Good morning, distinguished members of the Mannes Institute and welcome aboard its maiden voyage. Of all the fabulous bon voyages I’ve received, two stand out: first from Rick Cohn, who graciously called this “a wonderful moment for the field of music theory,” and second from Martin Scherzinger, who said the same thing in slightly hipper terms, by calling it a “theory happening.”

Of course there’ve been similar happenings in our field long before this, and one of them actually took place exactly 450 years ago to this very day. It was today, the 9th of June, back in 1551, that Judge Danckerts rendered his infamous verdict against Nicola Vicentino, concluding his week-long debate with Don Vicente Lusitano on chromatic versus diatonic modes, waged before an equally austere assembly of learned aristocrats such as you. Those were the heady days when music theory was the subject of heated public controversy, with opposing scholars arguing the pros and cons of important tonal matters.

Perhaps unlike most of you, Rick’s “wonderful moment” for me has more to do with form than content—that is, with the structural idea of the Institute itself as a process, rather than the substantive ideas of theory we’re about to explore. It’s the thought of gathering some of the finest musical minds in the country, and putting them together in small groups guided by one of their peers for the purpose of teaching each other that intrigues me most. As Marshall McLuhan said, I think it’s the medium here that’s the message. With due deference to everything that follows, that’s what’s really new, not the history of theory.

You, the members of this Institute, constitute an egalitarian learning community, a gathering of scholars dedicated to mutual enlightenment. And as I kindle our flame initiating this theory happening, I’d like to trace the history of that structural idea in itself. The fact is virtually every educational experience I’ve known is premised on an intellectual gulf between teacher and student. One talks, the other listens. You don’t need to be Foucault’s disciple to detect a power or status inequality at play there. American education is slightly better than Europe in that regard, but hierarchical nonetheless.

Sure, we sometimes join informal study groups for exams or maybe book clubs at one time or another, but these are transitory, loosely structured, and for me, of little value. Joe Straus, who helped flush out the interactive idea of this Institute, insists that somewhere beyond the Hudson he has on occasion managed to round up a small coterie of colleagues to chew the intellectual fat—Kofi Agawu, Scott Burnham, and others have been known to drop by—but certainly that’s not the norm in, how shall I say, more settled parts of the known academic world.
I personally confess to knowledge of remote affinities in the realm of law, under the rubric of “continuing professional education.” But these are unabashedly practical, pecuniary, and for the most part, pedestrian affairs, far from our loftier scholastic ambitions. I’m also familiar with debates between rabbinic authorities spanning centuries in the Talmud, but again these are meetings of the mind through time rather than space, like Schenker’s argumentation with the buried Rameau. Given the overwhelming predominance of hierarchical educational structures, where might we discover a precedent as radically egalitarian yet paradoxically, as elitist as our own assembly today, particularly in the realm of music? Martin and Rick are absolutely right: this is indeed a happening scene, but surely it can’t be the first of its kind.

Perhaps the best known study group in music history is the Florentine Camerata, haunting every graduate exam as the cradle of opera. The Camerata, you recall, was a gathering of musicians and other smart people at the house of Giovanni de Bardi in late sixteenth-century Florence. Giulio Caccini, one of its members, reports that a great part of the nobility, leading musicians, poets, philosophers, and men of genius”—no women yet—“all convened there.” Bardi’s discussion group, or let me stretch it to “workshop,” was not confined to music, but roamed over a broad scope of learned topics, including poetry, astrology, and science. Bardi’s patronage and leadership in establishing the Camerata indeed played a decisive role in articulating the aesthetic principles culminating in the birth of opera.

Despite its posthumous fame, however, this circle was merely one of several similar gatherings devoted to intellectual dialogue in those days. The revival of classical learning stimulated a general interest in the idea of learning itself. Plato’s Academy, which was named after the mythological hero Academus, was the prototype for over two hundred scholarly societies in Italy alone. At the core of this movement was the belief that the arts—indeed the very act of discussing and learning about artistic matters—imparted the elevating moral and curative effect postulated in antiquity. Participants such as yourselves convened to rediscover the legendary effects of the arts through research, discourse, and experimentation.

The pioneer in this revival of ancient scholarly communities was Marsilio Ficino, a musician who first established the Accademia Platonica in Florence as early as 1470. Supported by the Médicis, this association of the best and the brightest included the most illustrious scholars, musicians, and literati of the day. Over the next one hundred years similar groups imitated Ficino’s institute on the Italian peninsula and elsewhere, increasingly organized with written manifestos of scholarly objectives, philosophical premises, and rigorous criteria for admittance.

