

RECORDINGS AS PERFORMANCES

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This article claims that there is no in principle aesthetic difference between a live performance and a recording of that performance, and as such, performance individuation ought to be revised to reflect this. We ought to regard performances as types able to be instantiated both by live performances and by recordings of those performances, or we ought to abandon performances *qua* aesthetic objects.

LIVE performance enjoys a particularly privileged position in the philosophy of music, playing an often prominent, sometimes pre-eminent, role in such issues as the instantiation of musical works, questions of authenticity, and, for some, the essence of performance itself. Recordings of live performances, however, are regarded as necessarily aesthetically inferior to the live performances recorded. Recordings are thought to be at best aesthetic third-cousins to whatever they record. On the contrary, I think them twins, able in principle to have all aesthetic properties in common, differing only in order of birth.

I claim that there is no *necessary* aesthetic difference between a live performance and a recording of that performance—a recording of a live performance can *in principle* be aesthetically equivalent to the live performance recorded. Aesthetic differences between live performances and recordings of those performances, I argue, supervene only on contingent structural differences. Furthermore, I show that arguments for the necessity of these differences rely on a mistaken notion of what recordings essentially are. Finally, the contingency of aesthetic differences between live performances and recordings suggests two metaphysically interesting but rather revisionary positions:

1. Performances should be treated as types rather than as singular events and both live performances and recordings can in principle fully instantiate the same performance type.
2. Performances are not proper aesthetic objects, interpretive types are, and both live performances and recordings can in principle fully instantiate the same interpretive type.

Although in the end I argue for performance types, both positions, unlike current aesthetic accounts and their descriptive bases, are fully commensurate with the in principle aesthetic equivalency of live performance and recordings.

First, a few caveats. The recordings under discussion here are *undoctored* recordings of live performances, not studio recordings or enhanced recordings of live performances. Since undoctored recordings of live performances make up only a small portion of the actual recordings attended to (some rare boot-legs), my paper may bear little practical fruit. My arguments do not entail that *all recordings* are aesthetically equivalent to what they record. Likewise, I do not attempt to capture recordings of improvisational works (jazz, music with figured bass, and so on) as such an attempt would do violence to the notion of improvisation. This paper targets only the position that recordings of live performances¹ *necessarily* differ aesthetically from the live performances recorded.

I first briefly discuss the views of Theodore Gracyk and Aron Edidin. While these positions are relevantly similar to my own, both authors seek only to inform current aesthetic practice rather than examine the deeper metaphysical assumptions current practice entails. I then sketch an account of the type of recording my arguments employ. Unlike Gracyk and Edidin, my position does not rely on actual-world recordings; instead, I focus on the notion of recording itself, *what recordings are essentially*. From there, I examine the arguments for the necessary aesthetic inequivalency of live performances and recordings of those performances. Recordings and performances supposedly both have necessary features the other necessarily lacks, and these features (or their absences) are always aesthetically relevant. These features, I show, are either contingent or, if necessary, are not likewise necessarily aesthetically relevant or salient. Finally, I argue that the absence of an in principle aesthetic difference demands that the notion of performance be revised (or at least demands revising performance individuation). I conclude that performances should not be treated as singular events but as types, able to be instanced both by live performances and recordings. I then offer an alternative account that rejects performances as primary aesthetic objects in favour of interpretation types, which both performances and recordings can instance. In the end, my suggested revisions preserve most of our intuitions and provide a means of performance individuation far better suited to aesthetic matters.

I. SOME RELEVANT VIEWS ON RECORDINGS AND PERFORMANCES

The relationship between recordings and live performances has been explored in numerous and varied ways. Theodore Gracyk and Aron Edidin advocate

¹ Lest anyone be tempted to argue that all live performances are improvisational, let me point out that this can be true only by emptying the notion of improvisation of any significance beyond 'having a choice to make'. Improvising is not equivalent to choosing. For a good discussion of improvisation and recordings, see Lee Brown, 'Phonography, Repetition and Spontaneity', *Philosophy and Literature*, vol. 24 (2000), pp. 111–125.

views roughly similar to my own inasmuch as they capture the spirit, if not the scope, of my position. A brief synopsis of these views should provide the proper framework for my own. Gracyk² argues that live performance compared to recording is not necessarily a superior form of access to musical works. Since Gracyk's position deals solely with actual recordings, he purposefully avoids ontological objections, claiming that they beg the question. Unlike my project, Gracyk concerns himself with questions of *access* to musical works rather than comparative aesthetic character. Furthermore, since Gracyk claims that recordings are reproductions of performances not performances themselves, his position still allows for an in principle aesthetic difference between live performances and recordings. This, of course, is the problem.

Aron Edidin³ accepts that performances are singular (ephemeral) events, but argues that singularity fails to ground a fundamental aesthetic difference between live performance and recording. *Pace* Edidin, I argue that performances should not be regarded as ephemeral precisely because no in principle aesthetic difference supervenes on performance's ephemerality.

