

Mock Trials in the Music Theory Classroom

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Mock trials can help music theory students analyze compositions whose thematic, formal, or tonal ambiguities invite multiple interpretations. In this article, I outline the four phases of a music theory mock trial (investigation, evidence, verdict, and discussion), present sample cases, and discuss student responses and pedagogical benefits of using mock trials in the music theory classroom. Music theory mock trials work well for a wide variety of analytical topics and repertoires, as demonstrated by three sample cases. In these cases, students investigate motivic material in Bach's Invention in B-flat Major (BWV 785), confront cadential ambiguity in Schumann's "Aus meinen Thränen spriessen" (*Dichterliebe*, no. 2), and join the scholarly debate surrounding Wagner's enigmatic *Tristan* chord. By analyzing compositions via music theory mock trials, students learn to identify and articulate musical evidence to support their analyses, consider diverse music-analytical perspectives, and deepen their critical-thinking skills while engaging their peers in a spirited, but respectful, dialogue.



Music analysis can be messy. In trying to sanitize the analytical process, some students ask, "What's the right answer?" as they take their first steps into the realm of music analysis. Instructors, on the other hand, may reject the idea of "right" answers once students have progressed beyond the most rudimentary levels of study. Rich in ambiguity, music invites multiple interpretations, and analytical opinions can be swayed by persuasive musical evidence. So how can we help students grapple with pieces that are analytically ambiguous? And how can students develop the critical-thinking skills they need to make informed decisions as professional musicians and educated members of society? Music theory mock trials can help. By participating in music theory mock trials, students learn to formulate coherent arguments to support their analytical interpretations, evaluate the musical justifications for other interpretations, and accept the validity of multiple viewpoints.

Although mock trials appear in pedagogical contexts within multiple disciplines—including ancient thought, business law, economics, history, management, medical anthropology, medieval literature, and political science—they have not yet emerged in the field of music theory.¹ However, Michael Rogers recommends that students

¹ See, for example, Silvermintz (2007); Gershuny, McAllister, and Rainey (2012); Carlson and Skaggs (2000); Hersch and Viscusi (1998); Osborne and Bombaro (2010); Farmer et al. (2012); Brown (1980); Donnelly (2017); and Ahmadov (2011). For connections between mock trials and critical thinking, see Karraker (1993); for the role of mock trials in enlivening the classroom during the mid-semester doldrums, see Lang (2008).

compile “lists of supporting evidence to shore up their own answer and to rebut alternate possibilities—like a lawyer in court,” in order to establish “habits of critical thinking and analysis.”² Gordon Sly also uses the analogy of a trial lawyer interpreting the evidence when addressing the jury to convey to his students the importance of choosing viewpoints—conceptualized as musical agents—around which to focus their analyses.³ Rogers argues that students who embrace the “rich messiness” of music analysis develop a greater musical understanding than those whose studies are limited to unambiguous aspects of music analysis. Similarly, Matthew Bribitzer-Stull observes that exploring musical ambiguity in the theory classroom promotes meaningful discourse among students as they consider multiple analytical interpretations and gather data to support their musical arguments.⁴

In this article, I describe the structure of music theory mock trials that I have developed to promote student engagement and critical thinking in classes with students ranging from first-year undergraduates to doctoral students.⁵ I present three sample mock trial cases and provide ready-to-use resources for music theory instructors who would like to hold their own mock trials.⁶ I also consider potential challenges that may arise during music theory mock trials and offer solutions based on my experience using mock trials in my classes. Finally, I discuss student responses and pedagogical benefits of using mock trials in the music theory classroom.

2 Rogers (2004, 67).

3 Sly (2005, 51–52).

4 Rogers (1990, 140); Bribitzer-Stull (2003, 21–22).

5 The critical thinking cultivated through music theory mock trials aligns with the goal of the National Association of Schools of Music that students be able to “develop and defend musical judgments” (liberal arts degree with a major in music), “form and defend value judgments about music” (all professional baccalaureate degrees in music and all undergraduate degrees leading to teacher certification), and “make effective artistic and intellectual judgments and professional decisions in the area of specialization” (all specific master’s degrees). See, respectively, sections VII.D.2.a.(5), VIII.C.2, and XIV.A.1 of the *NASM Handbook 2018–19*, <https://nasm.arts-accredit.org/accreditation/standards-guidelines/handbook/> (accessed November 16, 2019).

6 These resources include a lesson plan for a music theory mock trial, a summary of courtroom roles and responsibilities, jury instructions for the Schumann mock trial, a list of sources and summary of expert witness testimony for the Wagner mock trial, my fully analyzed copies of the scores for the Bach and Schumann mock trials, and the song text and translation for the Schumann mock trial (see the Appendices). Additional resources, such as the musical evidence worksheet for the Schumann mock trial and discussion questions for the Wagner mock trial, appear throughout the article.

Structure of Music Theory Mock Trials

Music theory mock trials consist of four phases: investigation, evidence, verdict, and discussion. At the beginning of a mock trial, students work together in groups of three to five to analyze the piece and gather musical evidence (phase 1). When their investigations are complete, one student from each group volunteers to serve on the jury. Including a member from each investigative group ensures the analytical findings of all groups are represented fairly and increases the diversity of perspectives available to jurors as they deliberate during the verdict phase.

