), *Difficulties of ethical life* (pp. 35-47). Fordham University Press.

Schroeter, L., & François S. (2009). A third way in metaethics. *Noûs, 43*(1), 1-30.

Siddall, G., & Waterman, E. (Eds.). (2016). *Negotiated moments: Improvisation, sound, and subjectivity*. Duke University Press.

Warnke, G. (2002). Hermeneutics, ethics, and politics. In R. J. Dostal (Ed.), *The Cambridge companion to Gadamer* (pp. 79-101). Cambridge University Press.

Warren, J.R. (2014). *Music and ethical responsibility*. Cambridge University Press.

Wittgenstein, L. (2009). *Philosophical investigations* (G. E. M. Anscombe, P. M. S. Hacker, & J. Schulte, Trans.; 4th Ed.). Blackwell.