Insofar as performances are aesthetically interesting, the ontology of performances and recordings, far from begging the question, becomes the only viable foundation for claims to aesthetic superiority. Granting Gracyk's view that live performances are not necessarily superior to recordings with regard to access to the musical work does not preclude an in principle aesthetic difference between live performances and recordings (for example, being a live performance is aesthetically relevant, recordings are not live performances, so live performances and recordings necessarily aesthetically differ). My view then must look elsewhere for support.

II. WHAT RECORDINGS ARE AND WHAT RECORDINGS ARE ESSENTIALLY

Standard accounts of the aesthetic character of recordings assume recordings fail to preserve constitutive perceptual features of live performances, and therefore the aesthetic experience of live performances and recordings differ and differ necessarily—the aesthetic experience of recordings necessarily is comparatively impoverished. For example, recordings necessarily fail to capture all of the relevant perceptual features of live performances (both visual and aural). Jerrold Levinson, Stephen Davies, and Peter Kivy⁴ all argue correctly that

² Theodore Gracyk, 'Listening to Music: Performances and Recordings', *Journal of Aesthetics and Art Criticism*, vol. 55 (1997), pp. 139–150.

³ Aron Edidin, 'Three Kinds of Recording and the Metaphysics of Music', *British Journal of Aesthetics*, vol. 39 (1999), pp. 24–39.

⁴ Stephen Davies, *Musical Works and Performances* (Oxford: Oxford U.P., 2001), ch. 4; Jerrold Levinson, *Music, Art, and Metaphysics* (Ithaca, NY: Cornell UP, 1991), ch. 16; Peter Kivy, *Introduction to a Philosophy of Music* (Oxford: Oxford U.P., 2002), pp. 218–219.

performances have important visual components.⁵ These visual components are necessary features of performance's aesthetic character, figure in the proper instancing of musical works, and are essential to the nature of performance itself. If recordings cannot capture these features, then so much the worse aesthetically for recordings.

III. PERFECT RECORDINGS AND POSSIBLE RECORDINGS

Actual recordings of live performances are most certainly aesthetically incomplete,⁶ but why think this incompleteness a necessary feature of recording *simpliciter*? Moreover, I think, even failure of fidelity is not a necessary feature of recordings. Imagine a 'perfect' recording. Perfect recordings capture all sonic and visual elements perfectly, that is, viewing this holodeck-like⁷ recording of a live performance is perceptually indistinguishable from that live performance, even capturing perspectival differences—my view changes when I move my head, switch seats, and so forth.⁸ The proper modal characterization of recordings (possible rather than actual recordings) shows that for any relevant perceptual property, visual or aural, of a live performance, there is a possible recording that would capture those properties.

An appropriately modal account of recordings demonstrates that features typically thought to ground aesthetic differences between recordings and live performance illicitly rely upon current technological limitations of actual recordings. *For any given live performance there is a possible recording of that performance perceptually indistinguishable from that live performance.* Of course, being perceptually indistinguishable does not entail aesthetic equivalence.⁹

⁵ Sonically the violinists could be in synch, but if their bow movements are not, the audience may regard the resultant sound as discordant. Should the pianist appear to be gentle with the keys whilst playing a turbulent piece, the audience may think the performance unduly muted.

⁶ Stephen Davies gives the most complete account of the differences between live performances and recordings (and broadcast performances) in ch. 4 of *Musical Works and Performances*. He also, I think, successfully rebuts many of Gracyk's claims.

⁷ A holodeck is a fictional, recreational device from the television programme, *Star Trek: The Next Generation* and subsequent *Trek* series. These holodecks, using only light beams and force fields, create situations perceptually indistinguishable from their real counterparts (or were the situations to be real, they would be perceptually indistinguishable from those in the holodeck). Many *Star Trek* episodes revolve around the crew being unable to distinguish between the real world and the holodeck world, the failure of the holodeck safety protocols, or holodeck characters becoming self-aware.

⁸ For the remainder of the paper recordings are perfect recordings unless otherwise specified. Also note that Davies discusses holodeck recordings, but his target is simulated performances rather than recordings of live performances (*Musical Works and Performances*, p. 301).

⁹ Arthur Danto, *The Transfiguration of the Commonplace* (Cambridge, MA: Harvard U.P., 1981), ch. 1.

Importantly, however, should there be a necessary difference between live performances and recordings grounding an aesthetic difference, this difference cannot be perceptual. Those searching for necessary differences must instead appeal to the nature of performance and recording.