During the evidence phase, students take turns testifying as witnesses who share their analytical observations with the class and present musical examples to support their conclusions (phase 2). The evidence phase modifies the procedures of a real trial. In a music theory mock trial, witnesses testify freely without being prompted by the questions of lawyers. Students may still serve temporarily as lawyers who question witnesses and uncover contrasting evidence or different interpretations of the musical evidence already presented. There is no limit to the number of student lawyers or witnesses who can participate in the trial. Rather than restricting the case to two opposing viewpoints, mock trials accommodate multiple analytical interpretations.⁷ Music theory mock trials are not competitive, and students are free to change their analytical opinions at any time because they participate in the evidence phase on an individual basis.⁸ As witnesses present evidence, one or two student court reporters list the evidence on the board in words or music notation. A student bailiff announces the judge, calls witnesses to the stand, and, optionally, swears in witnesses. The instructor, acting as the judge, keeps trial proceedings moving smoothly and asks questions to clarify or redirect students' interpretations of the musical evidence.

Once all the evidence has been presented, the judge dismisses the members of the jury to deliberate their verdict (phase 3). While the jury is absent, the rest of the students discuss what they think the verdict should be. Upon returning to the classroom, jurors announce their verdict and explain how they reached their decision. The judge then comments on the verdict and provides any necessary clarification or

7 If there is no disagreement about the analysis, the instructor can stimulate discussion by assigning one or more of the most capable students to argue a different view than they actually hold.

8 The collaborative structure of the investigation phase is balanced with the individual structure of the evidence phase, providing opportunities for students who prefer to work in groups and students who prefer to work individually to engage with the course material according to their respective preferences.

additional information before concluding the mock trial by leading a discussion of what students have learned and how participating in the mock trial may have affected their analyses (phase 4).⁹

Several dramatic elements inspire student engagement by appealing to students' imaginations. For example, members of the jury sit together in a separate area of the classroom—i.e., the jury box—and chairs at the front of the room serve, respectively, as the judge's bench and witness stand. I also wear a black academic robe and use a gavel when I serve as judge. Students enter wholeheartedly into the role-play of the courtroom as they bring their knowledge of the American judicial system from education and popular culture to bear on the musical case at hand. For example, my students initiated having a bailiff, suggested I make a grand entrance into the classroom after being announced, and chose—though I did not require it—to swear in the witnesses with a copy of our theory textbook before they offered their testimony. Students in the Wagner mock trial suggested a title for the case, which they dubbed “Tristan v. Traditional Harmony.”¹⁰ Students demonstrate their engagement in the mock trial by embracing the dramatic trappings of their courtroom roles and carry this same intensity into their engagement with the music-analytical evidence of the case.

The class time required for a music theory mock trial depends on the content of each case and the amount of discussion sparked by the evidence. I generally devote two or three 50-minute classes to each mock trial. During the first class, students complete their musical investigation of the piece, I introduce the basic structure of the mock trial and assign courtroom roles, and witnesses begin to present their evidence. At the end of class, I announce a recess until the next class meeting. The second class begins with a summary of evidence already presented, which the court reporter preserves from the first class and records on the board; we finish examining the musical evidence; and the jury deliberates and renders a verdict. If time permits, I then comment on the verdict and share my own analytical perspective; otherwise, I defer my comments, and the concluding discussion, to the beginning of the next class.

9 Music theory mock trials help students engage in the higher levels of thinking described in Bloom's *Taxonomy* (1956). Students begin with application as they use their music-theoretical knowledge to analyze the score. As they develop coherent analytical interpretations and support them with musical evidence, students engage in analysis and synthesis before proceeding to evaluation when they weigh the merits of conflicting interpretations and decide which interpretation they find most convincing.

10 In another iteration of the Wagner mock trial, the court reporter dubbed the proceedings “The Trial of Dick Wagner,” listing the “Date of Crime” as June 10, 1865 (premiere of *Tristan und Isolde*) and recording the present date as the “Date of Trial.”

Sample Cases for Music Theory Mock Trials

Music theory mock trials work well for a wide variety of analytical topics and repertoires, as I will demonstrate with three sample cases. In these cases, students investigate motivic material in J. S. Bach's Invention in B-flat Major (BWV 785), confront cadential ambiguity in Robert Schumann's "Aus meinen Thränen spriessen" (*Dichterliebe*, no. 2), and join the scholarly debate surrounding Richard Wagner's enigmatic *Tristan* chord. I have used these cases successfully with classes of six to twenty-six students, from first-year undergraduates to doctoral students, at several institutions. These institutions include two large public universities, a large private university, and a small liberal arts college in geographically diverse areas of the United States. Additional topics for music theory mock trials could include tonicization vs. modulation and rounded binary vs. ternary form. Other topics are also possible—all that is needed is a musical example that does not fit neatly within a single analytical interpretation.

In the first sample case, students apply their understanding of motives and countermotives to an analysis of Bach's Invention in B-flat Major (BWV 785). Instructions to student participants appear in Figure 1. An analyzed excerpt of the score is shown in Example 1, with appearances of the motive and countermotive respectively labeled as "M" and "CM."¹¹ The motive comprises two parts, which I call "x" and "y." Bach frequently presents "x" without "y" and often employs this fragmentation of the motive in imitative and sequential contexts.¹²

Today you will use your understanding of motives and countermotives to help you analyze Bach's Invention in B-flat Major (BWV 785). Work with the other members of your group to identify the motive and countermotive of this piece. Bracket each instance of the motive and countermotive on the score and label the bracketed portions with "M" for motive or "CM" for countermotive. If the motive can be divided into more than one part, label the parts as "x," "y," etc. Support your identification of the motive and countermotive with specific musical examples. Be alert to Bach's use of compositional devices such as transposition, inversion, imitation, fragmentation, and sequence.