By the turn of the century, the concept of an egalitarian body of scholars convened for the purpose of interactive education, quite apart from the hierarchical tradition of the university, was firmly established. In this broader context, Bardi’s Camerata is just one in an entire galaxy of proto think–tanks flickering across sixteenth-century Europe. And even though it was Bardi’s group that laid the cornerstone of opera, from the perspective of educational structure, other groups were of far greater interest—first because they were more organized, and second because unlike the Camerata, they maintained historical records of their membership and proceedings. Among them we find the Accademia della Crusca in Florence, Domenico Venier’s Academy in Venice, the Accademia Vittoria in Verona, the Floridi in Bologna, and the Arcadia in Rome. These bodies convened on a routine basis to explore various topics, including the theory of music, competing for the most prominent members in their field.

The Camerata was also not the only such club to affect the course of music history. Venier’s group, for instance, promoted Bembo’s theories of vernacular literature influencing the
development of the madrigal. The Accademia della Fama played a significant role in the publication of Zarlino’s famous treatise, perhaps as his price of admission into that society, but also by lending instant prestige and readership among the Venetian intellectual elite. His academy eventually was suppressed after a series of “dubious financial transactions,” upon which its founder and leading faculty were carted off to prison.

The best societies though have more colorful names that create an enchanting kaleidoscope of intellectual vitality to help prime our own latter-day Camerata centuries later. There was, for instance, the holistic Academy of Unison in Perugia, the lofty Academy of Elevati or Elevated Ones in Florence, the mysterious Accademia degli Incogniti in Venice, and the romantic Academy of Infatuated Ones in Napoli. My personal favorite by far, and my conceptual model for our own convocation, was the Accademia degli Alterati, or ancient Academy of Altered Ones in 16th-century Florence. In fact, key members of the Camerata, including Corsi, Mei, Doni, Rinuccini, and even Bardi himself were also Alterati on the side.

In his inaugural declaration of the Alterati’s objectives, anticipating my own today, its founder Giulio del Bene proclaimed the goal as their “alteration” or transformation into changed beings—Alterati—enlightened through the collective pursuit of knowledge. Their symbol was a vat for pressing wine heaped with grapes, representing the transformative and distilling power of an idea. In pursuit of this aim, the Altered Ones would baptize themselves in the wine of collaborative thought. There were scholarly discourses, theoretical debates on various issues, and mutual criticism of each other’s research.

Music was a recurrent topic of consideration, though like our own gathering, professional musicians were entirely absent, as well as the slightest trace of any actual music-making itself. Indeed, it was out of a desire to hear some real sound that Bardi and his clan played hooky at these highbrow seminars and hung out in the Camerata. The topics were broad-ranging, although a famous member once questioned whether sex was a suitable theme for scholarly discourse. Those guilty of tardiness or absence were challenged to deliver an extemporaneous lecture on an arcane topic of interest.

The best thing about the Alterati though is that everyone had a nickname or pseudonym—something perhaps we’ll defer to a later year. Bardi, for instance, was called il Puro, or the Pure One, Girolamo Mei was il Pianigiano or the Steady One, del Bene was the Desirous One, and Rinuccini the Bold One. But my favorite Alterati were guys like the Tender One, the Silent One, even the Horrid and Dismembered Ones, and apparently as in all Accademia, there was the Dubious One, the Late One, and best of all of course, the Drowsy One. Perhaps after four days of meeting like this, we too will find these nicknames as meaningful as they are humorous.

Anyway, now that I’ve plainly established the pedigree of our Institute by tracing its origins in the Renaissance, if not to ancient Greece, it’s time to get on with the reason we’re all here, which despite my prerogative, is not to hear me. My job is lighter of the flame, so now let our games begin. As its founding Director, I hereby call to order the first annual session of the Mannes Institute for Advanced Studies in Music Theory before all of you, its distinguished faculty and fellows. Invoking the spirit of the ancient Alterati, let us each pursue what lies ahead with fulsome dedication to our mutual goal of intellectual collaboration, our unwavering quest for knowledge, and with steadfast conviction in the transformative power of an idea that so impassioned our predecessors, during their own rebirth in a gentler age so very long ago.

The First Copyright Case
Most of us would agree that Johann Sebastian Bach marks perhaps the most important turning point in the history of music. But my guess is not many of us realize the equally pivotal role his family played in the history of musical copyright. This is a story that exemplifies a position I will argue in these morning sermons over the next few days—that the evolution of musical copyright is a legitimate, albeit somewhat obscure member of what Thomas calls genres of historical music theory.

