JAZZ AND MORAL EPISTEMOLOGY: A VERY BELATED RESPONSE TO SHARON WELCH

By Bradley K. Broadhead, PhD

It is no secret that political divisions in the Western world are widening. Each side demonizes the other while portraying itself as morally upright, or at least superior to the other. Issues such as minority rights, illegal immigration, abortion, and euthanasia are often discussed in moral terms. Yet activists and protesters rarely offer cogent arguments that go beyond an assertion of rights.[1] It is possible that, in many cases, these groups are not so much grounded in a particular ethical theory, as in a feeling of moral rectitude arising from group solidarity. Yet insofar as group solidarity is the de facto grounds for defending or opposing certain minority rights, illegal immigration, abortion, and euthanasia it is problematic; if both sides are grounded in group solidarity, there is no way to adjudicate between them, no common moral assumptions on which to build. This being the case, there is no way for one side to persuade the other without resorting to coercive or even violent means.

In the Western world, this was not always the case. The once dominant position is encapsulated in a passage from J.R.R. Tolkien's *The Lord of the Rings*. The character Eomer, when confronted with realities that call his worldview into question, muses, "The world is all grown strange... How shall a man judge what to do in such times?" "As he ever has judged," replies Aragorn. "Good and ill have not changed since yesteryear; nor are they one thing among Elves and Dwarves and another among Men. It is a man's part to discern them, as much in the Golden Wood as in his own house."[2] Tolkien, true to his Christian heritage, holds to a stable and universal morality. Right and wrong are not determined by time and place, but are transcendent. The Apostle Paul says as much when he writes to the Romans, "When gentiles, who do not possess the law, by nature do what the law requires, these, though not having the law, are a law to themselves. They show that what the law requires is written on their hearts, as their own conscience also bears witness" (Rom 2:14-15a NRSVUE). A transcendent law entails that, "there are some kinds of action that are intrinsically wrong."[3] For example, one might say that "it is morally wrong, always, everywhere, for everyone, to burn babies in gasoline as a spectator

[1] See Alasdair MacIntyre's discussion and critique of "emotivism," in *After Virtue: A Study in Moral Theory, 3rd ed* (Notre Dame, IN: University of Notre Dame Press, 2007), *passim*.
[2] J.R.R. Tolkien, *The Lord of the Rings* (London: HarperCollins, 1991), 458-59.
[3] Anthony Kenny, *A New History of Western Philosophy* (Oxford: Oxford University Press, 2010), 925.

sport."[4] Such a view of morality was once widely accepted, but has long been abandoned by philosophers reluctant to posit a divine law-giver.[5]

As Elizabeth Anscombe points out, this change occurred during the modern era with the construction of ethical systems on different grounds.[6] Philosophers such as Jeremy Bentham and John Stuart Mill, for instance, proposed utilitarian systems of ethics in which the morality of actions is judged by their consequences rather than according to a transcendent law. Utilitarianism, greatly simplified, justifies a given action on the basis of whether it results in the greatest pleasure for the greatest number of people. Thus, Christian notions of a transcendent law can be set aside. Whether a system of morality is, strictly speaking, utilitarian or not, the idea of judging actions by their consequences rather than according to transcendent law will hereafter, following Anscombe's definition, be termed "consequentialism."[7] To summarize, in ethics, there is a broad division between judging actions on the basis of a transcendent law (sometimes the view that such a law exists is termed "absolutism") and consequentialism.

Can either absolutism or consequentialism break the impasse between those who rely on group solidarity for their moral convictions? Is some sort of compromise between these two options possible? In short, is there a way to construct a moral epistemology that would enable those with conflicting views to at least enter into dialogue? The importance of such questions can hardly be denied in the present political climate of the West. Such a matter is no less important for Christians seeking to apply biblical principles to personal and political questions.

In search of answers to such questions, this article engages with Sharon Welch's 1999 book, *Sweet Dreams in America: Making Ethics and Spirituality Work*. Some might question the value of engaging with an obscure book over a quarter of a century old. Yet Welch, a feminist activist and academic, provides an instructive way to think through the problems posed by group solidarity and by absolutist and consequentialist approaches to moral epistemology. First, this article examines and critiques Welch's insights into moral epistemology and her criticism of the efficacy of Christian morality. This entails engaging with her reading of Deitric Bonhoeffer and extending the conversation to include Anscombe and Immanuel Kant. Second, it takes her attempts to provide a foundationless approach to moral epistemology via a creative analogy between morality and jazz, and critiques, re-imagines, and extends this analogy. Finally, it takes the insights gleaned from this analogy and applies them to the concerns raised above. Contrary to the expressed

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[4] Timothy McGrew, "Convergence Model," in *Four Views on Christianity and Philosophy*, ed. Paul M. Gould and Richard Brian Davis (Grand Rapids: Zondervan, 2016), 134.
[5] Kenny, *Western Philosophy*, 925.
[6] G.E.M. Anscombe, "Modern Moral Philosophy," in *The Journal of the Royal Institute of Philosophy* (vol. 33, no. 124, January, 1958):9.
[7] Ibid., 12.

views of certain theologians, it will be shown that Christians may indeed have much to learn from their critics and opponents.[8]

Welch's Critique of "Religious Experience"

When Welch refers to "religious experience" in *Sweet Dreams*, she is not referring to the mystical experiences of individuals, but rather to emotions connected to a sense of belonging that naturally arises from joining and contributing to a given group.[9] Her critique of this phenomenon bracingly reveals its Achilles heel:

> Religious experience, while most certainly real and compelling, is fundamentally amoral. Belonging to a religious group, feeling connected to other people and to the sacred, can as easily fuel campaigns of genocide and coercion as movements of compassion and social transformation.[10]

Historical examples that support this assertion are not lacking.