Figure 1
Instructions for participants in Bach mock trial.

¹¹ Analytical notations are provided here for the convenience of the reader, and an analyzed copy of the entire score is available in Appendix 6. Students receive unmarked copies of the score. My analysis of the motive follows that of Laitz (2015, A-34–A-35). For an alternative analysis that identifies a longer span of music as the motive, see Kennan (1999, 137). The opening left-hand material originates as an accompanying line that reappears throughout the Invention as a countermotive. Kennan discusses a similar scenario in his analysis of Bach's Invention in E-flat Major (1999, 129).

¹² See, for example, the treatment of the "x" fragment in mm. 4–5.

The musical score consists of four systems, each with a treble and bass staff. Red brackets above and below the staves identify motives (M, x, y) and counter motives (CM). Blue brackets below the staves identify counter motives (CM). Fingerings are indicated by numbers 1-5. A 'cresc.' marking is present in measure 6.

Example 1

J. S. Bach, Invention in B-flat Major (BWV 785), mm. 1–8. Boston: Oliver Ditson Co., 1907. All analytical markings are those of the author. The “x” and “y” components of the motive are marked for the motive’s first appearance. Full and partial appearances of the motive (M, x, y) are bracketed in red; appearances of the counter motive (CM) are bracketed in blue.

During the mock trial, students identify candidates for motive and countermotive, notate them on the board, and discuss reasons why they believe their analyses make sense. The same musical evidence can be interpreted in multiple ways; for example, some students view the many appearances of the “x” fragment as evidence that it constitutes the motive, while other students regard the appearances of “x” as fragmentation of a longer motive. Identification of the countermotive in this Invention prompts discussion of whether to include the initial B $\flat$ 3, even though all but one of the other appearances of the countermotive begin without this octave leap; whether to analyze as countermotive only the portions that return every time; or whether to conclude that the countermotive includes an opening eighth rest as a speaking silence from which to launch the remainder of the countermotive.¹³

It is worth noting that the threshold of ambiguity in music analysis is much lower for students than it is for their instructors. Thus, it is possible to hold effective mock trials for pieces instructors may not consider particularly ambiguous, such as this Invention. As students progress to greater levels of understanding in music analysis, they can engage with pieces that are more ambiguous. The next sample case examines one such piece: Schumann’s “Aus meinen Thränen spriessen” (*Dichterliebe*, no. 2).

The focus of this case is the cadential ambiguity that results from Schumann’s juxtaposition of half cadences in the voice with authentic cadences in the piano. A copy of the score appears in Example 2.¹⁴ I assign a harmonic analysis of the song as homework before the mock trial begins and provide students with a musical evidence worksheet on which to record their observations during the investigation phase in class. A copy of this worksheet appears in Figure 2. Besides giving students a concise way to record the cadences they find, the worksheet helps them develop the analytical reasoning they need to present musical evidence during the mock trial by directing them to provide justification for why the location and type of each cadence they analyze make sense.

¹³ I specify octave register throughout this article in relation to middle C as C₄.

¹⁴ While cadence locations are marked here for the convenience of the reader, students receive unmarked copies of the score. An analyzed copy of the score appears in Appendix 7.

Nicht schnell.

Aus weissen Thränen spriessen viel blühende Blumen her vor, und meine Seufzer
werden ein Nachtigallenchor. Und wenn du mich lieb hast, Kindchen, schenk ich dir die Blumen
all, und vor deinem Fenster soll klingen das Lied der Nachtigall.

ritard.

Example 2

Robert Schumann, "Aus meinen Thränen spriessen" (*Dichterliebe*, no. 2).
Leipzig: Breitkopf & Härtel, 1885.

The cadences in mm. 4, 8, and 16–17 all tell the same story: the voice ends each phrase on $\hat{2}$ over a dominant-seventh chord in the piano which, after lingering on a fermata, eventually moves to the tonic, raising the question of whether to prioritize the voice or the piano part when analyzing these cadences. If the voice takes precedence over the piano, all three cadences—including the final cadence of the song—are half cadences that provide no satisfactory tonal closure for the piece. Prioritizing the piano and analyzing the cadences as authentic accounts for the eventual resolution of V^7 to I and satisfies the desire for tonal closure; however, it is less than satisfactory for the voice to remain unresolved in three of the song's four cadences.¹⁵

15 The A_4 that is absent from the voice's phrase endings in this song finally emerges in the voice as the anacrusis to the following song, "Die Rose, die Lilie."

Musical Evidence Worksheet:
Robert Schumann, “Aus meinen Thränen spriessen” (*Dichterliebe*, no. 2)

Follow the instructions below as you gather musical evidence for the trial.

1. Complete a harmonic analysis of the song by identifying the key(s) in which it is written and labeling chords with Roman numerals and inversion symbols.
2. Find all the cadences in this song; give the measure numbers where they appear; and identify each cadence by type (PAC, IAC, DC, HC, PC, etc.). Fill in the chart below, leaving rows blank or adding more rows as needed to accommodate the number of cadences you find. Explain why you think a cadence occurs at each of the places you have identified and discuss why the cadence types you chose make sense from a music-analytical standpoint. Be sure to consider both voice and piano in your analysis.
3. Think about how the text and music of the song relate to one another. Do they seem to agree? To disagree? Give specific examples and discuss the possible significance of these text-music interactions.