After Bach’s death in 1750, only his youngest son, Johann Christian, defiantly broke with his father’s contrapuntal style and embraced a more accessible idiom embodying the democratic spirit of the Enlightenment. The “London Bach,” as he is called, spent most of his career as an expatriate in England where he became one of the most successful composers of his day and the single most important influence on young Mozart, who elevated his innovative technique to the level of genius. The youngest Bach, in my view, is sorely underappreciated both historically and musically as well.

But aside from J.C. Bach’s musical stature, what role did he play in the development of music copyright? Well, J.C. it turns out, brought the world’s first music copyright case. It’s he who’s responsible for establishing something we all now take for granted: that music is protected by law.

Ironically, the crucial date, once again, is exactly the same as today: the 10th of June—224 years ago in the year of our Lord, 1777. Instead of sitting here in the concert hall of Mannes, we’re now gathered in the courtroom of the Honorable Lord Mansfield, Chief Justice of the King’s Bench, as the bailiff calls case 7352, the action of Bach versus Longman. Plaintiff’s attorney, Mr. Robinson, arises and declares that his client, son of Bach, recently crafted some new keyboard works in the modern idiom—the Op. 5 sonatas to be precise—which had achieved popularity among the English middle class. The music was not only a hit, but an important musical contribution to the emerging classical style. Footnote: Mozart was so impressed he later arranged three of them as piano concerti.

Across our aisle sits the sleazy defendant, Mr. James Longman, kingpin of a powerful music publishing dynasty in London. Recognizing the commercial bonanza of Bach’s melodious tunes, Longman blithely pirated the works and took them to market himself. Being the son of the irascible Sebastian—we know the father’s own legal entanglements—young J.C. did something no one else apparently ever considered doing before. In today’s vernacular, he slapped a summons on poor Longman and took him to court for musical infringement. Although without precedent, Bach rested his case on the world’s first copyright law, the Statute of Anne enacted in 1710, briefly entitled “An Act for the Encouragement of Learning, by Vesting the Copies of Printed Books in the Authors or Purchasers of such Copies during the Times therein Mentioned.”

But young J.C. faced a serious problem, because the Queen’s statute said absolutely nothing at all about music. Sure it expressly protected rights in “books and other writings,” but didn’t happen to say one single word about music. Moreover, in the 67 years since the law’s enactment, no one had ever claimed that it should. It wasn’t surprising therefore that Mr. Wood’s first defense—he’s defendant’s attorney for Longman—was that the Statute of Anne just didn’t apply to music. And furthermore, Wood continued, there’s a bloody good reason why it didn’t. One of the basic principles of copyright is that it only protects concrete physical things that you can actually own, not ephemeral ideas that are merely abstract. Music is temporary sound—you can’t see it or touch it. It’s intangible argued the barrister, and therefore you can’t possibly own it.

So here for the very first time in history was the fundamental question that no one had really asked before: is music protected by copyright or not? Of course we all know that it is, but that’s
only because Bach’s son dared to ask that very question way back then.

And who on the face of this earth could possibly answer him? None less than the greatest jurist in British legal history and its first truly modern judge: Sir William, Earl of Mansfield. England was becoming the leading economic nation in the world, and Mansfield was determined to establish a rational legal framework for its development. He understood that music had become an important economic and cultural commodity. Copyright was essential to create a civilized musical marketplace, instead of a chaotic jungle plagued by pirates and predators like Longman. Copyright would establish the reign of law over music.

And so after listening to attorneys Robinson and Wood, the Chief Justice took it upon himself to proclaim what we all now assume today: music can be owned. By interpreting the term “other writings” in the statute broadly enough to include musical notation too, he ushered in the modern era of music publishing. It would take America over half a century to come to this same realization. “Music is a science,” wrote Mansfield. “It may be written, and the mode of conveying its ideas is by signs and marks. Writing is not confined to language or letters. A person may use a musical copy by playing it, but he has no right to rob the composer of his profit by multiplying and disposing of copies for his own further use.”

And so, J.C. Bach, son of the almighty Sebastian, won history’s first music case back in 1777. Lord Mansfield proceeded to modernize the rest of English law, setting the stage for the global economy. Ironically, John Longman, history’s first adjudicated musical infringer, repented at the hands of the great Mansfield and became noted for the generous sums he thereafter paid to composers for the right to publish their scores—a generosity that ultimately drove him to bankruptcy. In a further twist of fate, Longman’s firm resurfaced like a phoenix years later to publish the English translation of Schenker’s Free Composition—which is the only reason we may utter his name.