But is "religious experience" or "group solidarity" limited to groups of a fundamentally religious nature? Is it possible that such phenomena could also be experienced by those subscribing to an atheistic ideology? Soviet Russia and Communist China provide two such examples. Mao's Red Guards are particularly illustrative: in the wake of the Cultural Revolution, they were fanatical in their devotion to the teachings of Mao. They did not hesitate to use force against anyone who could be labelled as an enemy of the revolution. Undoubtedly the sense of belonging that Welch refers to fueled their sense of being in the right and, in their minds, justified their brutal and extreme acts of oppression.[11] "Religious experience" is a misnomer unless one determines that varieties of Maoism and Stalinism, in spite of being explicitly atheistic, are also religious.

Not only does a reliance on group solidarity make it impossible to adjudicate between opposing viewpoints, but also it makes it possible for different groups to be weaponized against one another, allowing participants to participate in chaos and destruction while feeling morally justified. A moral epistemology grounded in

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[8] Wayne Grudem, for example, writes, "I think someone needs to say that it is doubtful that liberal theologians have given us any significant insights into the doctrinal teaching of Scripture that are not already to be found in evangelical writers." In *Systematic Theology: An Introduction to Biblical Doctrine* (Grand Rapids: Zondervan, 2000), 17.

[9] See William P Alston, *Perceiving God: The Epistemology of Religious Experience* (Ithaca: Cornell University Press, 1991) for his argument that certain beliefs about God are warranted on the basis of mystical experience.

[10] Sharon Welch, *Sweet Dreams in America: Making Ethics and Spirituality Work* (New York: Routledge, 1999), 127.

[11] See Guobin Yang, *The Red Guard Generation and Political Activism in China* (New York: Columbia University Press, 2016).

absolutism might appear particularly vulnerable to feelings of solidarity, allowing certain groups to commit atrocities with impunity while feeling themselves to be morally upright. And yet one cannot speak of actions as atrocities in the first place without making a moral judgment.

The Apparent Failures of Christian Moral Epistemology

Given the failure of group solidarity to provide a ground for moral epistemology, one is left looking for an alternative. "What is the foundation of moral action, of individuals and groups acting with courage, insight, and vision to end some form of systemic injustice?" asks Welch. Then she answers, "There is none."[12] Welch rejects any form of absolutism, including the notions of natural law or natural rights.[13] She goes on to defend this assertion by arguing that attempts to impose rules, principles, and authority have all failed to prevent, among other things abuse, rape, murder, and genocide. If systems of morality cannot prevent terrible things from happening, what good are they? It appears that Welch is leaning in a consequentialist direction, judging systems and actions by their results rather than any transcendent standard. Returning to Anscombe, what she writes of modern English moralists appears to apply to Welch, namely, "'the right action' is the action which produces the best possible consequences."[14] One might respond to Welch on her own terms by asking whether the failure of such measures in certain cases renders them entirely impotent or whether they are at least partially effective in curbing the worst of human behaviour much of the time.

Welch focuses her critique on Christianity by holding up the Holocaust as "the test of Christianity's claim about being good for people."[15] How could a culture with such deep roots in Christianity do such terrible things to the Jews? Many German Christians failed to act when first the Jews were mistreated, and then were killed. Why? As Welch points out, it was not a matter of a lack of precedent in defying authority: in the book of Acts, the Apostles boldly proclaim, "We must obey God rather than any human authority" (Acts 5:29). Similarly, the *Imago Dei*, the idea that all humans bear the image of God, should have pushed German Christians to stand up for the Jews. Yet they did not. From a consequentialist standpoint, the positions staked out by Christianity were ineffective in achieving the well-being of the Jewish people.

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[12] Welch, *Sweet Dreams*, 132.
[13] She writes, "Social structures that acknowledge the rights of diverse groups of people are not the natural expressions of human essence, but a construct." In *Sweet Dreams*, 93.
[14] Anscombe, "Modern Moral Philosophy," 9.
[15] Welch, *Sweet Dreams*, 119.

Again, one might question the legitimacy of Welch's test. Is the Holocaust really a good case study for determining whether Christianity is "good for people"? After all, as historian Tom Holland shows in *Dominion*, the Nazis actively sought the destruction of Christianity because they perceived it as a threat to their aims.[16] If Christianity presented an obstacle to Nazi ends, surely it was, to some extent, a force for good. On the one hand, it remains true that the beliefs and values inculcated into German Christians failed to express themselves in a united and effective way against Nazism. What Welch does not point out is that an appeal to transcendent values grounded the judgment of Nazism at Nuremberg. Drawing at least in part on biblical precedent, Justice Jackson writes, "We propose to punish acts which have been regarded as criminal since the time of Cain and have been so written in every civilized code."[17] Cold comfort though this may be to the survivors of the holocaust, it provides an instructive contrast with the continuing denial of the Armenian genocide in Turkey.[18] That aside, what can be learned from the failure of German Christianity during the Holocaust and does it point to a failure in Christian moral epistemology?

Welch and Bonhoeffer on Christian Failure to Act

In Welch's reading of Deitrich Bonhoeffer's work, *Ethics*, German Christians failed to act according to their principles for two key reasons: fear of the power of the Nazi state and moral scruples. Yet Bonhoeffer does not charge German pastors, at least, with cowardice.[19] Rather, Bonhoeffer sees in cultural Protestantism a failure to recognize that the call of Christ "leads them also into earthly obligations" but "is never synonymous with these."[20] He writes,

> In the German Church Struggle there have been many cases of pastors refusing to assume the public responsibility of speaking out on the affliction of their colleagues and those suffering persecution of all kinds, precisely because their own congregations had not yet been affected. They did so not out of

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[16] Tom Holland, *Dominion: How the Christian Revolution Remade the World* (New York: Basic Books, 2019), 475-476.

[17] Robert H. Jackson, "Opening Statement before the International Military Tribunal, Nuremberg, Germany, November 21, 1945." The Avalon Project. Accessed January 30, 2025, https://avalon.law.yale.edu/imt/imt_jack01.asp.

[18] See Gordon Heath, "'Thor and Allah ... in a hideous, unholy confederacy': The Armenian Genocide in the Canadian Protestant Press," in *The Globalization of Christianity: Implications for Christian Ministry and Theology* ed. Gordon L. Heath and Steven M. Studebaker (Eugene, OR: Pickwick, 2014), 109, for a brief overview of sources documenting this genocide and his comments on its denial.