Cadence Measure Number	Why analyze a cadence here?	Cadence Type	Why do you think this cadence type makes sense?

Figure 2

Musical evidence worksheet for Schumann mock trial. Students receive copies of the score and a translation of the text to use during the mock trial.

Students sometimes go beyond pitch aspects of the score to bolster their analytical interpretations with evidence related to other aspects of the music. For instance, one student supported his argument for PACs in mm. 4 and 8 by pointing out that the *pianissimo* dynamic at each of these cadences continues through the resolution of V⁷ to I before changing to *piano* at the beginning of each new phrase. Arguing for half cadences in these measures, another student contrasted the long duration and strong

metric placement of V^7 on the downbeat with the short duration and weak metric placement of I as evidence to support his analysis.

As I share during my post-verdict discussion, what I find most intriguing in this piece is the disjunction between the respective phrase endings of voice and piano. The piano's authentic cadences in mm. 4, 8, and 16–17 are repetitions of the cadential figure which first appears in mm. 3, 7, and 15. The vocal melody participates in these three authentic cadences, but the respective lines of text are not yet finished, compelling the voice to continue in order to complete the text, which runs out rather abruptly on $\hat{2}$. Meanwhile, the piano, accommodating the belated conclusion of the text, repeats its cadence. The seeming lack of coordination between voice and piano at phrase endings reveals an elegant musical tension that may reflect the longing of the poet for his love to be requited. With this idea in mind, consider the third cadence of the piece, a half cadence in m. 12. The voice and piano finish the line of text and the musical phrase at the same time, and it seems that the poet, as he sings of what will happen if his beloved returns his affection, is about to get his wish. But there's a catch: instead of the prevailing key of A major, this half cadence occurs in the relative key of $F\#$ minor. The "wrong-key" cadence implies that, despite his best efforts, the poet's longed-for happy ending remains only a dream as the final cadence of the song resumes the disjunct phrase endings of voice and piano.¹⁶

It is especially important for students to consider multiple interpretations when they confront analytical puzzles which even music theorists debate, as in the third sample case. This mock trial, which is intended for advanced undergraduate or graduate students, invites students to join the music-theoretical debate regarding the identity of Wagner's enigmatic *Tristan* chord from the Prelude to Act I of *Tristan und Isolde*.¹⁷ A portion of the score in piano reduction appears in Example 3, with the first appearance of the *Tristan* chord marked on the score. Pertinent analytical issues include whether to consider $G\#4$ or $A4$ as a member of the chord, whether to

16 The juxtaposition of cadences in A major and $F\#$ minor recalls the tonal ambiguity of the preceding song, "Im wunderschönen Monat Mai," which hovers between the same two keys and ultimately ends on V^7 of $F\#$ minor. The question of the overall key of that song could form the basis for another mock trial.

17 For recent contributions to this debate, see the discussion thread "Functional Interpretation of the Tristan Chord" on SMT-Discuss, <https://discuss.societyofmusictheory.org/discussion/449/functional-interpretation-of-the-tristan-chord> (accessed November 16, 2019). Note that none of these participants refer to any of the published discussions of the chord's identity and interpretation. For a survey of these (now seriously out of date), see Vogel (1962). A bibliography of more recent sources appears in Martin (2008).

preserve the original notation or include one or more enharmonically spelled notes, and whether to emphasize melodic or harmonic aspects of the piece.

Langsam und schmachtend.

The image shows a musical score for the Prelude to Act I of Wagner's *Tristan und Isolde*, arranged by Richard Kleinmichel. The tempo is marked 'Langsam und schmachtend.' (Slow and languorous). The score is in 6/8 time. The first system shows measures 1-6, with a box highlighting measure 4 where the Tristan chord first appears. The second system shows measures 7-13. Dynamics include *pp*, *p*, *cresc.*, and *dim.*.

Example 3

Richard Wagner, Prelude to Act I of *Tristan und Isolde*, arr. Richard Kleinmichel, mm. 1–13. Leipzig: Breitkopf & Härtel, 1914. The first appearance of the *Tristan* chord is marked on the score.

During the first class of this mock trial, students listen to the opening of the Prelude, mark appearances of the *Tristan* chord on the score, and identify as many possible ways to analyze this sonority as they can. Alternatively, students can develop possible analyses of the *Tristan* chord as a homework assignment before the first class of the mock trial, with the stipulation that they must do so without consulting additional sources. Students present the analytical possibilities they discover and argue for the explanations of the *Tristan* chord they find most convincing. A summary of analytical interpretations proposed by my students appears in Figure 3.

Rather than proceeding immediately to the verdict phase, this mock trial features a second round of investigation and evidence. The second investigation phase takes place outside of class. Students read several scholarly sources that present different analytical perspectives on the *Tristan* chord and write their responses to discussion questions in an adaptation of the legal brief.¹⁸ These discussion questions appear in

¹⁸ These sources, with suggested pages for focused reading, are listed in Appendix 4. For a concise summary of the analytical interpretations presented by these sources, see Appendix 5. Providing specific page ranges enables students to concentrate on the most pertinent material, thus facilitating the process of reading advanced sources from the music theory literature. Because some sources refer

	G# as Chord Tone	A as Chord Tone	Alternative Analysis
Original Spelling	Spelling: G# B D# F Analysis: Altered vii ^{o7}	Spelling: F A B D# Analysis: French augmented-sixth chord Spelling: B D# F A Analysis: V ⁷⁽⁶⁵⁾ /V	Not a chord; rather, it is a collection of harmonic and melodic lines used to create tension
Enharmonic Spelling	Spelling: B D# F A $\flat$ Analysis: Some form of II chord, either II ⁽⁶⁷⁵⁾ or ii ^{o7(63)} Spelling: F A $\flat$ C $\flat$ E $\flat$ Analysis: vi ^{o7}	Spelling: D# F A C $\flat$ Analysis: Altered vii ^{o7} /V	N/A

Figure 3

Student interpretations of the *Tristan* chord. Analyses and chord spellings do not reflect inversions. All analyses refer to the key of A minor.