But it is the youngest son, the forgotten London Bach, whom we must thank for establishing once and for all, and for everyone since, that both the noblest sonata, yet the simplest song, is safely sheltered by the shield of the law. And it is through that son, transmitting the spirit of the father, that our most cherished musical treasures are preserved and safely guarded for all generations to forever enjoy.

_Petrucci and Antico_

Two days ago I played up the fact that June 9, the opening day of the Institute, precisely marked the 450th anniversary of Dankert’s decision in the musical debate between Vicentino and Lusitano back in 1551. And then I shocked you yet again by revealing that yesterday, June 10, marks exactly the 224th anniversary of the first music copyright case of Bach v. Longman back in 1777.

Now here we are on the third day of the Institute, and you’re quite certain that I’ve bitten off more than I can chew, and can’t possibly come up with yet another important anniversary. But you’re wrong. The significance of today, June 11, is that—astonishingly—it’s the birthday of my Aunt Harriet in Detroit. No doubt the remarkable alignment of all three of these anniversaries confirms to many of you not only the musical, but more importantly, the astrological significance of why we are gathered here. There’s not much more to say about old Harriet, other than her instrumental completion of this trinity of mystical occurrences.

Actually though it was only just a few weeks ago, May 15 to be exact, that we celebrated the anniversary of an event that even overshadows the birth of my sweet aunt, and that is the
landmark publication of this very book right here, one of the most important volumes in the entire history of music, Petrucci’s *Odhecaton* published on May 15, 1501, now turning 500 years old just a few weeks ago. I’d like to discuss that critical event this morning not from a musicological perspective—that I’ll happily defer to others here—but rather from a legal one, once again on the grounds that the evolution of musical copyright I’ve been chatting about is itself a modest tributary to the stream of historical music theory we’re forging over these few days.

As I explained yesterday, the modern system of musical copyright blossomed in the 18th century with the case of Bach v. Longman. But if we’ve learned anything here at all, it’s that musical flowers grow from those little stamens and pistils that precede it. During the 17th century, as many of you know, England and France developed a system of royal licenses to stationers, or book publishers, that protected their commercial expectations while primarily serving to enforce the government’s interest in literary censorship.

But these in turn were modelled on an even earlier proto-copyright system of privileges during the Italian Renaissance. At the center of that early development were three crucial figures: Ottaviano Petrucci, the world’s first great music publisher, Andrea Antico, his able competitor, and Bartolomeo Tromboncino, one of the most popular composer of the day. The drama between these three players foreshadows the evolution of musical copyright over the next 500 years.

Petrucci of course is the Gutenberg of music. He was the first person to apply the printing press invented in 1451 to music. Before that, music was copied by hand and later engraved on wooden blocks, both of which placed severe limitations on the speed of production, size of the inventory, and scope of circulation. Petrucci spearheaded a technological revolution in music. His adaption of printing to music marked the transition from single to multiple editions and opened up a new and wider market for its sale and distribution than ever existed before.

On May 25, 1498, Petrucci obtained the first exclusive government privilege to print music using his revolutionary technology in Venice, prohibiting anyone from copying his publications within that territory for 20 years. It took him another three years of technological and business efforts before he finally published the first printed book of polyphonic music on May 15, 1501—exactly 500 years ago—called “One Hundred Polyphonic Songs,” or simply the *Odhecaton*.

Petrucci’s famous publication—a facsimile of which collected dust on my piano during the reception—primarily contained the work of composers from France and the Netherlands such as Josquin, Bunois, Obrecht, and Issac. But he never obtained, nor was it even considered necessary to first obtain their permission as composers to publish their music, Petrucci simply chose those popular pieces he figured he could sell best, and went ahead and published them.

The success of Petrucci’s groundbreaking publication was immediate, so he followed it up with two further editions. He quickly realized that he could sell more books if he chose more popular music. The newest and catchiest items of the day were accessible Italian songs or *frottola*, precursor of the madrigal. So in 1504, Petrucci published the first of several highly successful volumes of frottola, in an easier, portable, and widely usable format addressed as much to amateurs as professionals. The majority of these songs were composed by Bartolomeo Tromboncino, but once again, Petrucci never sought or obtained his permission to publish this music, nor did he pay the composer any royalties from its sale. He simply cashed in on what was already popular, and strolled to the bank.

Whatever we now think of his business ethics, Petrucci’s achievement not only changed the face of music publishing, but the nature of Italian music itself. By creating a new market for the
indigenous Italian song, combined with the technological means for its effective distribution, he furthered its musical growth as well. His success led to the preservation of numerous pieces that would otherwise have been lost, and the development of Italian music as a whole. The publication of frottola, with its overall simplicity of means and directness of expression, instilled a new vitality and sense of cultural identity in Italy after years of stagnation, generating a musical renewal that culminated in the birth of opera.