[19] Dietrich Bonhoeffer, *Ethics*, ed. Clifford J. Green, trans. Reinhard Krauss, Charles C. West, and Douglas W. Stott (Minneapolis: Fortress, 2005), 296.

[20] Ibid., 291.

> cowardice or unwillingness to act, but solely because they considered this an illegitimate transgression of their assigned vocation to protect their own congregation in its concrete travails and trials.[21]

While Welch is undoubtedly right in a broader sense with respect to human cowardice, Bonhoeffer sees Christian leaders justifying their own inaction on the grounds of prioritizing their own domain.

To Welch's point regarding scruples, Bonhoeffer argues that those who "place their innocence [Unschuld] above their responsibility for other human beings . . . are blind to the fact that precisely in so doing they become even more egregiously guilty."[22] For Bonhoeffer, it is not enough that someone appeals to a transcendent law to justify their actions; the consequences must also be taken into account.[23] Later on in the same chapter, Bonhoeffer illustrates this by critiquing Kant's insistence on telling the truth even in the case of betraying a friend's location to a would-be murderer.[24] Kant's system of ethics is decidedly absolutist rather than consequentialist. While certain passages seem to indicate that Bonhoeffer was a consequentialist, a fuller reading of his work indicates he had a more nuanced approach.

Rather than being bound by absolutism, Bonhoeffer argues that Christians should act in freedom with respect to the law. This is no innovation on Bonhoeffer's part: the Apostle Paul writes to the Corinthians, "Not that we are competent of ourselves to claim anything as coming from us; our competence is from God, who has made us competent to be ministers of a new covenant, not of letter but of spirit; for the letter kills, but the Spirit gives life" (2 Cor 3:5-6). As far back as the Exodus, God rewarded the Hebrew midwives for their life-saving deception (Exod 1:15-21) and on more than one occasion, Jesus acted in a way contrary to a strict understanding of the Sabbath (ex. John 5:1-18). If Bonhoeffer's notion of necessarily taking on guilt in the process of living in a fallen world is not stated in so many words in Scripture, it is nonetheless grounded in it. At the same time, Bonhoeffer and Paul alike do not by their consequentialism deny a transcendent law.

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[21] Ibid., 296.

[22] Ibid., 276.

[23] In an early lecture Bonhoeffer goes so far as to claim, "There are no actions which are bad in themselves—even murder can be justified—there is only faithfulness to God's will or deviation from it; there is similarly no law in the sense of a law containing precepts, but only the law of freedom, i.e., of our bearing our responsibility alone before God and ourselves." Bonhoeffer, "What is a Christian Ethic?" in *A Testament to Freedom: The Essential Writings of Dietrich Bonhoeffer* ed. Geffrey B. Kelly and F. Burton Nelson (New York: HarperOne, 1995), 349.

[24] Bonhoeffer, *Ethics*, 279. Note that Kant's ethics are usually classified as a species of absolutism called deontological ethics.

If Welch is conflating "Christianity" with the "cultural Protestantism" of Bonhoeffer, which conflates earthly vocation with the call of Christ and which sets a legal or perhaps even cowardly adherence to transcendent moral principles above the good of others, it is understandable for her to be jaded about its ability to resist evil and to work for good. But if she were to widen her critique to the foundational documents of Christianity, she would see her concern already addressed. In summary, Welch's critique of Christian moral epistemology is not based on its content (at least in *Sweet Dreams*), but rather on its practical ineffectiveness in certain historical events. Her retrieval of Bonhoeffer serves to highlight the ineffectiveness of cultural Protestantism—which could easily be widened to cultural Christianities in general—and to demonstrate the need for a moral epistemology capable of taking into account the ambiguity that results when situations arise in which two or more moral principles come into conflict with one another.

Moral Epistemology and Conflicting Principles

After employing Bonhoeffer to point out the failings of Christianity in Nazi Germany, Welch reframes his ethical questions without his foundation. It seems appropriate then, to start with Bonhoeffer before moving on to Welch to understand what Welch accepts and what she rejects. Bonhoeffer writes, "There is a wrong and right limitation of responsibility, as well as a wrong and right expansion of it; there is an enthusiastic transgression of all boundaries, as well as a legalistic erecting of boundaries."[25] He goes on to explain that those with a tendency towards transgressing boundaries run the risk of doing so arbitrarily while those with a tendency to limit their responsibility risk conflating it with Christ's calling. What sets Bonhoeffer apart from Welch is that he, like the Apostle Paul, sees and acknowledges a law written on the heart of humanity, a ground for moral action and boundaries on acceptable behaviour. Bonhoeffer argues that these boundaries may be set aside in certain circumstances, but they remain in place.

To return briefly to Anscombe, it appears that Bonhoeffer proposes something different than casuistry, which Anscombe describes in the following way:

> Now if you are either an Aristotelian, or a believer in divine law, you will deal with a borderline case by considering whether doing such-and-such in such-and-such circumstances is, say, murder, or is an act of injustice; and according as you decide it is or it isn't, you judge it to be a thing to do or not. This would be the method of casuistry; and while it may lead you to stretch a point on the circumference, it will not permit you to destroy the centre.[26]

[25] Bonhoeffer, *Ethics*, 294.
[26] Anscombe, "Modern Moral Philosophy,"12.

The difference can be illustrated by Jesus' approach to the Sabbath in the Gospels. On Anscombe's account of the believer in divine law approaching a borderline case through casuistry, in order for Jesus to justify doing his work on the Sabbath he must show that he is not breaking the Sabbath at all. Bonhoeffer, on the other hand, seems willing to accept that Jesus did in fact break the Sabbath to uphold a higher principle. Unlike a strict consequentialist, however, Bonhoeffer does not assert that by breaking the Sabbath Jesus invalidated it or rendered it meaningless.

