

CHAPTER 6

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JURISGENERATIVE GRAMMAR (FOR ALTO)

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In his celebrated essay "Nomos and Narrative," legal scholar Robert Cover describes it as "remarkable that in myth and history the origin of and justification for a court is rarely understood to be the need for law. Rather, it is understood to be the need to suppress law, to choose between two or more laws, to impose upon laws a hierarchy. It is the multiplicity of laws, the fecundity of the jurisgenerative principle, that creates the problem to which the court and the state are the solution."¹ Though Cover is ambivalent regarding the abolition of this solution, which he understands to be violent, of necessity, his advocacy of a certain resistance to the very apparatuses whose necessity he denaturalizes makes it possible for us to ask some questions that the state and the understanding find not only inappropriate but also inappropriable. What if the imagination is not lawless but lawful? What if it is, in fact, so full of laws that, moreover, are in such fugitive excess of themselves that the imagination, of necessity, is constantly, fugitively in excess of itself as well? Will law have then been manifest paralegally, criminally, fugitively, as a kind of ongoing antisystemic break or breaking; as sociality's disruptive avoidance of mere civility which takes form in and as a contemporaneity of different times and the inhabitation of multiple, possible worlds and personalities? In response to this anoriginal priority of the differential set, the courts and the state (as well as critics of every stripe) will have insisted upon the necessity of policing such collaboration. Meanwhile, relations between worlds will have been given in and as a principle of non-exclusion. The line of questioning that Cover requires and enables brings the jurisgenerative principle to bear on a burden that it must bear: the narrative that begins with the criminalization of that principle. In studying the criminalization of anoriginal criminality (which Western civilization and its critique requires us to understand as the epidermalization of the alternative, but which we'll come more rigorously and precisely to imagine as the animalization of the fantastic in chromatic saturation) one recognizes that the jurisgenerative principle is a runaway. Gone underground, it remains, nevertheless, our own anarchic ground.

Cover reveals the constituted indispensability of the legal system as an institutional analog of the understanding designed to curtail the lawless freedom with which laws are generated and subsequently argues for the duty to resist legal system, even if from within it, in its materialization in and as the state. In the concluding paragraph of his unfinished final article "The Bonds of Constitutional Interpretation: Of the Word, the Deed, and the Role," he argues that "in law to be an interpreter is to be a force, an actor who creates effects even through or in the face of violence. To stop short of suffering or imposing violence is to give law up to those who are willing to so act. The state is organized to overcome scruple and fear. Its officials *will* so act. All others are merely petitioners if they will not fight back."² But insofar as some of us cling to Samuel Beckett's notion that "the thing to avoid . . . is the spirit of system," we are left to wonder how else and where else the resistance of the jurisgenerative multitude is constituted.³ Moreover, we are required to consider an interarticulate relationship between flight and fight that American jurisprudence can hardly fathom. That man was not meant to run away is, for Oliver Wendell Holmes, sufficient argument for a combat whose true outcome will have become, finally, eugenic rather than abolitionist. To assert a duty to resist, enacted in and by way of the vast range of principled fugitivity as opposed to the absence of a duty to retreat, is a reading against the grain of Holmes's interpretive insistence on honor, on a certain manhood severely husbanding generativity, a patrimonial heritage manifest as good breeding and as legal violence against bad breeding, given in the prolific but inferior productivity of the unintelligent, whether black or (merely optically) white.⁴ Reading Cover, always against the backdrop of a certain multiply-lined, multi-matrixal music, requires re-generalizing fighting back, recalibrating it as inaugurative, improvisational, radical interpretation—a fundamental and anticipatory disruption of the standard whose cut origin and extended destination are way outside. This implies a kind of open access to interpretation that in turn implies the failure of state-sanctioned institutions of interpretation insofar as they could never survive such openness. One must still consider interpretation's relation to force, as Cover understands it, but also by way of a massive discourse of force in which, on the one hand, the state monolith is pitted against the so much more than single speaker and, on the other hand, in which the state, as a kind of degraded representation of commonness, is submitted to an illegitimate and disruptive univocality.

Meanwhile, criminality, militancy, improvisatory literacy, and flight collaborate in jurisgenerative assertion, ordinary transportation, corrosive, caressive (non)violence directed toward the force of state interpretation and its institutional and philosophical scaffolding. It's a refusal in interpretation of interpretation's reparative and representational imperatives, the mystical and metaphysical foundations of its logics of accountability and abstract equivalence, by the ones who are refused the right to interpret at the militarized junction of politics and taste, where things enter into an objecthood already compromised by the drama of subjection. In the end, state interpretation—or whatever we would call the exclusionary protocols of whatever interpretive community—tries to usurp the general, generative role of study, which is an open admissions kind of thing. What does it mean to refuse an exclusive and exclusionary ontic capacity or to move

outside the systemic oscillation between the refusal and the imposition of such capacity? This question is the necessary preface to a theory of paraontic resistance that is essential matter for the theory of language and the theory of human nature.