The only serious challenge to Petrucci’s monopoly came from his ambitious rival, Andrea Antico. Antico saw that Petrucci’s publication of Italian songs was a commercial goldmine in a bullish market. So he set out to compete, but instead of copying Petrucci’s high-tech approach, he stuck with the tried and truer method of wood blocks in order to keep his overhead down. Since Petrucci’s rights were confined to Venice, Antico obtained an exclusive privilege to publish his own songbook in Rome. Antico took advantage of the lack of interterritorial protection among these independent jurisdictions and simply published the very same songs Petrucci had published in Venice. As before, the majority of these were composed by Tromboncino, who still never gave his permission to or received a single penny from either one.

Petrucci meanwhile was absolutely livid, and even went so far as to print up and sell one of Antico’s own compositions in retaliation. The struggle between these two rivals took off from there, each one stealing the other’s material back and forth in a way that would even make Adam Smith blush, until other competitors eventually joined what had now become a virtual feeding frenzy, pirating both their publications in other places like Siena and Naples where neither was protected. In the end, both Petrucci and Antico finally threw in the towel, driven out of business by unregulated competition and musical piracy caused by the lack of inter-municipal copyright protection.

Meanwhile, after years of being ripped off by these and other shrewd compatriots, Tromboncino finally got smart and decided to take matters into his own hands. In 1521 he actually became the first composer in history to obtain a privilege preventing others from using his music without his consent. Yes, Tromboncino had a lock on his own scores, but no, it never helped him, because like most composers he couldn’t figure out how to publish them himself anyway. The cold fact is that from the very beginning, copyright has always been a right of publishers, not authors. It was created by businessmen, not artists, to protect themselves from each other, and their investments from all the rest of us. Privileges were granted to sell music, not create it. Even Horace back in ancient Rome complained that his publishers, the Sosius brothers, got rich—while he only got famous.

Notwithstanding Tromboncino’s early but empty success, the real battle for full recognition of creative rights in music only occurred with the emergence of a stronger capitalist marketplace and the concept of original authorship in the 18th and 19th centuries. Even then, composers remained at the mercy of musical pirates, particularly across foreign borders. Mozart was plagued by dishonest editors who made secret copies of his scores and peddled them in distant lands. But alas, our dear Wolfgang himself wasn’t above stealing the story for The Abduction from the Seraglio from a German playwright without ever obtaining his permission or paying him dime.

Live performances of music, in particularly, as opposed to print, weren’t protected by copyright until relatively recently, primarily since there was no practical way to physically monitor them. It was only in our century in fact that protection to live and eventually recorded musical renditions fully emerged. If my paper gets accepted at the national conference next year, in an unexpected departure from this year’s resounding rejection, you’ll hear tales of intrigue
from the annals of music copyright of how the likes of Borodin and Shostakovitch were taken to the mat by some crafty American entrepreneurs.

But the seeds of this fascinating struggle were sown long ago in the Italian soil of the Renaissance and the guerilla skirmishes between Petrucci, Antico, and Tromboncino. And like war itself, the arsenal for waging it has increased exponentially. Ever new technologies far beyond Gutenberg’s wildest imagination—our copy machines, our tape recorders, those CD burners and scanners, and now the invidious Napster—all place increasingly complex and near overwhelming demands on the very idea of private musical or even intellectual property altogether. Copyright itself may become a casualty of the confrontation initiated by this very book.

And this, I daresay, is just one of the monumental challenges we now confront in our own quite incomprehensible age—as scholars, authors, composers, teachers, and yes, as lovers of music—just like our embattled predecessors on that dramatic stage now half a millennium ago.

**Banquet Speech**

In my opening remarks at the beginning of the Institute a few very long days ago, I told you that the closest model I could dig up for the Mannes Institute was the Accademia degli Alterati, or Academy of Altered Ones, back in sixteenth-century Florence. As I explained, the “altered state” they were referring to was the enlightenment of their members through the communal pursuit of knowledge. You may remember, the great symbol of the Alterati was the vat of wine from pressed grapes, representing their transformation from a lower state to a higher distillation of wisdom and virtue itself.

Tonight, two beers later, the significance of the vat seems somewhat less abstract. I think as a group we’re approaching that altered state, or at least an altered state. I’m even starting to see the logic of the Alterati’s wonderful nicknames, like Joel the Effusive One, Kofi the Skeptical One, Sarah the Patient One, Fred the Provocative One, and Janna the Passionate One. I won’t attempt to identify the Horrid or Dismembered Ones like the Alterati.