IV. RECORDINGS AND REPEATABILITY

One common necessary distinction made between live performances and recordings is repeatability. Performances look to be singular events, datable, and when finished, unrecoverable. Recordings, however, are available for multiple listenings/viewings. Performances feature both sounds sequenced in real time and interpretive decisions made in real time; whereas recordings offer only pre-sequenced sounds and predetermined interpretive features. Awareness of this seems an intuitively significant aesthetic feature. There is a difference, as Aron Edidin states, between ‘the sense that a unique, unscripted event is taking place as I listen’ and ‘the sense of listening to a unique, unscripted event’ (p. 30). Here then might be an in principle aesthetic difference.

The difference, however, cannot rest on the necessary repeatability of recordings because *recordings are not necessarily repeatable*. An ingenious spymaster might design a recording to play continuously and also to destroy itself as it plays, allowing Mr Bond one-time access to its content. Such a recording would be as singular and uninterrupted as a live performance. Perhaps performances, unlike recordings, are necessarily non-repeatable, or as Howard Niblock¹⁰ claims, ‘Every live performance is necessarily new and different from any other we have heard before . . . no two of which could be identical in all details.’ On this view, multiple performances by the same orchestra of the same musical work necessarily differ, whereas, of course, multiple playings of a recording necessarily cannot differ.

What is really doing the work here? Are live performances necessarily unique? Are live performances necessarily (improvisation aside) unscripted? Mere uniqueness of live performances cannot be enough; this uniqueness must be aesthetically relevant and necessarily so.¹¹ If performances can be qualitatively identical, then the ground for an aesthetic difference (at least between performances) must shift to performance individuation.

¹⁰ Howard Niblock, ‘Musical Recordings and Performances: A Response to Gracyk’, *Journal of Aesthetics and Art Criticism*, vol. 57, no. 3 (1999), pp. 366–368, see p. 367.

¹¹ Again, Edidin has a similar position in that the ephemeral nature of performances ‘is of little fundamental aesthetic significance’ (‘Three Kinds of Recording’, p. 25).

V. THE AUTHORITARIAN CONDUCTOR AND HIS DISCIPLINED ORCHESTRA

Imagine that an orchestra settles all interpretive and sequencing matters in rehearsal. So practised and disciplined is this orchestra that each performance of a given musical work is identical, with respect to all relevant perceptual and interpretive features, to every other of the orchestra's performances of that work. Furthermore, so authoritarian is the conductor of this orchestra that any orchestra member deviating from the already determined interpretive and sequencing features is immediately fired. The orchestra members know this, want to keep their jobs, and so never intend to deviate from the predetermined features. This motivation coupled with the orchestra's unwavering discipline and immense talent ensures that no fully informed audience member can ever reasonably expect performances of the same musical work to differ qualitatively.¹² Given this, the experience of the Tuesday performance compared to the Wednesday performance is the same as the experience of the Tuesday performance compared to a recording of the Tuesday performance. When I attend the Wednesday performance, I fully expect it to be (sonically, visually, and interpretively) identical to the performance given on Tuesday. Similarly, when I attend to a recording of Tuesday's performance, I fully expect it to be identical to Tuesday's performance.¹³ If we fully expect qualitative identity, what then could be the in principle difference?

VI. CAUSAL INEFFICACY OF A RECORDING AUDIENCE

Live performances are often shaped by audience–performer interaction, but recordings render such interactions impossible. Furthermore this interaction contributes to the aesthetic character of the performance, so this necessary

¹² One could argue that current performative practice constrains what it is to be a performance, and since there are no performances such as the one I described, then my example is not an example of a performance. This will not do. Of course, many people may be uninterested in attending performances put on by the authoritarian conductor and his disciplined orchestra, but it would be absurd to think that this fact makes it the case should you decide to attend you necessarily would not be attending a performance.

¹³ One could argue though, unlike my expectations of recordings, my expectations are only *ceteris paribus* expectations. To be sure, something could go wrong on Wednesday—the pianist could fall off of his stool or a light could crash down onto the percussion section. Surely, though, the belief about what could happen would either not be occasioned or would be illegitimate ground for a necessary aesthetic difference. Furthermore, expectations of recordings should too be *ceteris paribus* in much the same irrelevant way they are in the Wednesday performance.

difference grounds a necessary aesthetic difference between live performances and recordings. Calls for an encore made by a recording audience go unheeded—either an encore took place or it didnot: no amount of applause can change that. Similarly, catcalls, heckles, and thrown tomatoes become frustratingly and necessarily ineffectual. Audience–performer interaction is a staple of live performance, always making an aesthetic difference. So no matter how ‘perfect’ the recording, the live performance in principle differs aesthetically.