Figure 4. Equipped with evidence they have gleaned from the literature, students present the conclusions of expert witnesses during the second evidence phase. In so doing, students practice critical thinking as they discuss the varying analytical conclusions of music theorists, determine which arguments they find most convincing, and take part in the ongoing scholarly debate concerning the ambiguous identity of the *Tristan* chord.¹⁹ The subsequent verdict and discussion phases proceed as usual, with jurors considering both student- and scholar-generated analyses when deliberating their verdict.

Troubleshooting Music Theory Mock Trials

Several potential issues may arise during a music theory mock trial. In the hope that advance consideration will enable instructors to address these issues successfully, I share and discuss here five issues that I have personally encountered.

to features of the score without showing them in notation, it is advisable for students to have access to a copy of the Prelude as they read. Additional suggestions for managing the student workload appear in the Troubleshooting section of this article.

¹⁹ Students also gain valuable experience in learning to represent fairly the arguments of others.

For each source of “expert witness” testimony that you read, be prepared to answer the following questions.

1. How does the author explain the *Tristan* chord?
2. What musical evidence does the author use to support his or her conclusion about the identity of the *Tristan* chord?
3. How convincing do you find the author’s argument?
4. How is the author’s analysis similar to or different from your initial analysis of the chord?
5. Has reading this author’s perspective affected how you would analyze the *Tristan* chord now? Why or why not?

Figure 4

Discussion questions for expert witness testimony in Wagner mock trial.

1. Students’ analytical interpretations may not be reasonable or analytically sound.

One aspect of facilitating music theory mock trials that I sometimes find challenging is giving students enough time to explore a range of possible analytical interpretations that includes interpretations I do not consider viable. During the Schumann mock trial, for example, several witnesses overlooked the role of the text in determining phrase length and analyzed two-measure subphrases as phrases. Eventually, however, the four-measure phrase structure of the piece emerged through the testimony of another witness, and the jury ultimately adopted four-measure phrases in its verdict. While I ask questions during the evidence phase of the mock trial to help students clarify their thinking, it takes self-control and a commitment to active learning to give students the time they need to develop a reasonable analysis of the piece.

2. The class may be too small to accommodate a jury of students who do not testify as witnesses.

I have held mock trials in classes with as few as six students. Once the class size drops below approximately ten students, the energy level of the class and diversity of analytical perspectives may be limited if any students are barred from testifying. If the class is too small to accommodate a traditional jury of students who listen to the evidence but do not testify, the verdict may be determined by a secret ballot in which all members of the class participate. Even during mock trials with student juries, I do occasionally permit members of the jury to testify, provided they have evidence to share that has not already been presented by the witnesses. While this would not be possible in a real trial, the purpose of the mock trial is pedagogical, so I make exceptions to the normal procedure of the mock trial when these exceptions are likely to enhance student learning.

3. Students may perceive the jury as biased (whether it actually is or not).

In addition to making sure the jury has a member from each investigative group, consider balancing the majors or primary instruments of the students who serve on the jury. This helps maintain the fairness of the mock trial in the case of a dichotomy (such as vocalists and instrumentalists) within the student body. Careful attention to jury composition is especially important to avoid perceived bias in cases whose verdicts involve the prioritization of one part over another. I once had a jury filled with vocalists for the Schumann mock trial, which contrasts half cadences in the voice with authentic cadences in the piano. This inadvertent imbalance led to good-natured remarks from the class about possible jury bias. During the next iteration of the Schumann mock trial, I was careful to balance the number of vocalists and instrumentalists who served as jurors.

4. Mock trials may take too much class time.

While music theory mock trials do require a relatively large amount of class time, I believe it is time well spent. It has been my experience that the critical thinking cultivated during the mock trial continues throughout the course, as evidenced by the increasing thoughtfulness of students' analyses and improvement in their ability to articulate musical evidence to support their analytical interpretations. To save time during the trial, the investigation phase can be moved outside of class by assigning the analysis for homework before the trial and reserving a few minutes of class time for students to discuss their answers in small groups before proceeding to the evidence phase. An alternative is to provide students with answers for part of the analysis assignment. This approach also provides a way to scale the level of difficulty to the abilities of students; for example, I have specified key areas to make the Schumann case accessible to students who had not yet learned about tonicization or modulation. If time passes more quickly than expected during the evidence phase, I step in as the judge to steer the conversation in a new direction: "I would now like to invite testimony related to (new aspect of the piece)." Keep in mind, however, that it is still important to allow enough time for students to explore the evidence and reach their own conclusions; otherwise, the pedagogical benefits of using a mock trial may be lost.