Welch makes the conflict between different principles implicit in Bonhoeffer's work explicit. It follows that if boundaries may be transgressed, competing principles are at work. In Bonhoeffer's negative example from Kant, there is tension between the principle of telling the truth and the principle of valuing a friend's life. Welch argues that this tension makes the right course of action ambiguous because the ends of a certain course of action cannot be foreseen. This is indeed the weakness and the danger of utilitarianism as an ethical system. Therefore, Welch does not accept all species of consequentialism. Welch sees the key question as, "the difference between accepting moral and political ambiguity in a way that is self-critical, and using ambiguity in a way that is self-justifying."[27] From Welch's point of view, contra Bonhoeffer, one is not freed from the law by Christ, but rather one ought to act in ambiguous situations with chastened optimism, being self-aware of one's faults and limitations. One is accountable to others, but not to God.

However, in the absence of moral absolutism and accountability to a transcendent and all-knowing God, what will prevent people from using moral ambiguity in self-justifying ways? Will Welch's suggestions be any more effective than Christianity at preventing oppression and genocide, and if not, why should they be adopted? Her reflections on the value of a non-dualistic Haitian Vodou approach to power have not aged well if we judge Vodou by the current political chaos in Haiti.[28] In fact, Vodou appears to have failed the test of consequentialism. If Welch were to claim in response that factors other than Vodou played a larger role in Haiti's current political situation, she would undercut her own critique of Christianity via the Holocaust because the same claim can be made by Christian apologists.

To return to the matter of moral ambiguity, both Bonhoeffer and Welch push back on human attempts to escape the need to take full responsibility for their actions. Appealing to a transcendent law cannot justify failure to act in the best interests of others. Welch draws on Jane Flax, who writes, "One of the dangerous consequences of transcendental notions of justice or knowledge is that they release

[27] Welch, *Sweet Dreams*, 123.
[28] Ibid., 45-50.

us as discrete persons from full responsibility for our acts."[29] This finds its parallel in the parochial scope of German pastors confronted with Nazism and Jesus' rebuke to the Pharisees:

> "Woe to you, scribes and Pharisees, hypocrites! For you tithe mint, dill, and cummin, and have neglected the weightier matters of the law: justice and mercy and faith. It is these you ought to have practised without neglecting the others. You blind guides! You strain out a gnat but swallow a camel!" (Matt 23:23-24).

In the thought experiment of a friend escaping a murderer, neither Bonhoeffer nor Welch will let Kant off the hook for holding to the moral principle of truthfulness. Both implicitly suggest that some matters are indeed weightier than others, though Welch would likely point out that which ones may not always be obvious. The edges of some extreme situations may indeed be difficult to navigate, but is Welch right in saying that a moral foundation is unnecessary and, in any case, does not exist?

Is there a Foundation for Moral Epistemology?

In her preface to *Sweet Dreams*, Welch insists that her work

> ...is an examination of what it means to live out Kantian ethical expectations in a world of continental limits. That is, we are still shaped by expectations of the categorical imperative ("Act only on that maxim through which you can at the same time will that it should become a universal law") and yet our very ability to act, the extent to which we are in any sense individuals, is itself historically and culturally constructed, malleable, and contested.[30]

Kant, as seen above, was an absolutist rather than a consequentialist, so it is odd for Welch to speak of "Kantian ethical expectations" on the one hand, while denying a foundation for moral action on the other. Given her view that "the self who acts is a creative fiction,"[31] perhaps these ethical expectations are not a foundation per se, but a useful device for accomplishing Welch's ends. Welch turns to jazz as an analogy for navigating moral questions; she also sees it as a way to escape foundationalism. This does not necessarily mean a lack of constraints; in her discussion of jazz, Welch acknowledges that it "is not completely free form," and

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[29] Jane Flax, "The End of Innocence," in *Feminists Theorize the Political*, ed. Judith Butler and Joan W. Scott (New York: Routledge, 1992), 459-60, quoted in Welch, *Sweet Dreams*, 124.
[30] Welch, *Sweet Dreams*, xxi.
[31] Ibid., xxi.

that it "emerges from the interplay of structure and improvisation, collectivity and individuality, tradition and innovation."[32] None of these constraints provide an unyielding foundation upon which to build—structures and traditions are ultimately as contingent as improvisation and innovation. But is it possible to construct a web that has no anchor?

When one gets down to the physical aspects of music making, one finds unyielding foundations, anchors for music making that are universal and reliable. As Albert Blackwell argues, "Music presents a substantial problem for anti-foundational thinkers."[33] He goes on to describe how musicians are constrained by the physics of sound as they tune their instruments to one another and how the ratios of the octave and the fifth are not contingent constructions arising from tradition but based on the overtone series. Music of all kinds contains many subjective elements but, without exception, all music is constrained by the natural world. Similarly, even Graham Oppy, an atheist of the naturalist variety, concedes (though admittedly in a roundabout way) "that it is morally wrong, always, everywhere, for everyone, to burn babies in gasoline as a spectator sport" and does not deny "objective moral values."[34]

For all of Welch's attempts to use subjective rather than objective language concerning values, writing of words that make her cringe, words that she likes,[35] of saying that she views what Aristotle called a virtue as a vice,[36] she is not writing merely to express her own opinions, but to shape the way others think about morality. Perhaps aware of the ultimately Christian origin of human rights,[37] she claims to "focus on the need for human rights" but "not because these rights are either mandates from a source outside history or the natural concomitants of human nature."[38] In Welch's view, human rights are merely a construct. Yet if these rights are merely constructs, what makes them needed? What makes the "[v]ibrant, pluralistic, self-critical, open-ended communities and relationships" she describes in such glowing, and even idealistic terms, inherently superior to homogeneous, closed alternatives?[39] What is her standard? To cite another example, her judgment on "transgression as an end itself" is not written as though it is merely her opinion, but something that is objectively true.[40] The foundation she attempts to deny in one

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[32] Ibid., 21.
[33] Albert L. Blackwell, *The Sacred in Music* (Louisville: Westminster John Knox Press, 1999), 81.
[34] Graham Oppy, "Response from the Conflict Model," in *Four Views on Christianity and Philosophy*, ed. Paul M. Gould and Richard Brian Davis (Grand Rapids: Zondervan, 2016), 152–3.
[35] Welch, *Sweet Dreams*, 126.
[36] Ibid., 86.
[37] Holland, *Dominion*, 521. The author is not suggesting that Christianity is the only religion that upholds human rights, but pointing to the fact that human rights as they are understood in the West and promulgated to other places through Western influence originated in the Christian tradition.
[38] Welch, *Sweet Dreams*, 93.
[39] Ibid., 93.
[40] Ibid., 15.

