

The identity of musical works in the web era¹

Alessandro ARBO
Professor PhD
Université de Strasbourg, France

Abstract: What is and, more precisely, what does a musical work consist of? In what sense can it coincide with a score or with a performance? How can its identity persist over historical time? Introduced by Polish philosopher Roman Ingarden in the 1920s, these questions have become recurrent in the analytically oriented philosophy of music. To this day, it does not seem easy to find an answer in a framework become more complex because of the generalization of phonographic and video-phonographic recording systems – and of that great recording system that is the Web. This article wonders how it could be appropriate to relaunch this question, focusing on its meaning and theoretical scope from a perspective considering the multiplicity of devices that populate the contemporary musical world.

Keywords: ontology, musical work, recording, normativity.

1. Introduction

As is well known, the issue of the identity of musical works has undergone considerable development in analytical aesthetics since a famous “germinal” book by American philosopher Nelson Goodman, *The Languages of Art*, whose first English edition dates to the late 1960s². It may be recalled, however, that a few decades earlier this question was first raised by Polish philosopher Roman Ingarden, who, since the late 1920s, had intended to reflect on the identity of musical works in historical time³.

The reasons that may explain the resurgence of this issue are easily stated: despite what common language (but certainly also some legal language) might lead us to believe, a musical work cannot coincide with a score, since

¹ This work of the Interdisciplinary Thematic Institute CREEA, as part of the ITI 2021-2028 program of the University of Strasbourg, CNRS and Inserm, was supported by IdEx Unistra (ANR-10-IDEX-0002), and by SFRI-STRAT’US project (ANR-20-SFRI-0012) under the framework of the French Investments for the Future Program.

² Nelson Goodman, *Languages of Art: An Approach to a Theory of Symbols*, Indianapolis, Bobbs-Merrill, 1968; Indianapolis, Hackett, 1976².

³ Roman Ingarden, *Utwór muzyczny i jego tożsamości*, Warszawa, Państwowe Wydawnictwo Naukowe, 1966; *The Work of Music and the Problem of Its Identity*, translated from Polish by Adam Czerniawski, edited by Jean G. Harrell, Houndmills, Macmillan, 1986.

the latter — as Ingarden first observed — is not part of its sound structure. So, what does it coincide with? It does not seem to be an object like any other — in a sense, it could be said that it is not even an object, since it is generally presented as a process or an event that turns over time. One could say that such an event coincides with a “performance” or, since recording has existed, with an “audio playback” (analog or digital). But how can one explain the fact that there are many different performances, while the work is generally regarded as unique? How is it possible for one and the same work to be performed simultaneously in multiple places? When, after all, how, and to what extent does what we hear in a performance or a recording of a Chopin Mazurka constitute his own work (and not, for example, a new work inspired by Chopin’s work)? If we play it on an accordion, for example, will it remain, strictly speaking, a Chopin’s work?

The attempt to answer these (and other) questions has resulted in the formulation of interesting theories. I will just recall in a quick roundup some answers that have become “classic” (at least in the narrow field of the philosophy of music). For Ingarden’s phenomenological perspective, a musical work is a “purely intentional object”; in Goodman’s semiotic and nominalist viewpoint, it coincides with a “compliance class” in a symbolic system; in Peter Kivy’s⁴ or Julian Dodd’s⁵ Platonic perspective, with an “abstract type”; and in Jerrold Levinson’s⁶ moderate and contextualist Platonic viewpoint, with an “indicated type”, including the specification of the means intended to instantiate it. Each of these models entails advantages and difficulties, imposing important revisions of the common way of thinking⁷. But their greatest limitation probably lies, as Stephen Davies pointed out⁸, in the fact that they focus almost exclusively on one type of musical work: the “notated” work, intended to be presented through a real-time performance. Let’s look around, and take, for example, the music posted on a popular platform like YouTube: how much of it looks like a notated work? “A lot”, a Conservatory student would perhaps say. “Few”, would say instead a person with any musical culture “other” than classical (let us use this label in the broad and

⁴ Peter Kivy, *Introduction to a Philosophy of Music*, Oxford, Clarendon Press, 2002, pp. 202-223.

⁵ Julian Dodd, *Works of Music: An Essay in Ontology*, Oxford, Oxford University Press, 2007.