5. The workload may be too heavy for students.

This issue is most likely to arise in cases that include a second evidence phase, for which students read and write about expert witness testimony from the scholarly

literature. Several variables are involved here, such as students' level of advancement, how often the class meets, and how much homework is normally assigned. One immediate way to lighten the reading load is to divide the sources of expert witness testimony among the students. This approach may encourage students to listen attentively during the second evidence phase since their peers will present new material. If students will read all of the sources, the instructor can help students focus their attention on the information most pertinent to the case by providing specific page ranges for careful reading, by scheduling the mock trial so students can do the reading over the weekend, or by omitting the writing of "briefs" while still requiring students to read the sources and consider discussion questions.

Music Theory Mock Trials: Student Responses and Pedagogical Benefits

Music theory mock trials are well received by students, who often request additional mock trials and mention this pedagogical approach positively in their course evaluations. Comments from student evaluations include the following:

- "I thought the court idea for discussing the Tristan chord was inspired."
- "The 'Tristan Chord on Trial' game [the instructor] had us play seemed contrived at first, but soon engaged us in a fresh way."
- "This class made me really care about theory. Never have I ever been so passionate about a class debate on the analysis of a Lied or Sonata before."

Another student explained,

"The 'trial' injected a new energy and focus to the discussion. Thinking of ourselves in a courtroom implies dedicated debate even if we were not totally invested in the argument to begin with. Technicalities are both the meat of Theorists and Attorneys, so that really fit. Also, this technique would quiet and focus even a large classroom upon the action of witnesses and questioners. (People submit to a Judge more than a teacher.)"

Students frequently describe music theory mock trials as "fun" and credit mock trials with helping them solidify their knowledge of each piece and think through the reasons for their analytical interpretations.

Students identify both passionate arguing for one's analytical perspective and respect for the views of others as positive elements of music theory mock trials. As one student explained, it was okay when she found out that her initial analysis of the piece was wrong, because people were respectful of each other. Another student

observed that the mock trial provided space for a discussion that was “more respectful and less judgmental” than it might otherwise have been. Students note that the physical arrangement of the classroom-as-courtroom promotes respectful discussion; according to one student, the witness stand (chair) at the front of the room clearly indicates who has the floor, in contrast to other class discussions in which students tend to speak over each other as opinions grow passionate. Another student vividly described the procedure for commenting during the mock trial as the “adult version of a speaking stick.”²⁰

Students’ engagement with the musical evidence of the mock trial sometimes goes beyond the boundaries of class time. One graduate student told me that she and some of her classmates continued to debate the analysis outside of class on the first day of the mock trial and that she had never cared this much about theory before. She concluded by thanking me for “making [her] care.”

Through music theory mock trials, students grow in their understanding of the interpretive function of music analysis and the importance of supporting analytical conclusions with musical evidence. After serving on the jury, one student made this perspective explicit by explaining that the jury had to base its verdict on the strength of the evidence presented, not the analytical interpretations favored by members of the jury. Additional benefits of music theory mock trials include opportunities for students to engage in disciplinary thinking, polish their presentation skills, and think on their feet during questioning. Students grow in their ability to think critically as they learn that music analysis is not always a clear-cut process of discovering one “right” answer; rather, it is a process of exploring multiple avenues to reach a convincing interpretation of a piece. Musical ambiguity, then, is not something to be disliked or ignored—it is the gateway to a richer understanding of a piece, an invitation to step inside the world of composer and performer and join in the *making* of music.

20 Rooted in Native American tradition, the talking stick method of regulating discussion is used in the classroom with students of various ages, including elementary and preschool students. Whoever holds the talking stick has the right to speak, and other members of the group listen quietly as they wait their turn to speak. For a description of how to use a talking stick to facilitate class discussion, see Fujioka (1998).

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APPENDICES:

Resources for Music Theory Mock Trials

Phase 1: Investigation

- Divide the class into groups of three to five students. Hand out copies of the score and play a recording of the piece.
- Have students work together in their groups to analyze the piece and gather musical evidence for the trial. After students have had some time to work, play the recording again so students can aurally confirm their analytical findings.

Phase 2: Evidence

- Select one student from each group to serve on the jury. This ensures that the analytical findings of each group are represented fairly and enhances the diversity of perspectives available to jurors as they deliberate. Provide seating for the jury in a separate area at the front of the room (the jury box).
- Designate a student to serve as court reporter for the trial. This student lists evidence (in words and/or music notation) on the board as it is presented so the class has a written record for future reference. The role of court reporter may be shared by more than one student.
- Designate a student to serve as bailiff for the trial. This student announces the judge's entry, calls witnesses to the stand, and (optionally) swears in witnesses with a copy of the textbook.
- Call on students (or ask for volunteers) to serve as witnesses who present musical evidence to the rest of the class, supporting their analyses with specific musical examples. Be sure to hear from at least one member of each investigative group. Witnesses take turns presenting their evidence from a chair (the witness stand) at the front of the room.
- Students can volunteer to serve temporarily as lawyers by asking questions of the witnesses, uncovering contrasting evidence, or highlighting alternative interpretations of the musical evidence presented.
- In the event of time constraints, the judge (instructor) may announce a recess until the next class period. A brief summary of the evidence already presented precedes the continuation of the trial.

Phase 3: Verdict

- Once all the evidence has been presented, dismiss the jury for a few minutes to deliberate a verdict. While the jury is gone, facilitate a discussion among the remaining students about what they think the verdict should be.
- When the jury returns, have the jurors announce their verdict to the class and explain how they arrived at this decision.

Phase 4: Discussion

- As the judge, comment on the jury's verdict and provide any necessary clarification or additional information.
- Conclude the mock trial with a discussion of what students have learned and how the process of participating in the mock trial may have affected their analyses. Play the recording of the piece one more time.