place is implicitly reified elsewhere, just as twentieth century composers and free jazz musicians never succeeded in freeing themselves from the reality of sonic order embedded into creation.[41]

Jazz as a Model for Navigating Moral Situations

Although Welch's denial of moral absolutes is questionable, it is nonetheless worthwhile to attend to the creative way she employs jazz as a guide to working through moral ambiguity. While she does this in order to avoid what she most fears in moral systems that appeal to a transcendent law, this is nonetheless instructive. The history of jazz is indeed one of ambiguity and shades of grey rather than the clearer lines of composer, conductor, and performer(s) that figure in conceptions of *Werktrue* elucidated by composers such as Igor Stravinsky and Paul Hindemith. Unlike the meticulously scripted and regulated presentations of classical music in a concert hall, the ad hoc encounters of musicians in a local jam session are closer analogues of real-life scenarios in which one might be put in the position of choosing between competing moral principles.

A closer examination of the mechanics of jazz can confirm Welch's intuitions regarding the inherent tensions in jazz between "structure and improvisation, collectivity and individuality, tradition and innovation."[42] Paul Rinzler, in his work, *The Contradictions of Jazz*, addresses essentially the same three pairs and adds to them, "assertion and openness,"[43] which, in any case, is contained implicitly in the rest of Welch's book. Looking at the process through which an aspiring jazz musician learns to navigate these tensions may serve as a guide to how and when to transgress, or set aside, moral boundaries. It will also serve to highlight the best of Welch's insights.

According to various sources, the great Charlie Parker once said, "You've got to learn your instrument. Then, you practice, practice, practice. And then, when you finally get up there on the bandstand, forget all that and just wail."[44] How does one go about learning how to play one's instrument in the style of jazz? Jazz trumpeter Clark Terry provides a general way of ordering one's education: "One must imitate,

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[41] Paul Rinzler writes, "Even if a free-jazz saxophonist plays the most outrageous honks and squawks (without even discrete pitches or rhythms in meter)—something in which a listener might find absolutely no rhyme nor reason, and so may think is absolutely free—such music still rests, for instance, on the foundation of playing an instrument. It is, after all, still a saxophone making those sounds and therefore the improviser is limited at least by the physical nature of the instrument." In *The Contradictions of Jazz* (Lanham, MD: Scarecrow, 2008), 65.

[42] Welch, *Sweet Dreams*, 21.

[43] Rinzler, *Contradictions*, xiv.

[44] Robert H. Woody, *Becoming a Real Musician: Inspiration and Guidance for Teachers and Parents of Musical Kids* (London: Rowman & Littlefield, 2019), 70. This quotation is found in several additional books, but the author has been unable to track down a primary source; it may be apocryphal.

then assimilate, and this will ultimately lead to being able to innovate."[45] Jazz musicians have a long history of learning to play the improvised solos of others on recordings. In fact, one scholar of jazz improvisation calls recordings the texts of jazz.[46] This imitation of solos, along with the process of learning jazz standards, is likely what Welch refers to as respecting the tradition.[47] In other words, one begins with structure prior to improvisation, collectivity prior to individuality, tradition before innovation, and openness prior to assertion. What is given must be grasped and understood before it is altered or transgressed.

Moving to the domain of moral situations, Welch rightly points out that there is no need to romanticize "jazz musicians as moral exemplars."[48] However, if instead of focusing on the moral actions of jazz musicians, one returns to Welch's earlier analogy involving the music itself, learning the jazz tradition, with its harmonic structures and its sense of history, becomes an analogy for an ethical tradition. People in a given cultural group learn what that this group values and how it operates by observing and imitating what they see. They pick up both on what is implied and what is explicitly taught.

The next step is assimilation. It is not enough just to imitate; one needs to understand. Jazz pianist Art Tatum said about one of his imitators, "Well, he knows *what* I did on record, but he doesn't know *why* I did it."[49] Writing out solos is one way of seeing the relationship between the notes a jazz musician plays and the chord progression of the song they are soloing over. Without the underlying progression, notes lack context. A 'D' will sound differently played against a Cmaj7 than it will against a B-7. Understanding the relationship between a given note and a given chord and how that note might be resolved in the next chord is an essential part of understanding what great jazz musicians do. In order to play jazz, the aspiring jazz musician must move beyond merely copying solos to grasping—whether intellectually, intuitively, or some combination thereof—the underlying principles behind these solos. Once these are grasped, one can go beyond mere imitation to applying these principles in constructing a solo. This enables the jazz musician to respond to other musicians. Once again, those values mentioned by Welch which are given are necessarily prioritized over their open counterparts.

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[45] Clark Terry, cited in Scotty Barnhart, *The World of Jazz Trumpet: A Comprehensive History and Practical Philosophy* (Milwaukee, WI: Hal Leonard, 2005), 164.

[46] Ingrid Monson, *Saying Something: Jazz Improvisation and Interaction* (Chicago: University of Chicago Press, 1996), 126. Welch draws on Haitian Vodou to suggest an alternative to deriving moral principles from religious texts (see especially p. 48), but this move requires her to step outside her earlier analogy between jazz *music* and ethical action in her chapter, "Virtuosity" in *Sweet Dreams*.