In order to achieve their desired transformation of course, the Alterati had to meet at least once or better twice a week, much like my psychiatrist insists. As suspected, attendance was usually off. Since it seemed easier to achieve enlightenment in a single dose, the Alterati decided to convene their entire congregation for a better attended annual symposium, much like this, celebrating the founding of their Faith on February 17, 1568. After confronting long reading lists, incomprehensible texts, and suspect metaphors, the depleted Alterati were ultimately rewarded with a sumptuous banquet at the end. Fortunately, as master of ceremonies I recently stumbled upon the actual menu for one such sixteenth-century academic feast—and I’d like to share it with you as we too dine tonight.

According to the meticulous diaries of the Accademia degli Alterati, the banquet at Florence for a party of twenty-four, roughly half our number, included ten lbs. of grapes (their favorite food in one form or another), forty-eight oversized pears (that’s two each), a random assortment of Etruscan peaches (pitted of course), and no less than eighty-one lbs. of imported strawberries. That comes to five lbs. of fruit per stomach. On top of that, they poured down no less than twenty-one bottles of Greek red wine and 3 bottles of chianti (totalling one bottle of alcoholic beverage per scholar), plus apparently for a precocious child member, a single bottle of milk. They also tossed in fifteen lbs. of cake flour for a culinary purpose beyond my comprehension.
This then was immediately followed by a hearty meal of twenty-four turtle doves (one each again), six entire legs of veal, a half-dozen wild turkeys, and exactly three capons. They needed ten humongous candles weighing two lbs. each, evidently so they could see what they were devouring, plus the record plainly shows, seventy-eight lbs. of snow, accompanied by the charming hope of keeping everything that’s supposed to be cold, sort of cold. I think now at this juncture, our comparison to the ancient Alterati of the Renaissance, as well as my speech, should in good taste stop.

And so on that note, I thank you all once again for participating in this implausible venture, trusting at this point that your smiles reveal not only intellectual gratification, but gastronomical as well. Oh yes, I almost forgot: the Altered Ones topped it off, for reasons presumably transparent to us all, with a tub of one hundred fifty prunes—three per Alterato. Let’s hope that’s part of their legacy we can safely neglect.

**Finnian v. Columba**

There’s an astonishingly charming Irish legend going back to the sixth century about the origins of musical copyright that I’ve saved for my final morning presentation at the end of our Institute. Music as we know was primarily used for spiritual purposes at that time, and its transmission and performance were controlled by monasteries, whose monks painstakingly copied the ancient manuscripts by hand. The year is 567, and the issue is a 6th century psalter, a collection of psalms for chanting in prayer.

Our legend is not only enchanting, but significant as well. It raises questions fundamental to the evolution of musical copyright as a genre of historical music theory, involving the very nature of individual creativity and the larger role of music in society. According to legend, an old Irish monk named Abbot Finnian spent considerable time and effort in his latter years creating a beautiful psalter which his monastery used for chanting. One day, the Abbot’s former disciple, a young missionary by the name of Columba, paid a visit to his aging master in the secluded monastery.

During the early morning song, Columba admired Finnian’s beautiful psalter and its miraculous chants. Young Columba was so moved that late that evening he snuck into the church while Finnian and his monks were sound asleep and copied the manuscript by the flickering light of a candle. Legend tells us that his favorite psalm, as is one of mine, was the 109th of David, with its haunting image, “My adversaries shall be clothed with confusion, and wear their own shame as a robe.”

The story continues that sometime during the night a mysterious stranger was attracted to the flickering glow of Columba’s candlelight in the church. As he bent over and peeked in through the keyhole, he saw the young missionary copying the psalter. But the stranger’s spying came at a terrible price. While his face was pressed against the hole, a hungry crane that the monks allowed to live in the church suddenly swooped down and ripped out his eyeball.

Despite his anguish, the blood soaked stranger ran and woke the Abbot, telling him all he had seen. Finnian and his angry monks seized Columba and demanded that he give back the copy of the psalter, but he refused. And so together they appealed to wise King Dermott, who ruled the Irish kingdom from the great Halls of Tara, not far from Dublin. And this, legend goes, became the first musical copyright case ever.

Finnian charged Columba with making an unauthorized copy of his psalter. Columba’s defense is still familiar today. Unlike Finnian, who was a monk leading a sedentary life in a
monastery, Columba was an active missionary who travelled the Irish countryside, spreading the word of God to the people. He copied Finnian’s psalter so he could make it available to the common folk beyond the cloistered walls of the monastery.

