

The Importance of License in the Pedagogy of Model Composition, Past and Present□

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In part three of *Le Istitutioni Harmoniche* (1558), Zarlino, after citing a wide variety of contrapuntal rules, makes the following statement:

The observation of the above rules may so restrict a composer that he is unable to write beautiful and graceful lines or to write his parts in fugue or consequence as he would wish. He may for this reason occasionally deviate from the rules. Such license is conceded to poets, who at times depart from metric rules by using one sound for another or a long syllable in place of a short one, and vice versa. Musicians may also write certain things in exception to the rules; but the privilege must not be abused, just as the poet may not often take such licenses.¹

The word “license” has a subtle but fascinating role in the history of music theory.² If you were to pick at random any compositional treatise from the Renaissance through the nineteenth century, chances are that the term license would make only rare and scattered appearances within the text. Yet if you were to scan a wide collection of treatises, especially counterpoint manuals from the seventeenth and eighteenth centuries, it would soon become clear that the term is consistently invoked with an understated but crucial rhetorical function: it loosens the bonds of musical rules and restrictions, while at the same time reinforcing the authority of tradition. The concept of “license,” in other words, has a brilliant—if somewhat paradoxical—dual role. Though it recognizes the importance of freedom and creativity, its very existence depends

¹ Gioseffo Zarlino, *The Art of Counterpoint*, trans. Guy A. Marco and Claude V. Palisca (New Haven and London: Yale University Press): 172.

² The concept of license appears in treatises from a variety of countries and usually appears as a cognate of the Latin term *licentia*. The Greek version of the term, *parrhesia*, is sometimes used as a rhetorical figure and some authors simply speak of “liberties” (*Freiheit*).

upon an unshakable system of law. This corresponds, of course, to the role of various public licenses—marriage licenses, fishing licenses, etc.—which allow a certain freedom, but, because they define the limits of public action, ultimately reinforce the power of governmental authority. The role of license in artistic domains is essentially the same. Jacqueline Miller, for instance, defines the concept of poetic license in Renaissance and Medieval contexts in terms of a balance between “two systems of authority:”

the autonomous author with license (or freedom) in the poetic domain, exempt from external control and conventional rules, and the external power that bestows the licenses and hence authorizes the poet’s actions.³

In a similar vein, “musical” license in the pedagogy of theory and composition acknowledges the freedom of the student without undermining the basic aesthetic values of the theorist/author. The specific way that the term is used in theoretical treatises differs from one author to another and from one historical period to another, but it always serves a similar purpose, a purpose which is inherently pedagogical in nature.

The goal of this paper, then, is to provide a brief account of the role of license in the history of theory followed by a consideration of its potential utility in the contemporary theory classroom. As I will argue, introducing the concept of license can be an effective pedagogical tool, especially when placed within the context of the history of theory in general. Just as music theorists throughout the Western tradition have made allowances for musical license, so to might we allow—and even encourage—students to employ license, provided that such license is not only identified, but also explained. This has distinct benefits with regard to model composition, but might also affect analysis: if students recognize the importance of license in the consciousness of theorists and composers throughout the Western tradition, it will not only help them better understand the relationship between compositional rules and free composition, but will also provide a context for the appearance of “licenses” in the basic repertoire of common-practice music.

³ Jacqueline T. Miller, *Poetic License: Authority and Authorship in Medieval and Renaissance Contexts* (New York and Oxford: Oxford University Press, 1986): 23.

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The concept of license in music theory is strongly associated with two different historical trends: first, the rise of the *seconda prattica* and its corresponding association with the *Figurenlehre* of theorists such as Burmeister, Bernhard, and Herbst; and second, the developing concept of genius and its requirements for freedom and natural expression. While the former is associated with Baroque music, the latter applies more strongly to Classical and Romantic music.⁴

In terms of musical rhetorical figures, license—*licentia* in Latin, *parrhesia* in Greek—has a complex history. Dietrich Bartel defines it, in Classical rhetoric, as a figure in which “a reprehensible thought is introduced into the oration in such a fashion that it does not offend the listener.”⁵ This “inoffensive” aspect of license is crucial and separates it from mere faults or mistakes. License, in other words, involves a breach of compositional rules or etiquette *with good reason* and is always handled in such a way that it does not offend. The specific ways that it was defined by seventeenth-century music theorists, however, differ quite a bit. For Bernhard, the term “*licentia*” was essentially synonymous with musical rhetorical figures, and, hence, with the *seconda prattica* in general. This, according to Bernhard, was a common use of the term, for he refers to musical rhetorical figures as “*figurae melopoeticae* which others call *licentiae*.”⁶ This equation of license with the *stylus luxurians* in general is, indeed, echoed in the work of other theorists, but does not necessarily reflect more pointed uses of the term. Herbst, for instance, defines license specifically in terms of the transgression of the normal ambitus of a mode, and Burmeister, using the