My project neither entails nor suggests, explicitly or implicitly, that all recordings of live performances can in principle be aesthetically equivalent to the live performances recorded. I simply argue that nothing can ground a necessary aesthetic difference. To be sure, performer–audience interaction makes a crucial aesthetic difference for many live performances, but the interaction or possibility of interaction does not *always* make an aesthetic difference. Any particular means of interaction mattering aesthetically seems to matter only contingently. Imagine a future in which orchestras begin to tire of audience interaction—we being only so much musical rabble. The orchestra union might even demand that the orchestra and the audience be separated by some sort of force field, a field allowing the sounds and visuals from the stage to pass unhindered to the audience while blocking sounds and visuals (as well as catcalls, tomatoes, beer cans, roses) coming from the audience. Perhaps future audiences are far rowdier than audiences today, and as such, musical and performance convention comes to accept as standard (conventional) the employment of these one-way fields.

Here is the worry. If audience–performer interaction is a necessary feature of live performance, then the future described above would *ipso facto* fail to contain any live performances. This looks to be an absurd conclusion. The future so described would have plenty of live performances, just those in which boos and applause are rendered ineffective (just like recordings). Audience–performer interaction then cannot be a necessary difference between live performances and recordings and therefore ill-suited to support a necessary aesthetic difference.

How an audience may (if at all) affect the performance seems to change with musical/performance convention, and musical convention, at least with respect to particular means of interaction, appears contingent. If the particular means of interaction fails to support a necessary aesthetic difference, then perhaps the mere possibility (or the awareness of the possibility) of interaction may support such a difference. Audiences of the future, live performances know boos and tomato throwings to be ineffectual, but only *ceteris paribus* ineffectual—were the force field to collapse they could give that smarmy oboist his comeuppance. With regard to recordings, however, they

know boos and tomato throwings to be ineffectual *necessarily*—the smarmy oboist forever remains beyond reach. Perhaps herein lies an in principle aesthetic difference.

Properly informed audiences have different beliefs about their causal efficacy with regard to live performances and recordings. To do the required work, these beliefs must not only make an aesthetic difference but also *be beliefs that ought to make an aesthetic difference*. Audiences might believe (and convention might support the belief) that the ethnic background of the orchestra always makes an aesthetic difference—Wagner performed by Jews just is not the same. Obviously, while beliefs about the orchestra's ethnicity can shape the audience's aesthetic experience, they shouldn't. Grant that audience beliefs about the nature of their causal efficacy make an aesthetic difference. This entails neither that those beliefs necessarily make an aesthetic difference nor that they always ought to make an aesthetic difference.

In fact, interaction objections to recordings incorrectly assume that only the occasioning of beliefs about audience–performer interactions affects the aesthetic character of performances. On the contrary, *the aesthetic character of the performance typically occasions beliefs about audience–performer interactions*. Of course, audience members of a live performance may have certain beliefs about their causal efficacy, but clearly these beliefs are default dispositional rather than default occurrent. Actively shaping the aesthetic experience of the performance is work for occurrent, not dispositional, beliefs. Typically, however, the aesthetic character of the performance makes these beliefs occurrent.

Again, my project does not remotely suggest live performance is always aesthetically equivalent to a recording of that performance. This latest argument has shown only that audience–performer interaction is not a necessary condition for live performance, and therefore cannot ground a necessary aesthetic difference; neither can beliefs about the possibility of this interaction. Proper audiences of live performances are likely to have (even have necessarily) these beliefs dispositionally. Beliefs about causal efficacy, however, are not always occurrent beliefs; neither do they *always* make an aesthetic difference. The underlying (incorrect) assumption is that, when occurrent, such beliefs always ought to make a difference. Of course, interactive differences between live performances and recordings are aesthetically significant but aesthetically significant relative only to *actual live performances and actual recordings*. These differences clearly depend on contingent facts about performance convention, not necessary facts about bare causal efficacy. Regardless of how minor or subtle the difference, this difference is never an in principle aesthetic difference.

Finally, should the above fail to persuade, I offer later in the paper an example of a recording that clearly preserves audience–performer interaction as well as any interaction one might deem important. This later example forces anyone still convinced of the interactive necessity of live performance to abandon this necessity as ground for an in principle aesthetic difference between live performance and recordings.

VII. BEING A PERFORMANCE AND PERFORMANCE INDIVIDUATION

Recall the Tuesday and Wednesday performances put on by our disciplined orchestra and its authoritarian conductor. Grant for now that I fully expect Wednesday's performance to be sonically, visually, and interpretively identical to Tuesday's performance. Each time I attend to the recording of Tuesday's performance, I fully expect to hear Tuesday's performance. Even though I fully expect Wednesday's performance to be visually, sonically, and interpretively identical to Tuesday's performance, when I attend Wednesday's performance, I do not expect to hear Tuesday's performance. I fully expect to hear something different, namely Wednesday's performance.¹⁴ Tuesday's performance cannot be identical to Wednesday's in all respects because Wednesday's performance takes place on Wednesday not Tuesday. Wednesday's performance minimally is a different performance, and this always makes an aesthetic difference.