Consider the difference and relation between knowing and making a language: what happens when the intersubjective validity of the moral or linguistic law within is displaced by the very generativity that law is said to constitute? Noam Chomsky has tried many times, in many different venues and contexts, to offer condensed but proper understandings of an intellectual project called "generative grammar" whose "central topic of concern is what John Huarte, in the 16th century, regarded as the essential property of human intelligence: the capacity of the human mind to 'engender within itself, by its own power, the principles on which knowledge rests.'"⁵ Such a power must be what composer and historian George E. Lewis would describe as "stronger than itself," some thing, some totality, some singularity that *is* only insofar as it is in excess of itself and is, therefore, already cut and augmented by an irreducible exteriority to which it is constrained to refer *and to exhaust*, as the condition of its own seemingly impossible possibility.⁶ Similarly, that which this power is said to generate exists only insofar as it, too, is open to and infused by the outside. However, Chomsky is circumspect in his delineation of this *internal* capacity to engender the internal. The outside, which we'll call historicity, but which must also be understood as form's degenerative and regenerative force, is, for Chomsky, not inadmissible. However, the inside, which we'll call essence, is rich in its discretion and therefore able to generate that for which external stimulus, in its poverty, is unaccountable. Exteriority, which we might also talk about under the rubric of alterity, is immaterial to the Chomskyan configuration of the problem of essence. For Chomsky, Wilhelm von Humboldt's reference to "the infinite use of language" is

quite a different matter from the unbounded scope of the finite means that characterizes language, where a finite set of elements yields a potentially infinite array of discrete expressions: discrete, because there are six-word sentences and seven-word sentences, but no 6.2 word sentences; infinite because there is no longest sentence ([insofar as one can] append "I think that" to the start of any sentence).⁷

I'm interested in the difference between a wholly internally driven understanding of "discrete" infinity and that necessary and irreducible openness to the outside which will have been productive of an immeasurable range of linguistic indiscretion because to be interested in art is to be concerned with the constant and irruptive aspiration, beyond the possible and the impossible, of the 6.2-word sentence. At stake, on the other side of the question of discretion (which is to say that for whatever singular grammar there is the non-sentence, the non-phrase, whose very elements and order can be made, by way of a certain capacity to engender, into a sentence) is the capacity for a certain refusal of sanctioned grammatical capacity, for rupture and augmentation that inheres in the word and the sentence as the continually circulated gift/power of the outside we take in and by which we are taken, in the ongoing history of our necessary dis/possession. The most interesting potential area of inquiry emerging from Huarte's insight into a seemingly

self-generating power is our capacity to generate what shows up as the ungrammatical. How do we know and (re)produce the extra-grammatical, the extra-legal? How do we know (how to) escape when escape is the general name we give to the impulse by which we break law? Ultimately, I'd like to understand this question concerning what might be called grammar's general economy, its essential supplementarity, more precisely as that which concerns our general, criminal, illegitimately criminalized capacity to make law.

In the previous paragraph I offer a synthesized echo of a critical attitude toward Chomsky that is driven by the belief that historiography is, and should be, theoretical practice in linguistics and whose work might be characterized as a methodological extension of Fanon's sociogenic principle against the grain of a certain Kantian trace in Chomsky's onto-phylogenetic project.⁸ At stake is not simply an historical account of the discipline, which a textbook would be obliged to provide, but also a recognition of the priority of the diachronic over the synchronic, the sociohistorical over the structural(ist), in any account of language. But even an account such as this is problematic for those critics, since the genuinely sociohistorical account would, in the end, not really be of language at all. They would argue that a genuinely sociohistorical linguistics is one in which the question of the nature of language is displaced by pragmatic concerns regarding what it is to be a speaker of language, a mode of existence that is irreducibly sociohistorical in a way that the Chomskyan model of language as a fixed system is not. The key theoretical precursor in such a model would be Darwin, not Descartes. And what Julie Tetel Andresen calls "languaging," the linguistic action that displaces whatever imaginary thing language is or has been thought to be, would be understood as a function of and subject to evolution. The question of whether or not a structure has a history, of how social history operates in and on, but without eradicating, structure (let's call this the post-structuralist question), is set aside, as is its interesting corollary, the question of whether there can be a structure without a center. To ask such questions will have already been to veer into the underground that is called the humanities, when these post-Chomskyan linguists would insist that linguistics must be not only open but also subject to the "latest findings from the social and natural sciences" while, at the same time remaining insistently oblivious to the latest findings of the humanities and the arts.⁹ Of course, the idea that a structure has a history, is subject to the transformative force of history, is, in the arts and humanities, not one of their latest findings but is, in fact, old news. And while this is of little moment to those who are interested, finally, in the liquidation, rather than the historicization, of structure (or, at least, in the indefinite suspension of the necessarily and irremediably structuralist question concerning the nature of language), it requires something that composer and instrumentalist Anthony Braxton might call a "restructuralist" approach to and rapprochement with the ongoing Chomskyan revolution. By way of this engagement, the question "What is a language?" is not eclipsed but illumined by the question of what happens when we hear a sequence of sounds.