⁴ A notably idiosyncratic use of the term appears in the work of Rameau. He uses license primarily to explain fundamental bass motion of a second or seventh, but his use of the term is quite complicated and changes over time. For the sake of brevity, that issue will not be addressed here. If interested, see especially Jean-Philippe Rameau, *Treatise on Harmony*, trans. Philip Gossett (New York: Dover Publications, Inc., 1971): 123-139; See also Thomas Christensen’s discussion of license in “Music Theory as Scientific Propaganda: The Case of d’Alembert’s *Eléments de Musique*,” *Journal of the History of Ideas* 50 (1989): 425.

⁵ Dietrich Bartel, *Musica Poetica: Musical Rhetorical Figures in German Baroque Music* (Lincoln and London: University of Nebraska Press, 1997): 352.

⁶ Christoph Bernhard, quoted in Bartel, *Musica Poetica*, 353.

term *parrhesia*, defines it in terms of added dissonance, especially dissonances that fall on a weak beat.⁷ License, in that sense, is not a term for musical rhetorical figures in general, but rather for one figure among many.

Regardless of these differences, license retains its essential rhetorical meaning: it is a liberty in which potentially offensive material is rendered inoffensive through the skill of the orator. This sense of the term was already explicit in the work of many contrapuntal theorists as early as Zarlino, and was maintained throughout the eighteenth and nineteenth centuries, eventually becoming important not as a specific rhetorical figure, but as a general defense of genius.⁸ In particular, license was deemed a privilege of “the great masters,” something restricted from students until they reached a more sophisticated stage of composition. This use of the term stretches back to antiquity. In the twelfth century, John of Salisbury writes:

License to use figures is reserved for authors and those like them, namely the very learned. Such have understood why [and how] to use certain expressions and not use others. According to Cicero, ‘by their great and divine good writings they have merited this privilege,’ which they still enjoy. The authority of such persons is by no means slight, and if they have said or done something, this suffices to win praise for it, or [at least] to absolve it from stigma.⁹

⁷ See Bartel, *Musica Poetica*, 355-356.

⁸ In terms of contrapuntal theory, the quote from Zarlino at the opening of this paper stands in for sentiments expressed by many theorists from the Renaissance into the twentieth century. Naturally, there is a spectrum between extreme strictness, in which license is not even mentioned, and relative freedom, in which license and compositional liberties are frequently discussed, but few contrapuntal theorists add anything new to Zarlino’s use of the term in 1558. Most authors tend to adopt the strategy of Fux’s character, Aloys, who frequently mentions that “one may depart occasionally—if need be—from the strict rules.” See Johann Joseph Fux, *The Study of Counterpoint*, a partial translation of *Gradus ad Parnassum*, trans. and ed. by Alfred Mann (New York and London: W.W. Norton & Company, 1971): 134.

⁹ From *The Metalogicon of John of Salisbury: A Twelfth-Century Defense of the Verbal and Logical Arts of the Trivium*, trans. Daniel D. McGarry (Berkeley: University of California Press, 1955), quoted in Miller, *Poetic License*, 27.

This sentiment resonates with a number of similar statements by theorists throughout the eighteenth century. Georg Andreas Sorge, for example, discusses the abrupt mixture of different keys in his *Vorgemach der musicalischen Composition* with a typically colorful analogy:

When C major and C minor are mixed with one another, it is as though beside one's wife there is a concubine, which is not allowed of everyone. At the least, only the great masters should have such license.¹⁰

Similarly, Mattheson, in volume two of *Der vollkommene Capellmeister*, associates license only with skilled professionals. In discussing melody, he writes that "it also contributes a great deal to lightness if one . . . sets certain limits to his melody which every normal voice can reach comfortably."¹¹ He then continues with the following emendation:

I do not speak here of those skilled composers who are masters of melody, who have performers at hand capable of performing their melodies, and who know how to use certain liberties at the proper place . . . one cannot set such limits for them.