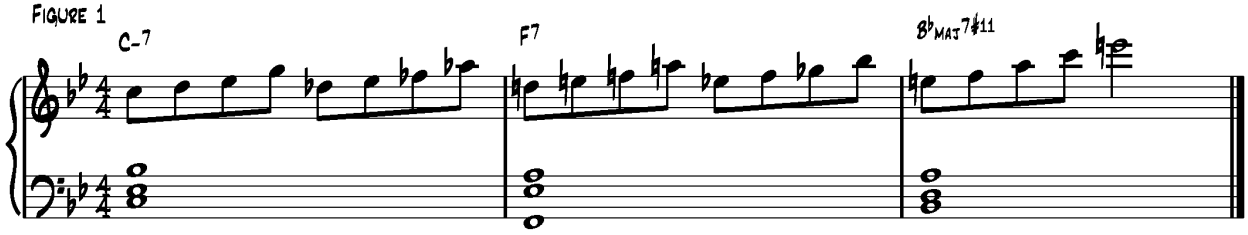
[47] Welch, *Sweet Dreams,* 21.

[48] Ibid., 50.

[49] Art Tatum, quoted in Paul Berliner, *Thinking in Jazz: The Infinite Art of Improvisation* (Chicago: University of Chicago Press, 1994), 104. Emphasis in original.

In the moral realm, it is insufficient to find moral exemplars and pattern one's life after them. It involves understanding of what they are doing and why, in the context of the culture and time in which they acted. Transposing what Art Tatum said, there is a difference between knowing what and knowing why.

The final step is innovation. Once a jazz musician has imitated the masters, has understood them, and can play not just what they played, but improvise in the style in which they played it, there is freedom to lean further into improvisation over structure, to stand out as an individual in the collective, to innovate past the boundaries of tradition, and to be assertive, not only open. Ambiguities can be exploited in musically productive ways and certain structures can be superimposed over others. For instance, a jazz musician who has not only memorized the chord progression to a given jazz standard, but understands the deeper harmonic structure, can reharmonize the chord progression on the fly. Devices like tritone substitution, superimposing the cycle of fifths, and even deliberately playing outside, also known as side-slipping, can subvert the expectations of those who are listening and still stay true to the deeper harmonic structure when they are appropriately employed.[50] One set of constraints is temporarily substituted for another. Play figure 1 (below) for an example of side-slipping. Listen to how the first four notes are repeated, moving up a half-step higher each time (with the resulting dissonance against the harmony) until the resolution on the Bbmaj7#11.[51] Jazz educator Jerry Coker explains:



> The improviser who wants to side-slip or play outside needs to know what notes are 'wrong' with any given chord, using those notes in convincing *groups* of 'wrong' notes, as well as learning to use them singly in a mildly dissonant

[50] For a fuller treatment of side-slipping or playing outside, see Mark Levine, *The Jazz Theory Book* (Petaluma, CA: Sher Music, 1995), 183-192.

[51] Bob Brookmeyer is a master of side-slipping. For an easily discernible example, listen to how he plays with the melody of the song "Anything Goes" on the first track of Brookmeyer and Mads Vinding, *Together* (Challenge CHR 70068, 1998). For transcriptions of a sampling of Brookmeyer's solos and an analysis of how he employs side-slipping, see Rob Hudson, *Evolution: The Improvisational Style of Bob Brookmeyer* (Vienna: Universal Edition, 2002).

> but smooth manner. The experienced analyzer has very little difficulty distinguishing between errors and side-slipping or outside playing.[52]

In jazz music that aims to be tonal (free jazz is a genre all its own), side slipping still pushes towards a resolution or goal, much like consequentialism has a certain end in mind.

Moving to the domain of morality, the Kantian dilemma of a would-be killer asking someone for the location of the man he intends to murder sets the principle of telling the truth (which flows from the categorical imperative) against the principle of protecting the innocent. Bonhoeffer's decision to participate in a plot to assassinate Hitler also sets the principle of loving one's enemies—including Hitler himself—against the principle of loving those whom Hitler is actively killing. In such cases Welch and Bonhoeffer adopt a form of consequentialism by arguing that one principle should override the other. To set one principle above another is different from casuistry as defined by Anscombe. Lying to protect a friend cannot be redefined as not lying. And it would be difficult to argue how assassinating Hitler is a loving action towards him (as much as it might be towards his present and future victims). Moving forward requires a closer examination of the Christian basis for setting one principle aside in favour of another and determining which should override the other.

Side-slipping and Breaking the Sabbath

Christian (and Jewish) thought appears comfortable with allowing one law to override another in certain cases. Jesus' approach to the Sabbath in the Gospels makes for an instructive case study. In John 7, Jesus reasons with a crowd regarding healing on the Sabbath. Sabbath was a defining cultural marker for second temple Jews (cf. Neh 13:15-22; 1 Macc 2:29-41) and could not lightly be set aside. Yet, Jesus says, the Jews of his time deemed it permissible for a boy to be circumcised on the Sabbath.[53] Jesus, Craig Keener explains, employs a "*qal vahomer* (light to heavy argument" which runs as follows: "if the Sabbath could be superseded for (excising) a single member, how much more for (restoring) the whole person (cf. Mark 3:4)?"[54] Similarly, when questioned about his disciples allegedly breaking the Sabbath by eating heads of grain they glean in a field, in all three synoptic Gospels, Jesus points to the example of David and his men entering the tabernacle and eating the

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[52] Jerry Coker, *Elements of the Jazz Language for the Developing Improvisor* (Miami, FL: Studio 224, 1991), 83.

[53] In Mishnah Nedarim 3:11, Rabbi Yosei says that circumcision takes priority over the Sabbath, even though it is a violation of the prohibition to work on the Sabbath.

[54] Craig Keener, *The Gospel of John: A Commentary* Vol. 1 (Baker Academic: Grand Rapids, 2003), 716-17.

consecrated bread when fleeing from Saul, bread that was supposed to be reserved for the priests alone.[55] Like a jazz improviser side-slipping from the conventional chord changes in a jazz standard, Jesus argues that circumstances allow him and his followers to temporarily set aside the law. Whether in healing a suffering person or in meeting physical needs in desperate circumstances, principles that normally hold—such as taking a day of rest—may be set aside. In Mark's Gospel Jesus concludes, "The Sabbath was made for humankind and not humankind for the Sabbath" (Mark 2:27).