⁶ Jerrold Levinson, *Musical Concerns. Essays in Philosophy of Music*, Oxford, Oxford University Press, 2015, p. 46.

⁷ Suffice it to recall the famous paradox of the wrong note in Goodman’s perspective (see the fine observations on this topic formulated by Bernard Sève, *L’instrument de musique. Une étude philosophique*, Paris, Éditions de Seuil, 2015, pp. 298-310). But one can also think of the idea, formulated by Kivy, according to which musical works can never be destroyed, since they are similar to Platonic universals.

⁸ Stephen Davies, *Themes in the Philosophy of Music*, Oxford, Oxford University Press, 2003, p. 35.

generic sense of the common parlance). A jam session does not refer to a score; and the same is true of a record of rock, pop, or another genre taken from the vast galaxy of what is sometimes called in France “musiques actuelles” (to distinguish them from the “contemporary music”). But even a piece of rap, electronic music, house, techno, not to mention the new genres born with the Web 2.0, such as hauntology, chill wave or vapor wave, does not imply the performance of a score.

Indeed, all the genres we have just mentioned could not exist without a major technological change: the advent of phonographic recording. With the invention of the phonograph (T. A. Edison, 1887), and then the development of recording systems (up to the great recording device that is the Internet)⁹ we see a new phenomenon: music is not only playable (I’m thinking of the actual performance of one or more musicians) but it is technically reproducible. Mechanical reproducibility, the focus of a seminal essay by Walter Benjamin¹⁰, not only concerns the visual arts (especially photography and film) but also music (which was also present in that essay but to a marginal extent). From the 1980s to the present, several authors have tried to account for this important shift in explaining what a musical work consists of¹¹. Moving from the perspectives I have recalled (but also from others), I would like to propose a personal solution that, in trying to account for the complexity of today’s musical world, could offer some benefits.

2. Works and performances

I would start with a simple observation: a work (musical, but not only) is something that endures (or by principle should be able to endure) over time. This is true at least in the intentions of the one making it — and often in the expectations of the one receiving or enjoying it. In a sense, every work of art is a challenge to that *fugit irreparabile tempus* in which all human things are. To counter this assumption, one can observe that there are works that bring attention precisely to their ephemeral character: in the *commedia dell’arte*, for example, or in the art of mime and certainly in much music as well, the artist

⁹ On this topic, see Maurizio Ferraris, *Mobilisation totale*, translated into French by Michel Orcel, Paris, Presses Universitaires de France, 2016, p. 37.

¹⁰ Walter Benjamin, *The Work of Art in the Age of Its Technological Reproducibility and Other Writings on Media*, edited by Michael W. Jennings, Brigid Doherty & Thomas Y. Levin, translated by Edmund Jephcott, Rodney Livingstone, Howard Eiland & others, Cambridge, Mass. & London, Harvard University Press, 2008.

¹¹ See, among others, Evan Eisenberg, *The Recording Angel: The Experience of Music from Aristotle to Zappa*, New York, Penguin, 1988; Theodore Gracyk, *Rhythm and Noise: An Aesthetics of Rock*, Durham, Duke University Press, 1996; Andrew Kania, *Making Tracks: The Ontology of Rock Music*, “The Journal of Aesthetics and Art Criticism”, vol. 64, no. 4, 2006, pp. 401-414; Roger Pouivet, *Philosophie du rock. Une ontologie des artefacts et des enregistrements*, Paris, Presses Universitaires de France, 2010.

finds himself inventing something in the moment, without it being meant to be re-executed. Of course, this something is normally constituted starting *from previous traces* (some patterns, formulas, grids, or prior elements that define its movement) and, moreover, it can certainly also *leave some traces* (in the mind of those who were present at the performance, for example, or in a recording). These traces extend the life of that performance: if we do not want to say that they make it perennial, let us say that they make it more durable. But what lasts over time in this case? A short answer might be the following: a sort of document of this performance. Indeed, such a trace shows one of the main functions of music recording: that of documenting an artistic performative act. Such an act does not necessarily prescribe its iteration (an improvisation designed to be replayed would seem a contradiction in terms).