The above depends on the temporal indexing of performances being a necessarily meaningful means of individuation.¹⁵ Assume performance A and performance B are aurally, visually, and interpretively identical performances. Accordingly, performance A differs from performance B only with respect to time of occurrence: A on Tuesday, B on Wednesday. I fully accept that the time at which a performance occurs could affect its aesthetic character (for example, a performance of *Peter and the Wolf* on Prokofiev's birthday, the inaugural performance of *The Magic Flute*, and so on). My position fully supports this. *When a performance occurs can matter aesthetically only because when a performance occurs does not always matter aesthetically.* Time of occurrence otherwise becomes trivial. Likewise, the assumption that performances are

¹⁴ If this difference wasn't always aesthetically relevant, then it would render the claim (A) 'Wednesday's performance was the same as Tuesday's performance' trivial just like (B) 'The Tuesday listening of the recording was the same as the listening on Wednesday' is trivial. (A) is not trivial, and (B) clearly is. But this all depends on being convinced that multiple playings of recordings are necessarily qualitatively identical, and that looks to be false—*ceteris paribus* clauses go both ways.

¹⁵ Again, note Edidin's position. He claims that performances should be individuated this way but that no fundamental aesthetic significance supervenes on this.

necessarily indexed temporally trivially entails that no two performances can be identical in all respects.¹⁶ Why, then, should temporal indexing be a necessary feature of performance individuation? An intuitive answer is that performances are events and events are necessarily temporally indexed.

That performances obviously can be individuated as bare events does not entail that they ought to be individuated as such. Matters of individuation surely are relative to interests involved. Tellingly, philosophical aesthetics rarely appeals to bare-bones metaphysics for individuation advice. When or where a performance takes place may be an aesthetically relevant property (for example, patriotic works performed on the Fourth of July, those same works performed on a Gettysburg battlefield), but when or where a performance takes place never aesthetically matters *necessarily*. In fact, *prima facie*, the when and the where seem entirely aesthetically incidental.

Whether one attends the disciplined orchestra's Tuesday performance or the Wednesday performance should never be, let alone always be, aesthetically relevant. The absence of an in principle aesthetic difference between Tuesday's performance and Wednesday's performance suggests the absence of an in principle aesthetic difference between a recording of Tuesday's performance and the live performance on Wednesday. This then suggests the absence of an in principle aesthetic difference between Tuesday's performance and a recording of Tuesday's performance. In general, there appears to be nothing essential to recordings and performances that makes it impossible in principle for them to be aesthetically equivalent.

VIII. RECORDINGS ARE NOT THEMSELVES PERFORMANCES

Perhaps recordings of performances are merely reproductions of performances. Recordings may even provide full epistemic access such that viewers would occupy the same relevant epistemic position as viewers of live performances. A recording of a live performance of Beethoven's *Eroica*, however, is not itself a performance of *Eroica*, only a representation or reproduction of the performance. When I attend to Tuesday's performance I hear Tuesday's performance. When I attend to a recording of Tuesday's performance, I hear a reproduction of Tuesday's performance. While reproductions may be pragmatically worthwhile, they provide only indirect access to the work, and access differences (direct versus indirect) are always in principle aesthetic differences. Whether or not I attend to a

¹⁶ Other individuating conditions for performances include the performers, spatial location, interpretation, and so forth. For an excellent discussion about individuating conditions, see Davies, *Musical Works and Performances*, pp. 184–189.

performance or a reproduction of that performance always makes an aesthetic difference.

To combat the above, rather than defend certain ontological positions¹⁷ or argue for the transparency of reproductions,¹⁸ I need only show the following: the claim that recordings are mere reproductions of performances and therefore not performances themselves entails a radically counter-intuitive result. Given this result, the claim that recordings are not performances should be rejected.

IX. RECORDINGS AND THE CASE OF THE STRANGE AUDITORY AFFLICTION

Imagine a live musical performance and its audience. Now imagine that some members of that audience have been stricken by a strange, auditory condition. Those afflicted, as a result, can only hear sounds produced within their own ear canals; the afflicted are incapable of hearing the sounds produced by the orchestra, fellow audience members, or even themselves.¹⁹ Luckily, a state-of-the-art hearing device, designed specifically to counter the effects of this devastating condition, is available for the audience's use. This marvel of technology, when inserted into the ear canals, affords the wearer an auditory experience indistinguishable from the experience they would have were they not afflicted (perceptually indistinguishable from their pre-affliction hearing).