Yet the question of when side-slipping is justified is not easily answered. From a Christian perspective, Jesus spoke with unique authority. In Mark he goes on to say "so the Son of Man is lord even of the Sabbath" (2:28). But on what grounds can Christians set aside one law in favour of another? After all, Jesus also says in Matt 5:17, "Do not think that I have come to abolish the Law or the Prophets; I have come not to abolish but to fulfill," and goes on to say in verse 19, "Therefore, whoever breaks one of the least of these commandments and teaches others to do the same will be called least in the kingdom of heaven, but whoever does them and teaches them will be called great in the kingdom of heaven." Even though it has already been established that the species of consequentialism at work in Christianity is incompatible with the definition of casuistry as laid out by Anscombe, nonetheless it seems clear that Jesus retains a moral center, so to speak.

The Deep Structure of Morality

In jazz, the analogue to this moral centre is the deep harmonic structure of a given jazz standard. Not all chords are equal; some act as elaborations while others act as resolution points. Liberties may be taken on the way to these resolution points, which may also be delayed or anticipated, but they cannot be ignored altogether unless musicians work out an alternative way to harmonize a standard melody in advance.[56] But in order for musicians who have never played together before to play together at a jam session, the deep structure of the jazz standards called must be respected. When questioned about the greatest commandment, Jesus famously draws on Deut 6:5, making love for God the first priority and then drawing on Lev 19:18 to state the second greatest commandment as love for one's neighbour.[57] In Matthew's account, he concludes, "On these two commandments hang all the Law and the Prophets" (22:40).

[55]Matt 12:3-4; Mark 2:25-26; Luke 6:3-4. The event Jesus refers to is recorded in 1 Samuel 21:1-6.
[56]For a description of how reharmonization works in jazz, see Levine, *Jazz Theory Book*, 257-380.
[57]See Matt 22:34-40; Mark 12:28-34, cf. Luke 10:25-28.

Augustine famously recognized love as the deep structure of Christian moral behaviour when he wrote, "love and do what you will."[58] In the same passage, he goes on to say, "let the root of love be within, of this root can nothing spring but what is good."[59] This love, however, is of a certain kind. It is not erotic love, familial love, or even platonic love, but the love famously described by the Apostle Paul in 1 Cor 13.[60] It must also be, as Augustine of Hippo noted, properly ordered, beginning with a love of God,[61] which in turn necessitates loving others (1 John 4:7-8). This love lies underneath all commands and traditions in Christianity. God's love is the foundation upon which the law stands and the premise by which it can, in certain situations, be temporarily overruled.

By contrast, Welch's foundationless notion of "decentism," with its borrowed assumptions regarding justice on the one hand and its declaration that we ought to abandon the notion "that the world could and should be otherwise" in favour of being glad and grateful that the world exists at all on the other is insufficient and not quite honest.[62] She rightly points out the fragility of everything that humans can accomplish in their brief and uncertain lives; she rightly points out that perfect justice is not possible in the world as it presently is, but her attempts to articulate the wellspring of decency as rejoicing in what is and being grateful for it brings theological concepts through the backdoor, so to speak. As Nietzsche pointed out in *The Genealogy of Morality* and as Tom Holland has more recently made clear in his study of Christian history, a concern for justice in the cause of the weak and the oppressed, however imperfect, does not naturally arise from an appreciation of the world as it stands, but on a theological foundation of the value given to the world, to humanity, and to every particular human being by God. Her assumption that one ought to default to joy and gratitude is arbitrary, especially when atheists such as Bertrand Russell make a strong case that a sober look at the world without God results rather in despair.[63]

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[58]St. Augustine, *Homilies on the First Epistle of John*, 1 John IV:4-12 (*NPNF*, 1st, vol. 7, 862).
[59]Ibid., 862.
[60]Cf. Anders Nygren, *Agape and Eros*, trans. Philip S. Watson (Philadelphia: Westminster, 1953).
[61]Augustine writes, "But if the Creator is truly loved, that is, if he himself is loved, and not something else in his stead, then he cannot be wrongly loved. We must, in fact, observe the right order even in our love for the very love with which we love is deserving of love, so that there may be in us the virtue which is the condition of the good life. Hence, as it seems to me, a brief and true definition of virtue is 'rightly ordered love.'" In *Concerning the City of God against the Pagans*, trans. Henry Battenson (London: Penguin, 2003), 637 (15.22).
[62]Welch, *Sweet Dreams*, 135.
[63]See Bertrand Russell, "A Free Man's Worship," *The Independent Review* 1, no. 2 (1903): 415–423.

Practical Implications

A jazz improviser may, at will, side slip in relation to the harmony of a standard, so long as it is resolved properly. Can Christians, therefore, temporarily set aside moral instructions in the Bible as long as their motivation is love? Following Jesus, Paul, and Augustine, it is possible to give a qualified yes, provided that one has the correct conception of love and that one's loves are properly ordered. Welch's dilemma regarding moving through moral ambiguity in ways that are self-critical versus ways that are self-justifying,[64] when it is transposed to a Christian perspective, gains a standard which both makes being self-critical possible and provides a set of criteria which aids in seeing the difference (namely, a Christian conception of love).

The analogy between side-slipping and setting aside biblical instructions is not perfect: improvisers are free to follow their own dispositions, while those motivated by Christian love may in fact have to act against their own dispositions when they set aside moral instructions. To give a negative example, Bonhoeffer criticizes German pastors precisely for failing to set aside their own dispositions and scruples. Yet again, in an early essay, Bonhoeffer argues that, "there is only faithfulness to God's will or deviation from it."[65] Jazz has an analogue to this in what jazz educator Hal Crook calls the "*It* factor," which is what actually plays an improvised solo, rather than the ego, which he sees as the aspect of oneself that critiques the solo. Crook describes it as follows:

> I would say, quiet seriously and for lack of a better term, that *It*—yes, *It*—plays the solo; and that *It* plays the solo *through* us, using our musical resources, i.e., our instrumental technique, musicianship, experience, understanding, etc. And, to the degree that *It* can play through us freely and without our ego's interference, to that degree is *It* the author and creator of the solo; to that degree is *It* responsible for the results of the playing. ... All we can ever do is take responsibility for continually preparing ourselves through practice and experience to become more fit vehicles for *Its* use.[66]