Now music can certainly exist in this way: that is, not as a product intended to last over time, but as the expression of a performing art. That is, of an art in which the main object of our attention (the center of the process of aesthetic particularization) is a result closely associated with the performative act (think about the art of miming). To identify in a music an improvisation (or, if you will, an “improvisation-work”) is to grasp its meaning as an art “in one phase”: an act in which product and process eventually collimate.

As we all know, however, there is also another way of making music: that of composing a piece intended to be performed. According to some scholars, this way of conceiving music should be regarded as less original and general¹². Perhaps they are right: we can assume that in the ancient times, as well as in some musical cultures around the world, there are no songs to sing or symphonies to play. To consider, however, that the performance of a musical piece is something modern, strictly linked to the idea of a practice that refers to the concert hall and to a composer considered as an individual author, seems to me equally excessive. Hymns, songs, melodies have existed since the dawn of time. Moreover, most musical cultures in the world, in the past as well as in the present, have a repertoire of pieces that are transmitted orally. They constitute what is called sometimes the “corpus” of musical orality¹³. It matters little that, in most cases, such pieces turn out to be anonymous (or that no one can claim artistic copyrights of them): they belong to a tradition, a genre, acultural or national or ethnographic identity rather than another and can be recognized in their individuality.

Now, in a broad sense, I think it is appropriate to call this kind of structures, designed to be recognized and taken over, “musical works.” What I am interested in, is emphasizing an elementary fact: if in a performance I recognize the presence of a Mozart minuet, of a Beatles song or of a folk

¹² See, for example, Christopher Small, *Musicking. The Meaning of Performing and Listening*, Hanover, University Press of New England, 1998, p. 8.

¹³ Cf. Mondher Ayariand Antonio Lai (ed.), *Les corpus de l'oralité*, Sampzon, Delatour, 2014.

melody, my attention focuses on these structures that last over time and that I can grasp in their unity. Here, precisely in this something that presents itself objectively (at least in a cognitive sense) and durably, lies the point. Music functions, in this case, as an art of the trace: something is created not to be entirely consumed in the present but to be stored and found again in a later experience. This something works as a “revenant”: it is designed to reappear as such, to “haunt” the future. One could say that in music nothing returns exactly as before; this is true, but this does not detract from the fact that, in the different versions of a piece, it will still be possible for us to recognize it in its traits—more or less numerous, but which will enable us to distinguish it from other pieces. In a way, we can say that they constitute, precisely, its identity.

I think it’s convenient to think of music as a temporal art situated in the “force field” between these two poles: an art of the performance and an art of the trace. Note: the expression “art of the trace” is not meant to exclude performance practice (although there are musical works that do not need any performative act to exist); rather, it implies recognizing performance as having a (categorically) well-defined meaning: not a performative act that is (aesthetically) worthwhile as such, but rather one that is worthwhile as an enactment of a prior trace.

To put it another way, works and improvisations both consist of traces, but the latter have different meaning and value. The fact, moreover, that they are based on traces indicates that their nature is not primarily that of a physical object, nor that of an abstract object (as some of the philosophers I mentioned at the beginning thought), but rather that of a “social object”. How is a such an object properly constituted? According to Maurizio Ferraris¹⁴, essentially by inscription (or registration). Put differently: a social object (as a credit card, a bus ticket, or a birth certificate) cannot exist without some registration. Returning to our case, one could ask: what makes possible the existence of returning sound structures that we call works or compositions? The answer is: the recording of a trace to which a normative value is attributed.

3. Orality, notation, phonography

This observation can be developed in this way: how many ways of recording the trace do we have in music? Three ways seem to me to stand out quite clearly: orality, notation, and phonography.

Orality	Mnemonic trace
Notation	Score
Phonography	Audio track (tape, disk, file, etc.)

¹⁴ Maurizio Ferraris, *Documentalità. Perché è necessario lasciar tracce*, Roma-Bari, Laterza, 2009, p. 183.