Appendix 1

Lesson plan for music theory mock trial.

Role	Participant	Number	Time	Responsibilities
Investigator	Student	Entire class	15–30 minutes	Work together in small groups to analyze the piece and gather musical evidence for the trial.
Witness	Student	Variable	Variable	Present musical evidence to the class; refer to specific musical examples to support analytical conclusions.
Lawyer	Student	Variable	Variable	Question witnesses; uncover contrasting evidence or different interpretations of the musical evidence already presented.
Court Reporter	Student	1 or 2	Entire trial	Write musical evidence on the board as it is presented; summarize lengthy statements as needed.
Bailiff	Student	1	Entire trial	Announce judge's entry; call witnesses to the stand; (optionally) swear in witnesses with a copy of the textbook; communicate with jury during verdict deliberations.
Juror	Student	1 per group of investigators	Entire trial	Listen to the musical evidence presented; consult with other jurors to determine a verdict for the trial; present and explain the verdict to the rest of the class.
Judge	Instructor	1	Entire trial	Keep trial orderly and on schedule; facilitate student participation; clarify material; provide analytical opinion after the jury renders its verdict; lead final discussion.

Appendix 2

Roles and responsibilities for music theory mock trial.

Instructions to the Jury:

Robert Schumann, “Aus meinen Thränen spriessen” (*Dichterliebe*, no. 2)

Discuss the case with the other members of the jury in order to reach a verdict for this mock trial. Keep in mind that you should base your verdict on the strength of the evidence presented, not on your own analytical preferences. You should, however, use your analytical understanding of the piece to inform the decisions you make. You may not consult other people or analytical resources beyond the resources and evidence presented in class. Use the chart below to record your verdict.

Cadence Measure Number	Cadence Key	Cadence Type	Unanimous or Majority Verdict (U or M)
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Appendix 3

Jury instructions for Schumann mock trial.

Expert Witness Testimony

I. Read the brief entry on the “Tristan’ Chord” in *Grove Music Online* as background information for your investigation.

II. Read the following sources **in the order indicated**. For each source in this section, answer the discussion questions in written form.

Bailey, Robert. 1985. “An Analytical Study of the Sketches and Drafts.” In *Richard Wagner: Prelude and Transfiguration from Tristan and Isolde*, ed. Robert Bailey, 113–46. New York: W. W. Norton & Company.

(Read pp. 121–26.)

Mitchell, William J. 1985. “The Tristan Prelude: Techniques and Structure.” In *Richard Wagner: Prelude and Transfiguration from Tristan and Isolde*, ed. Robert Bailey, 242–67. New York: W. W. Norton & Company.

(Read pp. 242–48, 266–67.)

Rothgeb, John. 1995 (January). “The Tristan Chord: Identity and Origin.” *Music Theory Online* 1 (1): [1–21].

(Read all.)

Forte, Allen. 1995 (March). “Tristan Redux: Comments on John Rothgeb’s Article on the Tristan Chord in MTO1.1.” *Music Theory Online* 1 (2): [1–14].

(Read all.)

Harrison, Daniel. 1995 (Autumn). “Supplement to the Theory of Augmented-Sixth Chords.” *Music Theory Spectrum* 17 (2): 170–95.

(Read pp. 181–84.)

III. Read the following model analysis as a summary of multiple perspectives on the *Tristan* chord.

Roig-Francolí, Miguel A. 2003. *Harmony in Context*. New York: McGraw-Hill Higher Education.

(Read pp. 843–50, but focus on pp. 847–48.)

Appendix 4

Sources for expert witness testimony in Wagner mock trial.

Notes:

As an alternative to the article from *Grove Music Online*, students may begin by reading the Roig-Francolí excerpt for an overview of the topic.

Another response to Rothgeb’s article appears in Rothstein (1995). Rothstein supports the main thrust of Rothgeb’s argument with musical examples by composers ranging from Purcell to Wagner.

Author	<i>Tristan</i> Chord Analysis	Chord Spelling	Supporting Evidence and Comments
Robert Bailey	Ab (or G#) minor triad with an added sixth (123)	Ab–Cb–Eb–F or G#–B–D#–E#	Bailey views this chord as a minor-mode counterpart to the major triad with added sixth that combines the C major and A minor triads of the Prelude's A–C double-tonic complex (121–23). Bailey supports the analysis of G# as a chord tone by pointing out that the G#4 in m. 2 is five times as long as the following A4 and that A4 acts as a passing tone on its way to B4 (124).
William J. Mitchell	A “form of diminished seventh chord” (248)	G#–B–D#–F	Mitchell supports his analysis by observing that the D#4 in m. 2 moves to D4 in m. 3; the chromatic descent from F4 to D4 in mm. 1–3 relates motivically to the chromatic ascent from G#4 to B4 in mm. 2–3. He mentions the phrasing slur in the oboe and the voice exchange between the oboe's G#4–B4 and the bassoon's B3–G#3 to support his analysis of G# as a chord tone (247). Because Mitchell uses principles of Schenkerian analysis to illustrate his points throughout the article, it is helpful for students to have some prior knowledge of Schenkerian analysis; however, Mitchell's analytical conclusions may still be grasped without a detailed understanding of his graphs.
John Rothgeb	Results from an “enlarged slide formation” with elision	F–(A)–B–D# (The hypothesized A is displaced by the notes of the slide, beginning with G#.)	Rothgeb considers the G#4 and A4 in m. 2 an embellishment of the upper voice's motion from a hypothesized A4 at the beginning of m. 2 to B4 in m. 3. The entire chromatic ascent from G#4 to B4 thus belongs above the bass note E3 in m. 3; however, this ascending line expands to fill mm. 2–3, displacing the hypothesized opening A4 through a “daring application of elision” (abstract; para. 15). Rothgeb's analysis acknowledges the voice exchange highlighted by Mitchell without calling the G#4 in m. 2 a chord tone (para. 11–12). Rothgeb argues cogently in favor of spelling the <i>Tristan</i> chord without enharmonic reinterpretations (para. 3–7).
Allen Forte	Appears ambiguously at first, but later “assumes its other identity” as a half-diminished seventh chord (para. 12)	F–Ab–Cb–Eb	Forte supports his dual interpretation of the <i>Tristan</i> chord with an example near the end of Act I of <i>Tristan und Isolde</i> that shows both versions of the chord, with enharmonically equivalent tones connected by ties (para. 6; Forte's Example 3). He recognizes the symbolic significance of a dual interpretation of the <i>Tristan</i> chord (para. 13).
Daniel Harrison	“Dual” German augmented-sixth chord	F–G#–B–D#	Harrison highlights the “inversional intervallic relationship” of the <i>Tristan</i> chord to the German sixth (183). He also notes that Rudolf Louis and Ludwig Thuille's <i>Harmonelektre</i> presents six distinct types of augmented-sixth chords, one of which is the <i>Tristan</i> chord (182–83).

Appendix 5

Summary of expert witness testimony for Wagner mock trial. Pertinent page and paragraph numbers appear in parentheses.

The image displays five systems of musical notation for J.S. Bach's Invention in B-flat Major (BWV 785). Each system consists of a piano (right) hand and a bass (left) hand. Fingerings are indicated by numbers 1-5. Motives are marked with 'M' (full), 'x' (partial), and 'y' (partial) in red brackets. Counter motives are marked with 'CM' in blue brackets. The score includes a *p* (piano) dynamic marking at the beginning and a *cresc.* (crescendo) marking in the third system. The piece concludes with a double bar line and the number 10.

Appendix 6

Author's analyzed score for J. S. Bach, Invention in B-flat Major (BWV 785). Boston: Oliver Ditson Co., 1907. The "x" and "y" components of the motive are marked for the motive's first appearance. Full and partial appearances of the motive (M, x, y) are bracketed in red; appearances of the counter motive (CM) are bracketed in blue.

The musical score is written for piano and consists of five systems of two staves each. Red brackets are used to group specific measures or phrases across both staves of each system. The notation includes various rhythmic values, including eighth and sixteenth notes, and rests. Fingerings are indicated by numbers 1-5 above or below notes. Dynamic markings include *p* (piano), *cresc.* (crescendo), and *f* (forte). Measure numbers 15 and 20 are marked at the beginning and end of the fifth system, respectively.

Appendix 6 (cont'd)
Author's analyzed score.

Nicht schnell.

Aus mei-nen Thrä-nen sprie-ssen viel blü-hen-de Blu-men her-vor, und mei-ne Seuf-zer

wer-den ein Nach-ti-gal-len-chor. Und wenn du mich lieb-hast, Kind-chen, scheuk' ich dir die Blü-men

all', und vor dei-nem Fen-ster soll klin-gen das Lied der Nach-ti-gall.

ritard.

ritard.

pp

pp

A: I IV I V⁷ I V⁷ I I

IV I V⁷ I V⁷ I V vii^{o7}/ii ii

F#m: iv ii^{o7}

V ii^{o7} V V⁷/VI

A: V⁷/IV IV I V⁷ I V⁷ I

Appendix 7

Author's analyzed score for Robert Schumann, "Aus meinen Thränen spriessen"
(*Dichterliebe*, no. 2). Leipzig: Breitkopf & Härtel, 1885.

Notes:

It is possible to view each of the V⁷ chords in A major as V₃ until the arrival of the bass's sixteenth-note E₃. Thus, the cadential ambiguity in this song includes three possible cadence types: HC, IAC (also suggested by the movement of B₄ to C₅ before its resolution to A₄), and PAC. The passage in mm. 8–11 is fraught with harmonic ambiguity. Some other possible analyses for this passage (from the anacrusis to m. 9 through the downbeat of m. 11) include E: I–vii^{o7}/V–v and F#m: VII–vii^{o7}/iv–iv. In m. 10, passing motion in an inner voice briefly suggests several qualities for the tonicizing chord: vii^{o7}, vii^{o7}, V₃⁶, and vii^o.

Aus meinen Thränen spriessen
Viel blühende Blumen hervor,
Und meine Seufzer werden
Ein Nachtigallenchor,

From my tears spring up
many blooming flowers,
and my sighs become
a chorus of nightingales.

Und wenn du mich lieb hast Kindchen,
Schenk' ich dir die Blumen all',
Und vor deinem Fenster soll klingen
Das Lied der Nachtigall.

And if you love me, child,
I give you all the flowers,
and before your window shall sound
the song of the nightingale.

Appendix 8

Text and translation for "Aus meinen Thränen spriessen."

Text by Heinrich Heine, with English translation by Philip L. Miller, in Robert Schumann, *Dichterliebe*, ed. Arthur Komar, Norton Critical Scores. New York: W. W. Norton & Company, 1971.