The hearing device works in the following way. Upon placement into the ear canals, the device first records all incoming sounds and then plays the

¹⁷ For example, one could argue that recordings of performances are exactly like copies of paintings (pictures, lithographs, and so on), but pictures of *Guernica* are not *Guernica*. I need not get into a potentially treacherous debate about whether reproductions of paintings are ontologically no different from the originals (although I do think they are no different). I merely need to show that the position of recordings *qua* reproductions accrues a counter-intuitive result. For a defence of pictorial transparency, see Kendall Walton 'Transparent Pictures: On the Nature of Photographic Realism', *Critical Inquiry*, vol. 11 (1984), pp. 246–276. For a critique of Walton, see Jonathan Cohen and Aaron Meskin, 'On the Epistemic Value of Photographs', *Journal of Aesthetics and Art Criticism*, vol. 62, no. 2 (2004), pp. 197–210. Cohen and Meskin argue that there are perspectival differences that are salient enough to defeat the transparentist position. This should not be a problem for my account, as the perfect recording takes into account perspective (the egocentric position.)

¹⁸ Davies thinks that the medium really is not transparent and the lack of transparency always makes an aesthetic difference (*Musical Works and Performances*, p. 302). Although Davies is usually quite clear, on this point I find it hard to tell whether he is speaking of recordings *simpliciter* or recordings given current technological limitations. Thanks to Casey O'Callaghan for allowing me to read his manuscript 'Hearing Recorded Sounds' (2005) as his assessment of intuition in auditory cases versus visual cases is illuminating.

¹⁹ Note that such a condition could also equally affect the eyes and other senses, but I want to focus on hearing so as not to muddle the thought experiment unduly.

recording. Even more remarkably, the device has an infinitesimally small, and therefore perceptually negligible, input/output time differential (recording and playback). Given this, the hearing device flawlessly preserves the wearer's normal (pre-afflicted) coordination of aural input with visual input (and any other sort). Were the device to be surreptitiously placed into a given person's ears, the subsequent experiential reports made by that person would be identical to those the person would otherwise make. Furthermore, if so inclined, one might choose, as a preventative measure, to insert the device prior to contracting the auditory condition (even though this entails failure to be aware of being afterwards afflicted).

X. CONSEQUENCES OF THE HEARING DEVICE

If recordings are mere reproductions of performances and not themselves performances, then those afflicted audience members wearing the hearing device—unlike those unafflicted audience members not wearing the device—*necessarily fail to hear the performance*. Furthermore, despite (and in virtue of) wearing the hearing device, those afflicted necessarily cannot hear any performance. What a miserable aesthetic existence these people are forced to lead, never able to hear performances, forever doomed to reproductions. Moreover, what a nasty trick to play on an unsuspecting audience member should I slip one of these devices in her ear, causing her to miss the performance, and only hear a reproduction of it. Clearly this is a *reductio*. Hearing devices are recording devices. The hearing device saves the day precisely because by wearing it, the afflicted audience members once again can hear the performance; no number of aestheticians could convince them otherwise. Those wearing the hearing device hear the performance and what they hear is a recording.

XI. HEARING DEVICES ARE NOT RECORDING DEVICES

Perhaps the hearing device ought to be regarded not as recording the live performance as much as broadcasting it. We should not treat broadcasts of live performances as recordings of live performances,²⁰ so the hearing device fails to do any philosophical work for recordings. This objection would be worrisome were the hearing device to be an example of mere delay (for example, award show broadcasts or intergalactic transmissions). *The hearing device, however, is clearly a recording device*. The hearing device records incoming sounds, then plays that recording into the ear canal. Incoming sounds are coded, becoming

²⁰ Davies, *Musical Works and Performances*, p. 301.

inert bits of information on a tape. The device then reads those inert bits, converts the information into sonic output played into the ear canal.

The catch is as follows: the input/output time differential is so infinitesimally small that there will never be any perceptual difference between hearing the recording and hearing the sounds recorded—this is precisely why the device *seems* for all practical purposes to broadcast the sounds rather than record then play them back. Sounds emanating from the hearing device, however, are recorded sounds not broadcast sounds. One might declare that the hearing device cannot be a recording device because recordings necessarily have a certain time frame between recording and playback (for example, the time difference between the sounds recorded and when they are played back must be at least one second). I suppose some delay is necessary between the recording of the sounds and the playback, but surely *this delay need not be necessarily perceptible*. Claims to the contrary just seem fundamentally *ad hoc* and absurd.

Finally, the hearing device case shows being a recording perfectly commensurate with the view that audience–performer interaction necessarily matters aesthetically. The hearing device in virtue of the imperceptible time difference between the recording and the playback fully preserves the causal efficacy of the audience while still technically being a recording. Those afflicted members wearing the device call for encores or throw tomatoes just as they would were they unaffected and not wearing the device. Audience members wearing the device applaud and boo right along with those unaffected audience members not wearing the device—no more and no less effective.²¹

XII. REVISING PERFORMANCE INDIVIDUATION

Regarding recordings as reproductions may be compelling in most cases (maybe even all cases of actual recordings), but this position really is only so much metaphysical posturing. The baseline metaphysical facts correctly entail two distinct sound events, one heard by the unaffected audience and another heard by the afflicted audience. The positions I have been arguing against clearly use the above to perform some illicit equivocation. These positions equivocate (A) ‘The unaffected audience hears a sound event that the afflicted audience does not’ with (B) ‘The unaffected audience hears the performance and the afflicted audience does not’. (A) and (B) can and should come apart—(A) looks true and (B) looks false.