Why, pleaded young Columba, should Finnian have an exclusive monopoly over such beautiful melodies? Merely because God spoke through him? Did Christ truly want these sacred sounds kept locked up behind sealed doors, under the control of a handful of isolated monks? Weren’t all God’s children entitled to chant them in praise of the greater glory of the Lord Himself?

Abbot Finnian’s case against Columba, on the other hand, is also a familiar one today. He argued that his rights in his own work outweighed Columba’s claim on behalf of the people. He created the psalter with own sweat—even if the inspiration were divine. If his own handiwork weren’t protected, who would bother to do something like this in the future? And didn’t his creative effort also serve God as well?

Finnian also argued on a more worldly note that Columba’s unauthorized copy of the psalter deprived his monastery of important economic benefits. Monks from other monasteries often sought permission to copy special manuscripts like this. The privilege of copying was the basis for an exchange of copies or even a commercial charge. Columba’s infringement deprived Finnian’s monastery of lost profits. And who else might next copy Columba’s unlawful copy yet again, further diluting the value of the Abbot’s songbook? Where would it stop?

And so according to legend, King Dermott, deciding the first musical copyright case ever, confronted a fundamental tension in all matters of art and law that we still juggle centuries later. How do you balance the private interests in our personal creations against our collective interests in unimpaired access to information, art, and ideas? How do you balance the needs of the author with the needs of society, and the rights of the individual against those of us all? There was no easy answer for King Dermott back in the sixth century, and none for us now in the twenty-first.

In the end, after forty days of deliberation, the Irish King elected to uphold the fundamental idea of copyright, and that’s why the legend is still told today. He ruled in Abbot Finnian’s favor and ordered Columba to give back the copy of the psalter to the monastery. And his rustic judgment has since become an Irish proverb taught to young disciples as they dedicate themselves to the law: “Le gach boin a boinin, le gach lebar a lebran—With every cow goes her calf, and so with every book goes its copy.”

And thus King Dermott became one of the patriarchs of musical copyright so very long ago, and his judgment has been upheld ever since. Abbot Finnian and his band of monks retained the unauthorized copy of his psalter and prevented the distribution of its ethereal melodies through the green hills of the Irish countryside. Finnian’s monastery gradually became rich and powerful from its monopoly in music kept locked behind sealed doors. According to legend, the decrepit Abbot died clutching his precious psalter in his gnarled hands, now buried forever beneath the crumbling walls of the ancient monastery near Dublin. Young Columba resumed his mission spreading the word of God to the people, but without Finnian’s psalter. In time, he eventually became a saint. The first copyright infringer in history was a servant of the Lord, guilty of trying to share another man’s creative inspiration with the world in praise of a higher authority.

And what of the mysterious stranger wandering through the night who lost his eyesight to an angry crane? His simple sense of fairness compelled him to reveal his last vision of impropriety—even if it meant accusing a saint. It is he who embodies the spirit, yet the agony of copyright itself.
Thank You Speech

We’re near the end of this remarkable event, and as the recipient of more than abundant praise, I find myself morally obligated to dispel the otherwise gratifying illusion that I somehow managed to accomplish all this on my own. The fact of the matter is, as most of you know as well, we’re all basically cogs in a wheel—and I’m indebted to some very wonderful people whom I now want to take a few moments to acknowledge and sincerely thank.

First off, I’d like to express my gratitude to Jan Miyake, the Administrative Coordinator of the Institute. In case you didn’t know, Jan is talented and promising scholar in her own right. She was a lifejacket that literally saved me from drowning in the whitewater of a voyage as complicated as this. She was adept, thorough, and a woman Friday on every day of the week. Please give both Jan and her husband Josh a round of well-deserved applause.

Second, I speak for everyone in the room when I say it’s high time to thank profusely the absolutely superb faculty of this year’s Institute, Thomas, Ian, Cristle, Sarah, Joel and Tom. There is no question that the success of this program in attracting other outstanding scholars to attend is attributable to the intellectual stature and professional collegiality of you six people. You bravely confronted the daunting challenge of leading workshops before an intimidating group of peers, and you did it with grace, humility, and impeccable expertise.

Beyond that, it is readily apparent to us all that each of you put in hours upon hours of preparatory work in order to make this a truly meaningful educational experience for the rest of us at the Institute. I must warn everyone here that as we solicit others of you to conduct future workshops in your own area of practice, you will be held to the gold standard this inaugural group has set for us today. Without embarrassing you, I’d ask the six scholars of our outstanding faculty to please stand and accept our heartiest applause.