This description of the *It* factor bears a striking resemblance to the Apostle Paul writing to the Corinthians that, though being "the least of the apostles," he outworked all of them, and yet it wasn't him, "but the grace of God" at work through him (1 Cor 15:9-10). Paul maintains, anticipating Welch and Bonhoeffer, personal

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[64]See above.
[65]Bonhoeffer, "Christian Ethic," 349.
[66]Hal Crook, *Ready, Aim, Improvise!* (Mainz, Germany: Advance Music, 1999), 315. Cf. Bradley K. Broadhead, *Jazz and Christian Freedom: Improvising against the Grain of the West* (Eugene, OR: Pickwick, 2018), 111-12.

responsibility for moral actions (ex. 2 Cor 5:10), but with Bonhoeffer and against Welch sees moral action as conformity to the will of God (ex. Rom 12:2). For the Christian, the Holy Spirit is the source of joyous, liberating, and creative action in the midst of moral ambiguity, rather than Welch's existential decision to view existence as good on the whole. Christian trinitarians can go further; since the Holy Spirit is God and God is love (1 John 4:8), love is the guiding principle behind God's will and so those who act in love conform themselves to his will.

Summarizing the Analogy

Before applying the above discussion to the problems raised at the beginning of this article, it will be useful to briefly summarize the analogy between jazz improvisation and moral epistemology, beginning with the source domain. As Welch notes, jazz is not merely transgression for the sake of transgression. It requires structure as well as improvisation, collectivity as well as individuality, and tradition as well as innovation. Going beyond Welch's model and employing Clark Terry's didactic approach to jazz, it was suggested above that beginning with imitation and assimilation before proceeding to innovation means that structure, collectivity, and tradition must come prior to their antonyms. Contrary to Welch's attempt to use jazz as a way of avoiding foundationalism, it was asserted that jazz as a form of music does indeed have a transcendent foundation. With Welch, it was asserted that jazz provides a resource for dealing with ambiguity. Once again going beyond Welch's model, it was suggested that the practice of side-slipping while respecting the deeper structure of a given jazz standard provides a means of temporarily setting aside harmonic constraints in the interest of musical creation.

Moving to the target domain of moral epistemology, the physical properties of music that ground jazz (and, indeed, all forms of music) correspond to an objective morality. On this foundation, moral principles and laws can be built, much like the chord changes to a jazz standard. This foundation, this deep structure, is a Christian conception of love.[67] Just as side-slipping is a moment of tension prior to resolution,[68] so Paul's idea of the spirit of the law can temporarily set aside the letter of a given law to achieve an outcome that resonates with Christian love. With Welch and Bonhoeffer (not to mention the Hebrew midwives mentioned in Exod 1) and against Kant, certain situations may call for deceiving a would-be murderer.

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[67] At this point the analogy becomes slightly strained since the deep structure of Christian love draws on two different analogues from the source domain of jazz, namely the physical properties of music and the underlying harmonic structure of a given jazz standard. The author is of the opinion that this conflation is not fatal to the analogy and will suffice to move the discussion forward.

[68] The tension in question is caused by the dissonance between the notes in the solo and the conventional harmony. See figure 1 above for an example of what this sounds like.

The analogy outlined above does not correspond to absolutism (Kantian or otherwise), nor again is it strictly consequentialist. It is in fact a consequentialism grounded in a deep structure absolutism while neither becoming a form of casuistry nor a variation on the Kantian imperative. An approach to moral epistemology that is not rooted in the categorical imperative or in group solidarity has the potential to not only provide a framework for inter-Christian discussions on morality and ethics, but also a framework for engaging with those who do not (or cannot) acknowledge impact of Christianity on their moral outlook.

A Return to the Issues at Hand

This paper opened with the problems of the abandonment of objective morality, the ascendance of group solidarity as the root of moral conviction, and present political polarization. Christians in particular can learn from Welch's critique of group solidarity. While particular biblical instructions may be temporarily set aside to act in love—much as a jazz musician side-slips a musical phrase—to ignore them due to a feeling of solidarity with a particular political identity violates what should be a prior commitment to love. This would be like a musician at a jam session calling a tune and then ignoring the harmonic structure of that tune altogether. Political divisions in the church should not be framed in terms of a commitment to a certain politician or political party, but a discussion on the prioritization of policies and the character of leaders. Recognizing how love informs political opinion will hopefully quell the temptation to demonize others on the basis of whichever party they presently support. Each side should be able to frame its position in terms of the transcendent law found written on the hearts of humanity and in scripture and be able to provide justification if they believe a particular law should be temporarily set aside. For a Christian, grounding one's moral outlook in anything less than the foundation of Christian love is deeply problematic.

Inter-Christian debates aside, is there a way of creating dialogue between entrenched groups around issues such as minority rights, illegal immigration, abortion, and euthanasia? From a Christian perspective, is there a way of engaging with opponents in a way that can assuage the suspicion that Christians will impose their views on them by force on the grounds of some form of absolutism? Perhaps one way forward is to request moral grounds for moral assertions. In the present political climate, the substrata of Christian concern and value for all individuals (at least in Western nations), even if left unacknowledged (or denied entirely), may be enough to frame differences in terms of care for the other. Even if Christian traditions are not directly acknowledged, the deeper structure of Christian love (which Christians believe is rooted in God himself, and therefore underpins creation) may yet prove resonant in a postmodern society. It has been argued above

that this is essentially the case in the work of Welch. Furthermore, if Christians demonstrate the freedom possible when acting from a deep structure of love, including the freedom to temporarily set aside the letter of the law in certain circumstances, the love that undergirds the whole will more readily be seen by all.

Bradley K. Broadhead (PhD, McMaster Divinity College) is the pastor of Oyen Evangelical Missionary Church in Alberta, Canada. He is the author of *Jazz and Christian Freedom: Improvising against the Grain of the Contemporary West* (Pickwick, 2018), along with articles and book chapters on theology and music. As a trombonist, he played in a wide variety of ensembles and taught low brass for over a decade. He presently teaches band at Oyen Public School.

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