²¹ The unaffected would also fail to hear the performance should they place the device in their ear, so it cannot be counterfactual dependence doing the work.

With regard to aesthetic concerns, performances obviously should not be individuated as bare events, and this suggests that recordings and the performances they record can in principle be aesthetically equivalent.²² Our intuitions can remain intact without wreaking metaphysical havoc.²³ Two distinct sound events do in fact occur, and the claim that both afflicted and unafflicted audience members hear the performance need not run contrary to that fact. What is then needed is a plausible alternative criterion of performance individuation able to capture this.

XIII. PERFORMANCES AS TYPES

There is no in principle aesthetic difference between a live performance and a recording of that performance. This suggests that recordings and live performances differ only with respect to the means of accessing/instancing the same performance. Given this, performances ought to be treated as types, in principle able to be instanced both by live performances and by recordings of those live performances. Two sonically, visually, and interpretively identical live performances occurring at different times can instance the same performance. A perfect recording of a live performance can instance the same performance type as instanced by the live performance recorded. Accordingly, the sole difference between a live performance and a recording of that performance is how the performance type is instanced.

Live performances instance the type in a physically immediate way while recordings instance the type (typically) in an electronically mediated way. Actual recordings can only support an inferior, incomplete electronic

²² The same holds for broadcasts. If there is a difference between our intuitions about broadcasts and recordings, it may hinge on the flow of information from performer to audience being uninterrupted in the broadcast case and interrupted in the recording case. Again, while this is true, I fail to see how this fact can ground an aesthetic difference, and this suggests that we should not appeal to flow continuity or time differentials for performance individuation.

²³ One might argue that outside of music, my position is counter-intuitive. Surely it matters, say for sporting events, whether I attend the match or merely watch a recording. As a football fan, I rightly prefer attending matches to watching recordings of those matches. This really is just a salience issue. Ignoring for now crowd interaction, my preference becomes salient only given a large temporal gap between when the actual events occur and when I see the event-images on my television. It does not matter to me if I am watching the match live (or a live broadcast) or a nanosecond delayed recording of that match as long as there is no relevant experiential difference between the two. As long as my experience of the match is perceptually indistinguishable from those experiencing the game live, I am happy. They are no more privileged than I am, so why would I care? Again, the perfect recording case combined with the hearing aid case should render any objections of this sort toothless. Thanks to Stephen Davies and Andrew MacGonigal for this objection.

mediation; this is why actual recordings fail to instance properly (or fully) the same performance type instanced by the live performance recorded. My view does not undermine current aesthetic practice; my view *underwrites* these practices and does so without also thereby entailing an incorrect necessity claim.

Recall our afflicted, device-wearing audience members. Individuating performances as bare events entails that they fail to hear the performance, consigned to hearing only reproductions. The afflicted audience members, according to my view, do in fact fail to hear something: *the afflicted audience fails to hear the live performance*. This failure is intuitive and unproblematic. Yet, the object of the afflicted audience's attention is still of the right sort, namely *the performance*. The afflicted audience fails to hear the live performance, that is, the afflicted audience fails to hear the performance *as instanced by the live performance*. They do, however, successfully hear the performance *as instanced by the recording*. The hearing device allows them to attend to a differently instanced token of the same performance type.

On my view live performance loses any *in principle* aesthetic relevancy but nevertheless retains a crucial metaphysical relevancy. Performances *qua* types can only come into existence once instanced by a live performance, so live performance becomes a necessary aetiological feature for any further mediated instancing.²⁴ Random marks on magnetic tapes that, when read, produce results perceptually indistinguishable from a live performance fail to instance the performance type. Live performances must be the aetiological foundation for mediated instances. Furthermore, the initial live performance instancing of a performance type fixes the constitutive features of the performance; all further instantings of the performance type must preserve those constitutive features.²⁵

Intuitively, actual recordings typically fail to instance the performance type precisely because actual recordings typically fail to preserve constitutive features of the performance as fixed by the live performance. Most, if not all, actual recordings are sonically and visually incomplete and therefore most likely also interpretively incomplete. Unsurprisingly, comparative aesthetic

²⁴ Just as recordings of utterances retain the content of the recorded utterance, so too would recordings of performances retain the interpretative/aesthetic content of the live performance. The content as well as all of the other relevant features depends on the original instancing.