In the first, the trace consists of a mnemonic scheme on which there depends the constitution of a pattern that can be modified according to various situations: variations and arrangements characterize its way of working. We speak in this case of “oral works”: devices in which we can usually verify (important) divergences between the pattern and its presentation. When, on the other hand, the trace is fixed in a score, a more binding adaptation of the latter to the former becomes necessary. In the most ideal case, we are in the presence of what Goodman called a “notational system” (based on the principle of “disjuncture”). It should not be forgotten that, as Goodman clearly pointed out, a score usually contains numerous non-notational signs (as those of the vocabulary of tempo: “allegro,” “andante,” etc.) that give rise to multiple possibilities of execution. Instead, when a work has been built through a recording intended to be decoded and reproduced, we are in the case of the “phonographic work”. While it can be the object of a public presentation (an “implementation” that is perhaps best kept distinct from its mere reproduction), this kind of work does not lend itself to actual performance.

This typology (which develops, as has been observed by other scholars, such as François Delalande, who had spoken of a technological paradigm shift)¹⁵ can give us the impression of a progression based on historical development. This is not a wrong impression: it is true that over time we have gone from a situation when works functioned orally (think early Christian singing), to one in which notation fixed their characters (from medieval polyphony to contemporary music) to one in which, finally, they were conceived through recording media (from electronic music to rock and pop). But this linearity should not be misunderstood. Each way of working, in fact, is not exclusive: rather than replacing the previous one, it overlaps with it. In other words, works with oral functioning continue to exist even after the advent of notation and recording (think again of the heritage of musical orality, from dances to folk songs, the subject of adaptations, arrangements, transcriptions, hybridisations, etc.); but also of certain aspects of a notated work that may remain linked to an oral transmission (a *Mazurka* by Chopin demands a high amount of deviations from the written sign).

Here is a way to depict this progression (and this persistence):

Oral work		
	Notated work	
		Phonographic work

¹⁵ François Delalande, *Le paradigme électroacoustique*, in Jean-Jacques Nattiez (ed.), *Musiques: une encyclopédie pour le XXI^e siècle*, vol. 1: *Musiques du XX^e siècle*, Arles / Paris, Actes Sud / Cité de la musique, 2003, pp. 541-543.

4. Identifying musical works

Here we have a strategy to know how to identify a musical work in its constituent properties. It is a matter of paying attention to the way of fixing the trace that, in the context of its origin, enables its recovery and ensures its specific normativity. Of course, an oral song could come to us also by a recording or by a transcription; however, its identity remains that of a song that, in its ontologically “thin”¹⁶ nature, not only allows but usually requires different arrangements or variations. In its turn, a Beatles song can certainly be transcribed and covered: its identity remains that of a phonographic work, ontologically “thick” (if not even “saturated”)¹⁷.

An objection could easily be raised at this point. Musical reality, in most cases, does not so easily fit into one and the same category. It would take very little to see that, in the light of this typology, many works could be seen as keeping one foot in two shoes: think already of much “mixed music”, bringing together real-time performance with electronics – sometimes recorded, sometimes also real-time. Think of a jazz standard, founded in a sense on a score, and yet the subject of performances in which what matters is not to play the trace in its integrity, but to create something new just starting from this trace. Let us think of many musical practices that are founded on a sort of script, but in which what pre-exists are distinctive notated elements, but no actual complete work – as in Iranian *radif*. Faced with these other cases, one might ask: does it still make sense to talk about the identity of a musical work?

Despite everything, I think the answer is affirmative. But we must not misunderstand this answer: it is in no way a matter of forcing reality into a prior grid, nor of asking works to exhibit (so to say) their ID card. Instead, it is a matter of entering into the complexity of the real musical world, trying to understand the different ways in which, within it, a work is conceived. Border cases do not invalidate the relevance of one or the other category. These categories should be understood as a sort of “poles”, something toward which individual cases may tend, to a greater or lesser extent – certainly not a rule that would be applied *a priori*.

But for what reason should such an identification be made? The answer emerges easily when we face the question of the meaning and the value of what we listen to. Lydia Goehr has argued that the identity conditions of works are nothing more than bad translations of ideals existing only in relation to some musical practices¹⁸. I agree that the identity of a work should be conceived

¹⁶ We take up this way of talking about the ontological “thickness” of musical works from Davies, *Themes*, p. 39.

¹⁷ See R. Pouivet, *Philosophie du rock....*, *op. cit.*, p. 63.