Johann Philip Kirnberger, writing about the possible uses of ♯ chords, expresses a similar thought in *Die Kunst des reinen Satzes*: "one could even begin with the consonant ♯ chord in the middle of a composition. However, beginners are not advised to try this, only first-rate composers may take such liberties."¹²

Though in each of these cases license is reserved solely for the great masters, the spirit of such statements is not very different

¹⁰ Georg Andreas Sorge, *Vorgemach der musicalischen Composition*, translated in Allyn Dixon Reilly, *Georg Andreas Sorge's Vorgemach der musicalischen Composition; A Translation and Commentary*, vol. 2 (Ph.D.: Northwestern University, 1980): 209-210.

¹¹ Johann Mattheson, *Der vollkommene Capellmeister*, translated in Ernest Charles Harriss, *Johann Mattheson's Der vollkommene Capellmeister: A Translation and Commentary* (Ph.D.: George Peabody College for Teachers, 1969): 498-499.

¹² Johann Philipp Kirnberger, *The Art of Strict Musical Composition*, trans. David Beach and Jurgen Thym (New Haven and London: Yale University Press, 1982): 72.

from the ideas of earlier theorists such as Bernhard. Ultimately, these theorists argue for a strict basis of compositional rules that should be obeyed *unless* it interferes with such things as “musical expression” and “good taste.” And since only the great masters can understand when and why to break the rules, license is generally deemed inappropriate for beginner composers. Thus, when Kirnberger comes across a doubled leading tone in the music of Bach, he justifies it on the grounds of musicality, but also emphasizes the skill of the composer: “this great man deviated from the rules here for the sake of obtaining a beautiful melody.”¹³ Similarly, in discussing the general rule that melody should conform to meter, he writes

To be sure, there are situations where great masters neglect this precise designation of the motion in single measures; but this happens for good reasons, either because the expression demands it, or because the intention is to stir the listener with something strange or unusual.¹⁴

These thoughts resonate with a statement in *The Musical Dilettante* of Johann Friedrich Daube, who justifies small mistakes for the sake of good melody:

In order to produce a good melody, small mistakes are often permitted in the inner voices, indeed, one even finds them in the outer voices of [works by] great masters, who preferred to concede a little experience and judgment, without which it is better to refrain from taking such freedom.¹⁵

Naturally, these ideas about license and compositional “liberties” (*Freiheit*) had a direct effect on many of the great composers of the Western tradition. Haydn, for instance, showed an explicit recognition of license, as is clear from an oft-quoted statement he made to his biographer, Dies: “several times I took the liberty of not offending the ear, of course, but breaking the usual textbook

¹³ Kirnberger, *The Art of Strict Musical Composition*, 57.

¹⁴ Kirnberger, *The Art of Strict Musical Composition*, 211-212.

¹⁵ Johann Friedrich Daube, *The Musical Dilettante: A Treatise on Composition*, trans. and ed. Susan P. Snook-Luther (Cambridge and New York: Cambridge University Press, 1992): 109.

rules, and wrote beneath these places the words ‘con licenza.’”¹⁶ This, of course, conforms to the general sentiment of many of the theorists quoted above: license is invoked, but by its very nature it does not “offend the ears.” Beethoven, who, of course, studied with Haydn, was also quite conscious of musical license, an issue that comes up in his counterpoint lessons with Albrechtsberger.¹⁷ In one of these lessons, Beethoven attempts to use the stretto statement of a fugal theme twice in succession. As a consequence, he is unable to complete the theme in the alto voice because of the parallel fifths that would result. Albrechtsberger finds the same difficulty as Beethoven, and thus alters the theme in the alto voice, carefully marking it “license.”¹⁸ Such use of the term clearly left an impression on the young Beethoven, for he designated the fugal finale to the “Hammerklavier” Sonata *fuga con alcune licenze*.

This conflict between artistic freedom and strict compositional rules consistently emerged as a heated topic throughout the nineteenth century. Indeed, such conflict played a crucial role in the rising concept of genius at the end of the eighteenth century (especially in the ideas of Kant)¹⁹ and continued to have an important effect well into the next century. As Edward Lowinsky writes:

The opposition between conventional rule and fresh inspiration, the idea that the genius, unlike the mere craftsman, can transcend rules without committing errors and that in so doing he can make a new revelation, is a leitmotif in the history of the concept of musical genius.²⁰

¹⁶ See Albert Christoph Dies, *Biographische Nachrichten von Joseph Haydn* (1810), quoted in Tom Beghin, “Haydn as Orator,” in *Haydn and his World*, ed. Elaine Sisman (Princeton: Princeton University Press, 1997): 249, note 34.

¹⁷ These lessons are discussed in Alfred Mann, *The Study of Fugue* (New York: Dover Publications, Inc., 1986): 213-220.

¹⁸ See example 198 in Mann, *The Study of Fugue*, 218.

¹⁹ In his *Critique of Judgment*, Kant specifically defines genius as “the innate mental disposition through which Nature gives the rule to art.” For him, the genius is a conduit through which the rules of Nature are realized. With this idea, it becomes meaningless to apply the concept of license to any work of genius. After all, license essentially represents a “permit” from some larger authority to break the rules of nature, whereas in Kant’s understanding, the work of genius actually realizes the rules of nature and, hence, authorizes itself. See *Critique of Judgment*, trans. J. H. Bernard in *Kant Selections*, ed. Theodore M. Greene (New York: Charles Scribner’s Sons, 1957): 418.

²⁰ Edward E. Lowinsky, “Genius, Musical,” in *Dictionary of the History of Ideas: Studies of Selected Pivotal Ideas*, ed. Philip P. Wiener (New York: Scribner, 1973-74): 325.

In terms of music theory pedagogy, this shift in attitude is perhaps nowhere more apparent than in Adolf Bernhard Marx's *Lehre von der musikalischen Komposition*. Ian Bent describes the general tone of Marx's work as follows:

At no point does the theorist assume the mantle of authority. At no point is the composer deemed the subject to a higher law. He creates his own laws, he is self-dependent; he composes according to his own will. Marx's student is an artist in the image of the early German Romantics . . .²¹

With such a dramatic shift in authority, license becomes irrelevant; the composer is the ultimate authority and does not need permission to break from convention.

Nevertheless, license remained a relevant concept throughout the nineteenth century and is even dramatized, quite prominently, in Wagner's opera *Die Meistersinger*. Hans Sachs, the tragic hero of the drama, is, in a sense, the ultimate embodiment of musical license, a mediator between the unfettered freedom of the natural genius (Walther) and the dusty pedantry of the scholar (Beckmesser). Unlike Beckmesser, Sachs understands when rules can be broken for artistic effect. He respects music that appeals to the masses, even if it does not conform to the traditional rules of the guild, and even proposes a singing contest in which the audience decides the winner (quite scandalous in the days before *American Idol*). Nevertheless, he also teaches Walther a deep respect for tradition. The conflict between these two poles—tradition and originality—comes across most clearly in the dialogue between Sachs and Walther in Act III. When Walther asks Sachs for advice, Sachs teaches him to learn the rules of the guild for "guidance" ("*Die Meisterregeln lernt bei Zeiten, dass sie getreulich euch geleiten*").²² But when Walther asks Sachs how to express his feelings about nature according to the rules (*Wie fang' ich nach der Regel an?*), Sachs encourages him to create his own rules ("*Ihr stellt sie selbst, und folgt ihr dann.*"). Respect for tradition is coupled with a respect for creativity.

²¹ Ian Bent, "Steps to Parnassus: Contrapuntal Theory in 1725," in *The Cambridge History of Western Music Theory*, ed. Thomas Christensen (Cambridge: Cambridge University Press, 2002): 588.

²² See Richard Wagner, *Die Meistersinger von Nürnberg*, libretto, English edition by H. and F. Corder (New York: Fred Rullman, Inc): 60-61.

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Given the changing nature of license in relation to compositional pedagogy, we might now ask: What is the role of license in the modern theory classroom? The following exchange, which I recently overheard, suggests its relevance: One student was tutoring another in music theory and the student having difficulty asked her tutor why she had to bother learning so many different rules. The tutor replied, "You need to learn the rules before you can break them." This, it seems to me, is a common misperception among undergraduate theory students. But it is also a misperception that accurately reflects much of the tradition of Western compositional pedagogy (and no doubt much non-Western pedagogy as well): license is something reserved for the experienced composer, not for the beginner. The reason I refer to the tutor's statement as a misperception, however, is that modern theory professors have very different pedagogical goals than the theorists and teachers of the Renaissance, Baroque, and Classical periods. When we teach model composition, whether chorale-style counterpoint, fugue, canon, or even sonata, rondo, or the Romantic Lied, our goal is usually not to teach students to compose with these forms in a professional capacity, but rather to help them understand the styles, conventions, and compositional logic of a particular era. We use composition to teach theory and history, not vice versa. For that reason, it is inaccurate for students to believe that we make them learn strict compositional rules simply as preparation for a time when they can make their own rules, as if, by passing a certain number of theory courses, they literally receive a license to compose as they please.

This does not mean, however, that the concept of license is irrelevant in contemporary theory pedagogy; on the contrary, license can play a considerable role in our teaching of model composition. It is, after all, part of the same tradition that set the stylistic guidelines for our compositional models in the first place. And though license is often reserved solely for the "great masters," it is also justified for the sake of "expression" and "good taste" as well. This, no doubt, has a definite relevance to any theory class that includes model composition. Even though our goals are quite different than those of the theorists reviewed above, we often observe the same conflicts that created the need for license in the first place: namely, the conflict between a student's desire for freedom and personal expression and the strict compositional rules that define a certain style. I would imagine, for instance, that every theory teacher

has, at one time or another, encountered the following situation: after marking something “wrong” in a student’s composition, the student responds by saying, “I know it’s wrong, but it *sounds* good.” In most cases, this is the result of a student lacking a proper understanding of the style at hand—what sounds good to them is entirely inappropriate with regard to the compositional model—but to dismiss such comments out of hand is not pedagogically effective. By doing so, we run the risk of playing Beckmesser to their Walther, or at least being perceived as such. It is at these times, then, that the concept of license arises as a useful mediator.

As established above, license has an important dual function: it respects the freedom of the composer while at the same time reinforcing the importance of stylistic rules and conventions. In my own introductory theory classes, it has been a remarkably useful concept. After introducing license early in the semester with specific quotes from theorists and composers throughout Western music history, I will grant the students license to “break” rules (not resolving sevenths by step, doubling a leading tone, placing a cadential $\frac{3}{4}$ chord on a weak beat, etc.), provided that they not only mark such moments with the term “license,” but also offer a musical justification for the infraction. This has had the following positive effects:

1. By introducing the concept of license in context, students get a better sense of the historical development of certain stylistic parameters; they realize that compositional “rules” were traditionally presented with a certain flexibility that does not necessarily appear in contemporary textbooks.
2. The students’ model compositions improved. In many cases, students intended to invoke license at a given moment, but, while writing up a justification, discovered that there was a better, more stylistically appropriate way of handling the situation. In other words, it encouraged thoughtful consideration about their compositional choices.
3. Students never complained that the rules and stylistic guidelines were overly strict because they always knew that they could invoke license if necessary.

4. Few students actually used license in their major composition projects (and none of them abused it), but when license was invoked, it was generally done so for surprisingly thoughtful reasons, such as an important motivic transformation or for a sense of large-scale continuity.
5. When students encountered contrapuntal infractions in analysis (parallels, unresolved seventh, etc.) they no longer viewed this as evidence that the whole system was essentially bogus to begin with, but rather saw these moments in terms of license and analyzed them accordingly, asking why the composer deviated from conventions in that particular case.

Despite these benefits, there are potential dangers behind this strategy. Dishonest students, for instance, might invoke license simply out of laziness—instead of avoiding parallel fifths, they might just write “license,” accompanied by a crude justification (“it just sounds better to me”). In my experience, I have not found this to be a problem. Most students, I believe, would prefer to try to fix simple mistakes (such as obvious parallels) than try to come up with a written justification. Besides, this issue could easily be dealt with by restricting licenses to a certain number of times for any given project.

What is most important, regardless of the specific strategy, is that license is introduced and understood in a historically situated manner. The account of musical license given above is, of course, far from comprehensive—license, after all, appears in some form or another in dozens of theoretical treatises and pedagogical handbooks—but it does suggest a basis for its importance for pedagogy in general. If used appropriately in modern classrooms, the concept will help facilitate the basic goals of model composition, which, as I understand them, are as follows: to develop a respect and understanding of the basic styles and conventions of a particular period/genre, while at the same time to appeal to (and enhance) the creative impulses of the students. License, in many ways, is the ultimate reflection of this goal, and although it no doubt plays an implicit role in many theory classrooms, it is best used with an explicit historical awareness.