²⁵ Perhaps a more intuitive way to capture this is to adopt an object/person approach to identity. This would, I think, address the problems of swamp recordings a bit more seamlessly. I have chosen the type–token method due to its prevalence in philosophy of music. Since the relationship between musical works and their instances are type–token relationships, I thought it only natural that performances of those works and their instances ought to have the same relationship.

impoverishment results from such incompleteness. My view suggests that actual recordings ought to be treated as they are commonly treated, that is, as sound events that often provide epistemic access to some but not all of the features of the performance.²⁶

XIV. INTERPRETATION TYPES

Stephen Davies has suggested an alternative that does less violence to the notion of performance.²⁷ Basically, Davies wants to retain the current method of performance individuation by shifting aesthetic focus away from performances *simpliciter*. Davies argues that if I am right about the in principle aesthetic equivalency, the proper object for our appreciation should not be the performance *qua* performance but rather performance *qua* instantiation of an interpretation type. The interpretation type, not the performance instancing it, is the proper object of aesthetic interest. The authoritarian conductor and his thoroughly disciplined orchestra token the same interpretation type night after night. Even though Wednesday's performance is not the same performance as Tuesday's performance, Wednesday's performance instances the same interpretation type instanced by Tuesday's performance. On Davies's view, audiences employing the hearing device fail to hear the performance, but this failure matters little since the device-wearing audience nevertheless attends to the proper aesthetic object, the interpretation type. Recordings of live performances can, just like live performances, fully instance an interpretation type. Davies's view, like my own, also entails that recordings can be in principle aesthetically equivalent to the performances they record.

I wholeheartedly embrace the spirit of Davies's view, but one worry prevents my full endorsement. In retaining the current method of performance individuation, interpretation types become the proper aesthetic object rather than performances themselves. Performances are aesthetically relevant only insofar as they instance interpretation types. Davies's position seems to reject performance as being *per se* aesthetically interesting because shifting the focus to interpretation types abandons performance *qua* proper aesthetic object. To be sure, *some* performances may in fact be more aesthetically interesting than

²⁶ This is consistent with various views on authenticity; it very well could be the case that certain works/performances can never be authentically instanced by recordings (baroque works requiring improvisation—that is, figured bass). The above seems plausible, is not a worry for my position, and most likely provides one more good reason to adopt my position.

²⁷ Stephen Davies offered this view to me in conversation and in correspondence. A similar view was suggested independently by P.D. Magnus, that is, we can retain typical performance individuation but claim that what it picks out (the token) is uninteresting aesthetically. What should be the object of our attention is performance × (the type/structure).

the interpretation types they instance,²⁸ but this does not entail that performances are *per se* aesthetically interesting.

Here might be a telling comparison. Recall the disciplined orchestra's live performances on Tuesday and Wednesday. My view entails that those attending both days attend different live performances but experience the same performance—both live performances instance the same performance type. Imagine that after I attend Tuesday's performance, a friend invites me to the Wednesday performance. I respond politely, 'No thank you. I have already seen that performance.' My friend then replies to my response as follows: 'You, sir, are a liar! Today is Tuesday!' Such replies should rightly be viewed as confused or at least awkward. Davies's view, however, entails that such replies are entirely right (although they miss the aesthetic point). Furthermore, the notion of performance itself seems to be an essentially aesthetic one, and its individuation ought to reflect this. Treating performances as types rather than singular events does just that. Finally, I suppose Davies's view is attractive to those wary of revising performance individuation while my view draws those reluctant to give up aesthetic primacy of performance as well as those suspicious of interpretation, typed or tokened.

XV. CONCLUSION

Given no in principle aesthetic difference between a live performance and a recording of it, there are two choices: (i) revise performance individuation (performances as types) to reflect accurately our aesthetic concerns, or (ii) retain the aesthetically indifferent means of current performance individuation by shifting aesthetic focus away from performances to interpretation types. Both are coherent and plausible, so I will not be greatly offended if someone opts for the latter rather than mine. I happen to prefer performances as proper aesthetic objects, and since interpretation types are not performances, my allegiance is obvious. Most important though, live performances and recordings of those performances can in principle be aesthetically equivalent. Regardless of how one chooses to capture this, the motivation for choosing remains the same.²⁹

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²⁸ Davies uses the example of Marilyn Monroe's performance of 'Happy Birthday' for John F. Kennedy. Her performance is far more aesthetically interesting than the particular interpretation-type instanced by that performance. While correct, the quibble I have with Davies's view is that performances themselves are not aesthetic objects; only in certain cases is the performance rather than the interpretation type it instances the aesthetic object. On my view, performances retain their status as proper aesthetic objects but at the cost of regarding them as types rather than singular events.

²⁹ I owe much to conversations with Stephen Davies, Peter Kivy, P. D. Magnus, and Peter Lamarque. That being said, any and all philosophical errors contained herein are my fault and were most likely pointed out by others, then ignored by me.