¹⁸ Lydia Goehr, *The Imaginary Museum. An Essay in the Philosophy of Music*, Oxford, Oxford University Press, 1992, pp. 96-97.

considering the practice in which it was conceived; but this admission doesn't dissolve the question of the identity of the work, nor does it reduce it to a question of practices. The idea of a concordance between the score and its performance has certainly become an ideal thanks to the aesthetic beliefs that have accompanied a musical practice; but finding in a performance a previous sound morphology, some patterns, or profiles, useful for identifying a specific song, certainly refers to a more general principle. Imagine listening to an improvisation thinking that it is a pre-existing piece: would your judgment remain the same? An affirmative answer is unlikely: what we look for in an improvisation is generally very different from what we look for in a piece (starting with a different way of thinking about temporality, about the unfolding of musical events over time). To the performance of a pre-existing piece, it seems legitimate for us to demand some fidelity to the trace. This fidelity certainly has a different meaning if the work is oral or notated: but in the former case it is not completely absent. These circumstances show us that the (categorical) question of the type of work and its different ways of being is by no means secondary and that our ability to set up in the right sense a listening or (if we are musicians) a musical performance depends on it.

In a nutshell, the point is to understand the ways of working and the specific normativity of the trace that come into play in the case we are interested in, through an observation of the actual functioning of the works we are listening to.

It is only the outline of an answer; but perhaps it is enough to show the importance of relaunching the issue of the identity of musical works, trying to clarify the functioning and normativity of the trace, which constitutes them.

Bibliography

- Ayari, Mondher; Lai, Antonio (ed.) (2014). *Les corpus de l'oralité*, Sampzon, Delatour.
- Benjamin, Walter (2008). *The Work of Art in the Age of Its Technological Reproducibility and Other Writings on Media*, edited by Michael W. Jennings, Brigid Doherty & Thomas Y. Levin, translated by Edmund Jephcott, Rodney Livingstone, Howard Eiland & others, Cambridge, Mass. & London, Harvard University Press.
- Davies, Stephen (2003). *Themes in the Philosophy of Music*, Oxford, Oxford University Press.
- Delalande, François (2003). *Le paradigme électroacoustique*, in Jean-Jacques Nattiez (ed.), *Musiques: une encyclopédie pour le XXI^e siècle*, vol. 1: *Musiques du XX^e siècle*, Arles / Paris, Actes Sud / Cité de la musique.

- Dodd, Julian (2007). *Works of Music: An Essay in Ontology*, Oxford, Oxford University Press.
- Eisenberg, Evan (1988). *The Recording Angel: The Experience of Music from Aristotle to Zappa*, New York, Penguin.
- Ferraris, Maurizio (2009). *Documentalità. Perché è necessario lasciar tracce*, Roma-Bari, Laterza.
- Ferraris, Maurizio (2016). *Mobilisation totale*, translated into French by Michel Orcel, Paris, Presses Universitaires de France.
- Goehr, Lydia (1992). *The Imaginary Museum. An Essay in the Philosophy of Music*, Oxford, Oxford University Press.
- Goodman, Nelson (1976). *Languages of Art: An Approach to a Theory of Symbols*, Bobbs-Merrill, Indianapolis, 1968; Hackett, Indianapolis 1976.
- Gracyk Theodore (1996). *Rhythm and Noise: An Aesthetics of Rock*, Durham, Duke University Press.
- Ingarden, Roman (1966). *Utwór muzyczny i sprawa jego tożsamości*, Warszawa, Państwowe Wydawnictwo Naukowe; *The Work of Music and the Problem of Its Identity* (1986), translated from Polish by Adam Czerniawski, edited by Jean G. Harrell, Houndmills, Macmillan.
- Kania, Andrew (2006). *Making Tracks: The Ontology of Rock Music*, "The Journal of Aesthetics and Art Criticism", vol. 64, no. 4.
- Kivy, Peter (2002). *Introduction to a Philosophy of Music*, Oxford, Clarendon Press.
- Levinson, Jerrold (2015). *Musical Concerns. Essays in Philosophy of Music*, Oxford, Oxford University Press.
- Pouivet, Roger (2010). *Philosophie du rock. Une ontologie des artefacts et des enregistrements*, Paris, Presses Universitaires de France.
- Sève, Bernard (2015). *L'instrument de musique. Une étude philosophique*, Paris, Éditions du Seuil.
- Small, Christopher (1998). *Musicking. The Meaning of Performing and Listening*, Hanover, University Press of New England.