Within their ranks of these six, I owe a special debt of gratitude to Thomas Christensen. From the very outset, Thomas has been the linchpin of this entire endeavor. It was only when Thomas enthusiastically agreed to chair this faculty and solicit colleagues of comparable stature that I knew that whatever else happened, we had the necessary scholarly gravitas to succeed. Thank you, Thomas.

The Mannes Institute is ultimately premised, however, on a single personal relationship that supports everything else, and I’m proud to say its between me and my friend—as well as my boss—Joel Lester. Perhaps more than anyone here, Joel is truly a Renaissance man—a prolific scholar, teacher, musician, author, administrator, and colleague. Joel has patience, fortitude, and the abundance of energy necessary to get things done. He worked with me almost every step of the way, sometimes through difficult passages, in order to achieve our mutual goals. What you see here are the fruits of a partnership, pure and simple, between me and Joel, and for that I am deeply grateful.

I’d also like to acknowledge the presence today of our special guest, Bob Kerrey, former U.S. senator and now president of the New School University of which Mannes is proud to be part. Bob graciously accepted our invitation to see what our field and our new Institute are all about. But that I think tells us something in turn what he’s about too.

Everyone in the country knows that Bob is dynamic and intelligent, but he also has a vision I think that coincides with the goals of our Institute—of a truly new university of the new millennium, as a community of scholars, a gathering place for intellectual exchange and the facilitation of innovative thought. I’m personally honored and excited to be the director of a program affiliated with someone like Bob Kerrey, and I hope in turn that you, Bob, see our
Institute as an example of what Mannes and the New School can truly achieve under your leadership.

We also all need to say a blessing for the patron saints of this event, who like the author of the ancient *Dialogus*, remain anonymous. We have the treatise, now we have the Institute, and in the end that’s all that really matters. Perhaps the greatest gift of these generous benefactors is in their anonymity itself, and the message that ultimately it’s our achievements, and not our identities, that matter most.

And finally, I’d like to express my heartfelt appreciation to each and every one of you, who decided to trust me by supporting and coming to the Institute. Some of you applied on your own, but for many others I came knocking on your door like a salesman, hawking you to lend your own considerable prestige and professional reputation to help get my buggy off the ground. I won’t single you out by name, but you know who you are, and I for that I am grateful.

And to the entire lot of you, as visionaries, risktakers, Alterati, or just folks like me, who love to think and talk about music, I tip my hat for making this a rich and truly memorable experience that I hope we will not only cherish, but quickly repeat. Thank you again, one and all, members of the Institute.

*Conclusion*

This brings the first annual Mannes Institute for Advanced Studies in Music Theory to an end. It was an incredible experience, and one that I am delighted not only to have made possible, but to have been a part of myself. I thank you all once again for your participation, but moreover, your contribution to its success. Before we disband, I have three matters to take care of.

First, I would like to remind all participants and faculty to please fill our your Institute Evaluation Form in your conference packet if you have not done so already, and either give it to Jan or me, or send it anonymously to us in the stamped envelope provided in your folder. We would like to get as much feedback from you as possible as to what you liked, what worked for you, and what suggestions you might have for improvement in future Institutes.

Second, if you haven’t read the flyer in your packet, I’d like to announce that next year’s program will be a hands-on, practice-oriented Workshop in Schenkerian Theory and Analysis. We’ve already assembled an outstanding faculty of Carl Schachter, Bill Rothstein, Frank Samarotto and other top Schenkerian scholars and practitioners. The workshop will emphasis concrete and applied analytic skills, with additional sessions devoted to Schenkerian pedagogy, philosophy and history.

The Institute is not only designed as advanced study for those already possessing extensive training in Schenkerian analysis, but more so to provide gifted scholars in other areas the opportunity for direct exposure and practical training with skilled Schenkerian practitioners. Applicants with a minimum of one semester Schenkerian analysis generally will be given preference. After the meeting, Jan will have a sign-up sheet for those who wish to receive a preliminary email announcement of next year’s Schenkerian Institute at the appropriate time. Beyond that, let me say that future programs under consideration include post-tonal theory and analysis, sketch study, and theories of rhythm and meter.

And now, having all survived these past four days of intensive proceedings, it’s my pleasure to drop the gavel on the first annual Mannes Institute this 12th day of June, 2001. By the power vested in me as director of this great and noble enterprise, I hereby call the roll of newly admitted fellows into the Mannes Institute for Advanced Studies in Music Theory. As I read your
name aloud, kindly come up to receive your official certificate of membership evidencing your affiliation in this august body from this day hence: