

between the natural- and flat-VI. Disorienting syncopated rhythms that reinforce the message of Jackson's cautionary tale exacerbate these oftentimes-ambiguous voice-leading procedures. But for the sixty-second spots, Pepsi uses only the most climactic and memorable moments of the song, making a version that is noticeably less volatile. "Billie Jean" is thus picked apart, harvested of its themes and stitched back together. Because important structural material is absent from the commercials' soundtracks, musical devices meant to accentuate the tension expressed in the original lyrics sound innocuous against Pepsi's new words. Through close readings of Jackson's image and music in the context of Pepsi's television commercials, this paper contributes to emerging discussions about musical meaning in advertising.

MUSIC AND THE LAW

Jennifer Shaw, University of New England, Chair

MUSIC AND CRIMINAL LAW: RAP LYRICS AS EVIDENCE OF CRIME

Lily Hirsch

Cleveland State University

Studies of the overlap between music and the law have traditionally focused on copyright or intellectual property law. However, music has various connections to the practice of criminal law. In this paper, I will contribute to a new area of musicological inquiry by examining the use of rap lyrics as evidence of crime, criminal intent, and/or criminal mind-set. As early as 1991, a federal court admitted in this way rap music, composed by the defendant, as proof of crime. After the seminal 1994 case in California—*People v. Olguin*—this practice gained legitimacy and, in 2006, was part of the prosecutions' cases at court in Albany, New York; Oroville, California; College Station, Texas; and Gretna, Louisiana.

By reviewing court transcripts of the influential 1994 case, as well as related sentencing, this paper will explore the embedded issues at play in the use of defendant-authored rap lyrics at court—issues of race, authenticity, commercial constraints in the rap industry, and the role of the composer in rap music and music more generally. Building on the legal writing of Desmond Manderson, Sean-Patrick Wilson, and Andrea L. Dennis, as well as discussions of the composer's voice in the work of Simon Frith and Carolyn Abbate, I argue that the prosecution's use of lyrics ultimately reveals and contributes to society's ambivalence about rap—as art and non-art. Indeed, the prosecution presents lyrics at court devoid of context and even music—thus stripping it of its cultural significance as art. At the same time, the courts in some ways admit rap as reflective of its composers' actions and thoughts in keeping with Romantic ideas of music as high art. This latter impulse represents a surprising moment of flux in the legacy of nineteenth-century music aesthetics: Romantic notions of music here seem to extend beyond classical music to rap. These considerations ultimately undermine any reading of a one-to-one correspondence between composer and composition and thus thinking, past and present, that supports such an approach.