Without adhering to the anti-*material* restrictions that derive from the Chomskyan model's demand that the utterance be both "disembedded and disembodied," in Andresen's terms, there is a certain black study of language (music) that is itself derived

from the inaugurative event of Afro-diasporic experience understood precisely as an interplay of disembodiedness and disembeddedness, from which the materialities of stolen life, its self-contextualizing, corpulent multiplicity, continually emerge. It's not that syntax just hovers out there, but that there is a serialization of the syntactic moment, at once obliterative and generative, that is materialized by bodies, in context; there is an (ongoing) event out of which language emerges that language sometimes tries to capture. If it is the case that even Chomsky's massive and massively generative attempt remains incomplete, this is due to a certain refusal to think the relation between structure and event that is endemic to a certain scientificity (and which Chomsky himself seems to have identified insofar as he has repeatedly asserted that it may well be that literature will have had the most to say about the question of the origin of language). Still, it is as if one remains in search of a contribution to the theory of human nature that cannot or doesn't want to deal with the trace of the event in the thing of human nature. At stake, in other words, is the history of essence understood, precisely, as the animation of the thing, the materiality of its endowment with seemingly impossible capacities such as a range of deconstructive, ruptural *poesis*: making laws or making (the laws of) language or making (the laws of language) music.

Consider the relation between (extra)musical or (extra)legal behavior, on the one hand, and the internal cognitive systems that make (extra)musicality or (extra)legality possible. This would entail taking interest in the generation of musico-juridical possibility and in the materiality of grammars that Cheryl Wall might characterize as "worrying the line" between inside and outside or between depth as bio-cognitive interior endowment or competence (which must at least be understood in relation both to universality and inalienability) and surface as the open set of performances in which the musico-juridical is instantiated improvisationally in relation to exteriority's anoriginal and irreducible differences, differentiation and alienation.¹⁰ What's at stake is the universality of grammatical generativity that is given in the instantiation of the universal capacity to break grammar. Can the principles upon which knowledge of language rests (or knowledge of music moves) be improvised? Can principles, in their very composure, be improvised? Can there be commerce—beyond mere one-way transport, transformation or loosening—between principle and anarchy? Can you perform your way into a singular and unprecedented competence, into an instant and unrepeatable composition? Addressing these questions requires some consideration of the soloist as a speaker, as one who languages, who acts linguistically even in and out of a brutally imposed languishing, but who is also an instrument, through which others, or through which, deeper still, alterity, speaks; at the asymptotic confluence of these senses, the speaker is a bridge machine, a resonant connectivity, an articulate spacing, the transverse, untraversable distance by which we arrive at multiplicity. However, arrival, here, is a misnomer. Instead, we might speak, in echo of some Althusser-Brathwaite duet in our heads, of an ongoing, aleatory arrivance, that endless, vibratory after-effect of departure, of being-sent or being-thrown (over or overboard), of which speech, or more generally and more generatively, sounding, always speaks.

Braxton imagines, composes, improvises multiplicity—in a thirty-year initiative he calls language music—by way of a new mode of structural planning that will eventually be manifest not only as sound but also as a kind of technical drawing that is that sound's and that sonic space's prefigurative condition. Braxton calls the initial maneuver of his practice "conceptual grafting," which maintains, through minute analysis and dissection, the differential/differentiated singularity—the cellular modularity—of musical elements. "I began," Braxton says, "to break down phrase construction variables with regard to material properties, functional properties, language properties; to use this as a basis to create improvised music and then rechannel that into the compositional process."¹¹ New compositional movement, the overturning of musical ground, emerges from the still, shedded posture of self-analytic listening, the hermetic, audio-visual attunement to the shape and color of sound and its internal relations.

We are required now to consider not only the relationship between the (open) cell and refuge but also the (grafted) cell's generativity. What is it to refuse, while seeking refuge in, the cell? This requires some immersion in the history of the crawlspace, which is also a sound booth, and a (temporarily preoccupied) corner, and a broken window. Such immersion is conducted publicly, in hiding, out in broken territory where one has been preventatively detained. (T)here, Braxton re-initializes the relation between the internal generativity of the outside and the enunciation of an already striated intention not to be a single being; he is the unit that is more than itself, greater than itself, stronger than itself, precisely insofar as he attends to the internal (and more than simply) phonic difference of phonic material. The soloist is a black study group, a monastery's modular calculus, whose innateness is a plain of abridged presences. Like an autoethnographic soundcatcher, driven and enabled by eccentric, hesitant, sociopoetic social logic—a radical empiricism that avoids the spirit of empirical system—Braxton collates and collects what is beyond category and reveals how solo performance comes to be the field in which multiplicity is studied and performed. Beyond the retrograde possibilities of artificial individuality there was always *Spaltung*, the split personality, the personal split, the *retrait* of the unalone to the woodshed, the wilderness, the desert, the fjord, the north, in asylum, on Monk's or Magic Mountain, where solitude is haunted, crowded. The soloist is unalone; the soloist is not (all) one. She is and instantiates a power of $n + 1$, because the one is not the one, this bridge, and therefore requires some *off* renewal of the question of the meaning of being, which will have again been achieved by way of an existential analytic of the instrument(alist) who is not but nothing other than man, that public thing.

Idle talk, curiosity and ambiguity characterize the way in which, in an everyday manner, Heidegger's Dasein is its "there"—the disclosedness of Being-in-the-world. As definite existential characteristics, these are not present-at-hand in Dasein, but help to make up its Being. In these, and in the way they are interconnected in their Being, there is revealed a basic kind of Being which belongs to everydayness; we call this the "falling" of Dasein.

This term does not express any negative evaluation, but is used to signify that Dasein is proximally and for the most part *alongside* the "world" of its concern.

This "absorption in . . ." has mostly the character of Being-lost in the publicness of the "they." Dasein has, in the first instance, fallen away [*abgefallen*] from itself as an authentic potentiality for Being its self, and has fallen into the "world." "Falleness" into the world means an absorption in Being-with-one-another, in so far as the latter is guided by idle talk, curiosity and ambiguity. Through the Interpretation of falling, what we have called the "inauthenticity" of Dasein may now be defined more precisely. On no account however do the terms "inauthentic" and "non-authentic" signify "really not," as if in this mode of Being, Dasein were altogether to lose its Being. "Inauthenticity" does not mean anything like Being-no-longer-in-the-world, but amounts rather to quite a distinctive kind of Being-in-the-world—the kind which is completely fascinated by the "world" and by the Dasein-with of Others in the "they." Not-Being-its-self [*Das Nicht-es-selbst-sein*] functions as a positive possibility of that entity which, in its essential concern, is absorbed in a world. This kind of not-Being has to be conceived as that kind of Being which is closest to Dasein and in which Dasein maintains itself for the most part.

So neither must we take the fallenness of Dasein as a "fall" from a purer and higher "primal status." Not only do we lack any experience of this ontically, but ontologically we lack any possibilities or clues for Interpreting it.

In falling, Dasein *itself* as factual Being-in-the-world, is something *from* which it has already fallen away. And it has not fallen into some entity which it comes upon for the first time in the course of its Being, or even one which it has not come upon at all; it has fallen into the *world*, which itself belongs to its Being. Falling is a definite existential characteristic of *Dasein* itself. It makes no assertion about Dasein as something present-at-hand, or about present-at-hand relations to entities from which Dasein "is descended." Or with which Dasein has subsequently wound up in some sort of *commercium*.¹²

There's this other thing that happens when you dance so hard your hand flies across the room, or when you brush up against somebody and find that your leg is gone, that makes you also wonder about the relation between fallenness and thrownness. Improvisation is (in) that relation. But for Heidegger—and a certain tradition he both finds and founds, and which resounds in breaking away from him—improvisation bears and enacts an irremedial inauthenticity that is given in being given to what might be best understood, though it is often misunderstood, as base sociality where what is at stake, more than anything, is precisely this: to be fascinated by the world and by being with one another and to move in this fascination's undercommon concern with or engagement in idle talk, curiosity, and ambiguity, *but by way of a certain thickness of accent*, a counterscholastic accompaniment, that troubles the standard speech that is misunderstood to have been studied. A function of being-thrown into the history we are making, this sound must also be understood as having prefaced the fall from ourselves into the world we make and are that is often taken for that sound's origin. What's also at stake, then, is a certain valorization or "negative evaluation": not, as Heidegger says, of fallenness as "a definite existential characteristic of Dasein itself," but rather of "present-at-hand relations to [and, impossibly, between] entities. . . ."

Now I cut it off here because I'm not making *that* kind of argument about Dasein's parentage, its line of descent or even the specific direction of its fall. This is not some claim to what will have been relegated to a kind of primitivity (either as a kind of degraded prematurity or as opposed to some originary and higher purity [recognizing that these are two sides of the same coin, so to speak]). The issue, rather, is another exemplary possibility for misinterpretation that Heidegger offers: that Dasein, not itself being "something present-at-hand," has subsequently "wound up in some sort of *commercium*" with entities to which it has some kind of "present-at-hand relation. . . ." What is this *commercium*? Who are these entities, these things? What is their relation to world? What is the nature of their publicness, their "being-lost in the publicness of the 'they' "? What is their relation to fallenness and thrownness? What is their, and their descendant's, relation to thinking and to being thought?

Perhaps "some sort of *commercium*" is like that which comprises what, according to Richard Pryor, the police have been known to call, in their very denial of its present materiality, "some kind of community sing." It's a singing prince kind of thing, a Heidelberg beer hall kind of thing, which is also a black thing cutting the understanding in the aftermath of serious lecture. The *Commercium* is something like the *Symposium*, replete or dangerously more than complete or rendering the academy incomplete with lyrical w(h)ine. It is a fall from, or luxuriant parody of, the *Sacrum Commercium*, St. Francis's exchange with Lady Poverty, his undercommon enrichment, the fantastic effect of study and prayer in small, public solitude. And insofar as *commercium* is a term of business/law since the Romans, this valence is not entirely foreign to the motivation behind Heidegger's off-hand devaluation of the present-at-hand. Yet again we are speaking of the sociality that attends being-subject-to-exchange, which befalls even those who are parties to exchange, thereby troubling a distinction so crucial to a current proliferation of anti-ontological descriptions of blackness. Heidegger's negative evaluation bears the materiality that undergirds an etymological descent he chooses not to trace. But it becomes clear that the problematic of fallenness into the world, which is an irreducible part of Dasein's being, is or can be given to a devolutionary intensification, an undercommon fall from fallenness, when *Dasein* gets "wound up" with "some sort of *commercium*." This fall, from the world to the (under)world, which is the subject of Heidegger's offhand dismissal, is, again, an object (and source) of constant study.

I am concerned with fallenness into the world of things. Theodor Adorno speaks of this, tellingly, with regard to jazz:

The improvisational immediacy which constitutes its partial success counts strictly among those attempts to break out of the fetishized commodity world which want to escape that world without ever changing it, thus moving ever deeper into its snare. . . . With jazz a disenfranchised subjectivity plunges from the commodity world into the commodity world; the system does not allow for a way out.¹³

Improvisational immediacy, an effect Heidegger links to thrownness, becomes for Adorno a substitute for a certain mode of uprising that would at least reverse the fall

from fallenness that itself substitutes escape from the world for changing the world, thereby displacing fight (or honorable and manly resistance) with ignoble flight. And this ignobility is necessarily maternal, which is to say that it is so deeply bound up with sustenance, maintenance, and a kind of otherworldly, underworldly care, that flight often turns out to be interinanimate with remaining in the path(ont)ological zone, as if the one who flees militantly remains for f(l)ight again. What emerges, as and by way of planning and study, is a certain problematic where what it is to fly, already wound up in tarrying, is now bound up with digging (which Baraka has already thought in its irreducible relation to the music that comes from it and reproduces it) so that the way out turns out, in fact, to be the way back into that continual reconstruction of the underground that is carried out—in jazz, let's say—not by disenfranchised subjectivity but by the ones who refuse subjectivity's general disenfranchisement, the ones whose deep inhabitation of the snare instantiates the fall, from “the commodity world into the commodity world” as continually revalued *commercium*, continually revaluing community sing. Moreover, this social life in my head is the way back into the underground of metaphysics. The soloist not quite learning to read what she has written, the soloist unable to sight-read what he has composed but who is willing to fall into difference, into sociality and so to ascend into the open secret of the cenobitic club, the public monastery, where the anoriginal criminality of judgment, of legislation, is renewed. The gathering is tight aeration and subatomic access, the soft rupture of every custom in its enactment, the sharp cut of every law at the moment of its making.

And solo performance is a kind of bloom! Autostriation in the open underground is where St. Anthony's head becomes a rose. If you keep humming it, if you keep trying to hear that arrangement, if you practice all the time, you won't even have to count it off, you just set it off and thereby undertake and undergo harmonic mitosis—he splits, her cell splits, he splits himself in her cell. The trace of having been sold initializes this auto-conjugative auto-disruption, this self-divisive self-reproduction, as multiple seriality, expansive conservation. Folded into the *commercium* like a one-time would-be sovereign whose song and dance is, finally, irrevocable abdication of that regulative desire in the name of love, revolutionary suicide in the name of self-defense, the soloist is drenched, saturated in color like a slide, a chromatic transparency, through which other things show up as neither subject nor party to exchange, however much they are indebted to it, which is to say indebted to one another, for their very lives. Already there was this juke monasticism. The joint was a library and a chapel, jumpin'. In considering music's relation to the jurisgenerative principle, one comes to think of a certain outlaw asceticism, the extravagant austerity of a certain criminal aestheticism, that is carried out in the vast history of various sojourns in the woodshed, of fallenness in a late night eremitic bridge become practice room or, after an abortive attempt at the self-generation of the inside, simply and falsely conceived as the simultaneously artificial and unpremeditated expression of a single being, in St. Anthony Braxton's fleeing temptation in Chicago, where cell and city keep on becoming one another in a range of ways, by joining the Experimental Band's disruptive, expansive, sensual intellection, its

performed improvisation through common deformations of membership, where they celebrate what it is to be indebted to the outside for an inside song.

Consider how Braxton's long, cryptographic fascination with various modes of the switchable track, his practice and study of hiding information in plain sight, as a kind of riding of the blinds, instantiates, in *For Alto*, the methodological assertion of flight in and from a given order. “The ‘diversion from’ is what we put our attention on” in order to consider the relationship between fugitive inhabitation and generativity.¹⁴ The performed and performative study is the intersection, the switching point, between *nomos* and *logos*—between self-*destruktive*, sociopoetic law and dispersively gathered, graphophonic word—but negatively. This is not *graphie paranomon*, a suspension of already given legislation that is instantiated by a solo irruption; nor is it speech uttered by a citizen in the legitimate (which is to say privatized) realm of public appearance, in which membership or an already given matriculation is assumed, that disrupts and suspends the ongoing legislative order. Rather, Braxton performs (by way of the difference he takes in and brings), the gnomic, paranomic writing of the non-citizen who refuses the citizenship that has been refused him. His musicked speech is, as it were, encrypted. It comes from deep outside, the open, the surround, which resists being enclosed, or buried, as much as it does being excluded. In the solo performance of his essential, experimental dismembership, Braxton shows us how one becomes indebted to the outside for an inside song.

This is part of what Braxton writes about in his notes on Composition No. 8F, which is dedicated to pianist Cecil Taylor, though its own particular auto-explosive reach for the outside is directed even more by and toward John Coltrane's heights and depths.

The second aspect of Composition 8F's material breakdown involves the use of long musical passages built from 32nd—and 64th-note figures. Material constructions from this sensibility permeate the total canvas of the music and are used in many different ways (i.e., sound register and focus etc.). The instrumentalist in this context is asked to maintain a super-charged use of musical formings throughout the total presentation of the music. Given musical formings will then appear that utilize the entire spectrum of the instrument, and the construction nature of the work also calls for the use of isolated material and focus directives (as a basis to establish timbral focus and structural balance). The use of this operative can be viewed in the context of John Coltrane's “sheets of sound” language period because all of the language directives in Composition No. 8F are designed to provide a platform for continuous multiple phrase formations (invention). There is no slowing of the pulse continuum in this work, nor is there any decreasing of its sound note input rate. What we have instead is a recipe for a dynamic unfolding music that calls for the rapid employment of material initiatives—throughout the whole of the improvisation (from beginning to end).¹⁵

Without losing hearing of overabundant multiphonics' split singularity, the animation of Braxton's sound, it remains important to consider the tidal adventure that marks the ups and downs of his invention. In doing so, remember that the slave ship is a language

lab. The projects are a conservatory. The prison is a law school. Refusal to acknowledge this is not a romanticist bulwark against romanticism but an empiricist suppression of the empirical. While the material conditions always matter, because the sound will always change, in the end it doesn't matter if it's closed or open air: the fecundity of the jurisgenerative principle, and generative grammar's auto-constitutive auto-transgressions, is irrepressible.

With this in mind, let's stage an encounter between Anthony Braxton and Edouard Glissant, both of whom have already been in that kind of contact that deep aesthetic theorists have with the general problematic of problematized generality that Trane once called "a love supreme." Spookily, mutually, inspirited, they are already in action at a distance in a brutal world, as a duo whose braided incommensurability sounds forth as mutually non-exclusive enunciations of poetic intention, manifest in the ecstatic asceticism, the remote coenobitic life they share as impossible movement in local space, electric slide as terse, monastic glide, tortuous flight from one pitch to another, accelerated ascent and descent of the scale, of the very apparatuses of measure. The undercommon gliss is rough, tossed, rolled by water, flung by waves and it might end up sounding, so to speak, like a choir at study in Faulkner, Mississippi, the night before s/he hopped a freight for Chitown. There's a kind of obscurity, even an always angular kind of madness, in Braxton's *glissement*, his glissando that allows us to recall Chomsky's assertion that "Huarte postulates a third kind of wit" beyond both a certain cognitive docility in which the mind is devoid of everything but sense data filtered through an internally imposed empirical system and the internally powered engendering of "the principles on which knowledge rests." This other ingenuity, "by means of which some, without art or study, speak such subtle and surprising things, yet true, that were never before seen, heard, or writ, no, nor ever so much as thought of" is understood by Chomsky to be Huarte's reference to "true creativity, an exercise of the creative imagination in ways that go beyond normal intelligence and may, he felt, involve "a mixture of madness."¹⁶ Madness, here in conjunction with mixture, is one of the names that have been given to the more than internally driven power of the one who, insofar as he is more than mere interiority, is more than one. To have turned or taken the inside out is not only to have embraced, as it were, the dual enablement of both the poverty of stimulus and the poverty of internal volition. This potential is Braxton's constant, circular aspiration, bespeaking, against Huarte's grain, the supernatural movement of both art and study. The language he generates is touched by an externally propelled submergence and surfacing that he bears as a kind of public property, as chorographic philosophy's gift of opacity, the blurred, serrated edge of thinking on the move, an exhaustive, imaginary mapping of an underworld and its baroque and broken planes. This ongoing, ruptural moment in the history of the philosophy of relation, "in which," as Glissant says, "we try to see how humanities transform themselves," is more and less than the same old story.¹⁷ Its torqued seriality—bent, twisted, propelled off line—is occult, impossible articulation. The line is broken; the passage is overtaken, become detour; it is, again as Glissant says, unknown; it carries gentle, unavoidably violent overturning, a contrapuntal swerve of the underside; it performs a rhizomatic voluntariness, roots escaping from themselves without schedule into

the outer depths. This involuntary consent of the volunteer is our descent, our inheritance, should we choose to accept it, claim it, assent to it: forced by ourselves, against force, to a paraontological attendance upon being-sent, we are given to discover how being-sent turns glide, *glissando*, into fractured and incomplete releasement of and from the scale, into the immeasurable. Braxton's music, its sharp-edged celebration, has a dying fall and rise. It descends and ascends us. It sends us and we are befallen by the fate of the one, which is to become many. Fallen into sociality, thrown into the history we make in having been thrown into it, we are given, in being given to this music, to flight away from a given syntax, from the linguistic law within, into a mode of autonomous auto-regulation that will, itself, have been escaped.

The rough glide of Braxton's musical movement, the burred terrain of Glissant's words, sends us to find out more of what it means to have been sent to give yourself away. We are driven to resist this movement, where consent is now inseparable from a monstrous imposition, but we are also drawn, at the same time, against ourselves, to the rail, to the abyss, by the iterative, broken singularity it hides and holds, by the murmur of buried, impossible social life—that excluded middle passage into multiplicity, where pained, breathlessly overblown harmonic striation (*Sacrum Commercium*, sacred fragment; contra-musical moment; catastrophe's counterstrophic movement), from way underneath some unfathomable and impossible to overcome violation, animates ecstasies driven down and out into the world as if risen into another: impossible assent, *consentement impossible*, *glissement impossible*, impossible Glissant, unimaginable axe, unheard of Braxton.

We study how to claim this sound that claims us, and that Glissant and Braxton amplify, in work that beautifully discovers, in the depths of our common impasse, our common flight and our common habitation. They allow and require us to be interested in the unlikely emergence of the unlikely figure of the black soloist, whose irruptive speech occurs not only against the grain of a radical interdiction of individuality that is manifest both as an assumption of its impossibility as well as in a range of governmental dispositions designed to prevent the impossible, but also within the context of a refusal of what has been interdicted (admission to the zone of abstract equivalent citizenship and subjectivity, whose instantiations so far have been nothing but a set of pseudo-individuated after-effects of conquest and conquest denial, a power trip to some fucked-up place in the burnt-out sun), a kind of free or freed "personality" that will have turned out to be impossible even for the ones who are convinced they have achieved it, even as they oversee its constant oscillation between incompleteness and repair, distress and fashion. That refusal is a kind of dissent that marks our descent, that moves in the terribly beautiful absence of patrimonial birthright or heritage and in the general, generative, maternally rotund and black Falstaffic recognition that necessarily masculinist honor is just a bunch of hot air. Such refusal, such dissent, takes the form of a common affirmation, an open consensus given in the improbable, more than im/possible, consent, in Glissant's words, "not to be a single being."¹⁸ By what paradoxical means does the black soloist continue to give that consent, a re-gifting that not only instantiates but also redoubles just about all of the doubleness we come to associate with giving and the gift

and the given? Here, the given is unfinished, as elastic composition, not (traditionally or sententiously) well-formed.

Fear of the black soloist is a transcendental clue that tips us off to her importance. She is subject to beating and attack—whether by the state or its sanctioned, extra-governmental deputies—because her walking out alone is understood to be a threat to the order of things, a placement of that order under attack. But more often even than beating, the preferred institutional response to the (una)lone transgressor is her enforced isolation, since solitary confinement is misunderstood to be a method for silencing what it only serves to amplify. This invasive irruption of fugued, fugitive singularity into the administered world both figures and performs an immanent rather than transcendent alterity, the undercommon sociality of another world in and under and surrounding this one, disruptive of its regulatory protocols, diversive of its executive grammar. My primary interest is in that range of explosive, melismatic voicing. I'm after a certain doo-wopped, post-bopped, aquadoolooped, da da da da dated (un)broken circle of study—the general form of the development group, in some kind of community sing, a Child Development Group of Mississippi, say, where putatively motherless, always already endangered children move, not without moving but within movement, in specific, a *capella* instantiation of strain, of resistance to constraint, as instruments of deinstrumentalization, in the propelling and constraining force of the refrain, in that land of California, where Chicago is a city in Mississippi, Mississippi a refuge, a (fugue) state of mind, in Chicago. Such voicing always moves, always in the wilderness, under regulatory duress, and its own theory has it that that kind of trouble “really keeps us workin’ our mind.”¹⁹ To set it off like that, to go off like that, to anarrange like that, is a kind of head start, but you have to have some sense of the value of playing, of being played with, of being played, of being-instrument, of being-endangered, of mere being, of having fallen, of doing the thing, of doing your thing, under water, underground, out in the open secret, in public, exposed in the interest of safety—which is a kind of flower for refugees—and autonomy, when flown-away hands start clapping. All we have to do is find somebody that would love to sing. You want to sing? Well, somebody start singing . . .

Generativity, our ongoing common growth in difference, is also escape in contemplative performance, reanimating the itinerant communal form of the city before as a study hall inside a dance hall. Black study is a mode of life whose initiatory figures are given as anarchic principles that are form-generating. Not just the proliferation of form, to which generativity would then submit itself, but proliferative, generative form. This is what Braxton is trying to produce, at the intersection of study, competence, composition, and performance (improvisation). There is a kind of anti-instrumental rationality that lends itself to a being-instrument. It moves by way of the instrument's disruptive extension. Again, this is instantiated, we might say, in the figure of the speaker, the bridge machine, through and across whom praises (voices, forces) flow. She consents not to be a single being. “Common alterity,” he prays, “make me your instrument.” It's the speaker's capacity to generate generative form, this fearsomeness of what the black soloist is and does, the one who, being so much more and less than one, so emphatically not but nothing

other than human, discomposes for submerged choir (city), a song in flight that is sung while sunken. She moves in place, off the track he's on, for the love of the set it opens. There's an alto wind at your back, even if all you're trying to do is get out of the way of what you want to ride, so you can keep on generating these monkish dormitory chants, the archaeology of our potential, past, in the funereal birthplace, the venereal graveyard, which is a slave ship, a project, and a prison; a sound booth, a corner, and a broken window; a law school, a conservatory, and a language lab.

NOTES

1. Robert M. Cover, “Foreword: *Nomos* and Narrative,” *Harvard Law Review* 97, no. 1 (1983): 40.
2. Cover, “The Bonds of Constitutional Interpretation: Of the Word, the Deed, and the Role,” *Georgia Law Review* 20 (1986): 833.
3. Samuel Beckett, *The Unnamable*, in *Molloy, Malone Dies, The Unnamable: Three Novels by Samuel Beckett* (New York: Grove Press, 1965, first published in French in 1958), 292.
4. For more on Holmes's response to jurisgenerative fecundity, see Richard Maxwell Brown, *No Duty to Retreat: Violence and Values in American History and Society* (Norman: University of Oklahoma Press, 1994), 3–37; and Louis Menand, *The Metaphysical Club: A Story of Ideas in America* (New York: Farrar, Strauss and Giroux, 2001), 3–69.
5. Noam Chomsky, *Language and Mind*, 3rd ed. (Cambridge: Cambridge University Press, 2006), viii.
6. See George E. Lewis, *A Power Stronger Than Itself: The AACM and American Experimental Music* (Chicago: University of Chicago Press, 2008).
7. Chomsky, “What We Know: On the Universals of Language and Rights,” *Boston Review* 30, nos. 3–4 (Summer 2005): 23–27.
8. I have been the grateful recipient of extended tutelage on the matter of historicist critique of Chomsky from my colleague Julie Tetel Andresen.
9. Julie Tetel Andresen, “Historiography's Contribution to Theoretical Linguistics,” in *Chomskyan (R)evolutions*, ed. Douglas Kibbee (Amsterdam: John Benjamins, 2010), 443–69.
10. Cheryl A. Wall, *Worrying the Line: Black Women Writers, Lineage, and Literary Tradition* (Chapel Hill: University of North Carolina Press, 2005).
11. Graham Lock, *Forces in Motion: The Music and Thoughts of Anthony Braxton* (New York: Da Capo, 1988), 167.
12. Martin Heidegger, *Being and Time*, trans. John Macquarrie and Edward Robinson (New York: Harper, 1962), 219–20.
13. Theodor W. Adorno, “On Jazz,” translated by Jamie Owen Daniel and Richard Leppert, in *Essays on Music*, edited by Richard Leppert, with translations by Susan H. Gillespie, Jamie Owen Daniel, and Richard Leppert (Berkeley: University of California Press, 2002), 492.
14. Anthony Braxton, Liner notes for *Donna Lee*, America 05 067 863-2, compact disc, 2005. First published in 1972.
15. Braxton, *Composition Notes: Book A* (Lebanon, NH: Frog Peak Music / Synthesis Music, 1988), 139–40.
16. Chomsky, *Language and Mind*, 9.

17. Manthia Diawara, "One World in Relation: Édouard Glissant in Conversation with Manthia Diawara," trans. Christopher Winks, *Nka: Journal of Contemporary African Art* 2011(28): 15.
18. Diawara, "One World in Relation," 5.
19. See Polly Greenberg, *The Devil Has Slippery Shoes* (London: Macmillan, 1969). Hear *Head Start: With the Child Development Group of Mississippi*, Smithsonian Folkways Recordings FW02690, 2004. First published by Folkways Records in 1967.

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CHAPTER 7

IS IMPROVISATION PRESENT?

MICHAEL GALLOPE

In October 2002, Jacques Derrida experienced something very extraordinary: he attended two screenings of a film entirely devoted to his life and his philosophy. This produced some atypical situations for him. In the weeks leading up to the premiere, a wave of American press attention crested, describing the film as "adoring and adorable" (*New York Times*), "wise and witty" (*New York Post*), "complex, and highly ambitious" (*New York Daily News*), "the cinematic equivalent of a mind-expanding drug" (*Los Angeles Times*), and, perhaps most idiosyncratically, a portrait of "the Mick Jagger of cultural philosophy" (*Boston Globe*). The film's buzz ran far beyond the circuits of the philosopher's academic readers, so much so that Derrida found himself denying a slew of interview requests from curious journalists and film critics.

So far as I can tell, just one man managed to work around the refusals. Joel Stein, a staff writer for *Time* magazine, slipped through the back door of New York City's *Film Forum* on the night of the screenings and cornered Derrida with a series of unphilosophical questions: Do you like this banana bread we're eating? (He loved it.) What are your favorite movies? (*The Godfather*, apparently.) And something like: What is the deal with your flowing white hair? (It is something he was understandably anxious about losing.)¹ While Derrida was forthcoming in these answers, all this real-time interaction about nonacademic topics seems to have annoyed the distinguished French philosopher, who claimed to find a certain journalistic expectation to drop everything and sound off on whatever topic particularly irritating. At least, this is what Stein reported: to the philosopher's chagrin, these days "everyone wants [Derrida] to say something brilliant on love or war or death."

Certainly it is not always easy to sound responsive, clear, focused, genuine, and concise in real-time speech acts. But I wonder if there is a serious philosophical question at issue here. For Derrida, we might recall, the anxiety about effective communication in real-time performance reflected the philosopher's famous suspicion toward the experience of hearing oneself speak, which, in his view, often harbored a metaphysical aura of "self-presence." Over banana bread, and likely with a range of deferrals, ramblings, and transferences in mind, Derrida told Stein bluntly: "It's frustrating. Especially when you have to improvise."