

Review

Stephen Sedley and Martin Carthy, *Who Killed Cock Robin?: British Folk Songs of Crime and Punishment*. London: Reaktion Books / English Folk Dance and Song Society, 2021. 280 pp. ISBN 978-1789145038 (hbk). £14.99.

Reviewed by: Jon Stewart, BIMM Institute, Brighton, UK
jonstewart@bimm.co.uk

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This book is a compilation of English, Scottish and Welsh folk songs about crime and punishment. It is intended, in part, as a belated companion volume to *The Seeds of Love: A Comprehensive Anthology of Folk Songs of the British Isles* (1967), a compendium of songs about love, loss and courtship. Folk music articulates the concerns of the common people, and throughout the centuries *love* (pursuing it, making it, and dealing with the consequences) and *the law* (following it, breaking it, and dealing with the consequences) have been two important and frequently intersecting elements of pre-industrial life. Original copies of *The Seeds of Love* are now quite collectable, and readers may be interested to know of an online version available at *MainlyNorfolk.info* (Zierke 2021) whose website provides an outstanding general resource for folk music researchers. In his preface, the author acknowledges the long gap between each publication but has no need to apologise as he has been extremely busy in the intervening decades.

Sir Stephen Sedley's long and distinguished legal career in the High Court, the Court of Appeal, and the European Court of Human Rights, includes work on ground-breaking employment, discrimination, trespass and prisoners' welfare cases; and on inquiries such as those investigating the death of Blair Peach and the wrongful conviction of the Bridgewater Four. A true English 'song hunter' in the style of A. P. Carter or John Lomax, Sedley often visited clients carrying an Uher tape recorder in his car boot, which is how he came to capture a notable collection of prison, poaching and transport songs from the Traveller community. Martin Carthy MBE, the co-author of this volume, will need no introduction for most readers. One of English folk music's most influential performers and an accomplished interpreter of traditional song, Carthy's work reached a huge international audience when his

arrangement of 'Scarborough Fair' was apparently copied without permission by Simon and Garfunkel on their triple-platinum album *Parsley, Sage, Rosemary and Thyme* (1966). In this volume, Sedley and Carthy's considerable combined knowledge and skills in their subject area are complemented by additional input from friends and colleagues in co-related fields such as folk singer Peggy Seeger, literary scholar Ruth Perry, and social historian Jeanette M. Neeson.

Most of the songs collected here use the strophic form characteristic of pre-industrial narrative folk music in the British Isles, although some feature a simple verse-chorus arrangement. They are presented in the traditional style, with the top-line melody notated at the top of the page and the lyrics for each verse set underneath. In keeping with the common practice in folk song, in which the accompaniment is devised by the performers, there are no chord charts. This collection is drawn from an impressive range of manuscripts, broadsides, old songbooks and oral sources, and cross-referenced with records in existing archives such as the Vaughan Williams Memorial Library at Cecil Sharpe House and the Roud Folk Song Index. Most early folk compositions have no single authentic interpretation, as the authors are keen to acknowledge; however, the original sources for this material are acknowledged wherever they are known—usually with reference to a brief but authoritative bibliography that closes the volume and which offers an excellent scholarly resource in itself.

The majority of songs seem to originate, or at least find their first known written transcription, in the eighteenth and nineteenth centuries. While some tell stories that date back to events many years before, such as 'The Battle of Harlaw', a ballad that tells the story of the defeat of the Clan MacDonnell in 1411, most themes reflect the social issues of their time: the early modern period between the late Middle Ages and the dawn of the Industrial Revolution. They are organized in sections of between two and five compositions as follows: 'Poaching', 'Affray and Riot', 'Homicide', 'Piracy', 'Arson', 'False Accusation', 'Incest', 'Cheats and Thieves', 'Fratricide', 'Infanticide', 'Sexual Assault', 'Abduction', 'Transportation', 'Prison', 'The Gallows'. Each chapter begins with an introduction to the subject, which usually includes some unexpected informative detail—'the law, until 1772, allowed the pressing to death of prisoners who, to avoid forfeiture of their estates, would not plead to the charge against them' (p. 252)—and every song is accompanied by musical and legal commentary from the authors. These are concise and informative, although if I had one criticism it would be that they might have been longer. Some sections, such as 'Fratricide' and 'Infanticide', seem woefully short given the seriousness of the subject matter. This is unfortunate because when the authors do expound in more detail it is always interesting. Brevity is a virtue in writing and most musicians know to always leave the audience wanting more, but this is one

example where given the unique expertise of the authors it seemed a shame not to have more context to some of the sections.

Perhaps some things are better left unsaid, however, as often the details of each theme expose the appalling realities of crime and punishment in the early modern era. This was often shockingly severe, surprisingly light, or astonishingly arbitrary given what was at stake for those unlucky enough to be caught in the system. The songs reveal a world in which an offence as innocent as poaching could warrant the death penalty or transportation, where a brutal honour killing motivated by sexual infidelity could be reduced from a murder charge to culpable homicide, and where casual or inconsistent legal procedures frequently led to the conviction of the innocent or allowed perpetrators to walk free. In his introduction to a dark set of songs whose theme is 'The Gallows', Sedley quotes from the 1828 diary of Tory peer Lord Edward Ellenborough, who witnessed the randomness of criminal justice outcomes even in serious capital cases:

I am shocked by the inequality of punishment. At one time a man is hanged because there are few to be hanged and it is some time since an example has been made for his particular offence. At another time a man escapes for the same crime because it is a heavy calendar and there are many to be executed (pp. 253–54).

In 'Macpherson's Farewell', one of many moving true stories from this section, a notorious Scottish brigand and musician dies when the sheriff turns the hands of the town clock forward, so that he will be hanged before news of a pardon can arrive: 'The reprieve was coming o'er the Brig o' Banff / Tae set Macpherson free / But they put the clock a quarter afore / And they hang'd him frae the tree' (p. 260). The chapter on 'False Accusation', something that was a common occurrence two hundred years ago but less feasible in modern justice systems, explains why the law enforcement and trial procedures were vulnerable to corruption at that time. There was no presumption of innocence, no requirement of proof beyond reasonable doubt, no right to a defence lawyer, and no right for the accused to give evidence in their own defence. They were merely allowed to cross-examine their accusers. This was, indeed, a system designed for oppression rather than impartiality.

Property crimes such as 'Theft', 'Piracy' and 'Poaching' are an important strand in this text, which is ironic when you imagine how profitable Paul Simon's alleged purloinment of Martin Carthy's 'Scarborough Fair' arrangement must have been. Bob Dylan was also influenced by earlier iterations of the same tune, which formed the backbone of 'Boots of Spanish Leather' and 'Girl from the North Country'. Folk songs from the British Isles appear elsewhere in key moments of Dylan's early repertoire too, of course, such as 'Nottamun Town' ('Masters of War') and the border-ballad 'Lord Randall' ('A Hard Rain's a-Gonna Fall'). The latter, in a version

whose melody was passed down by the poet Robert Burns, also features in this volume. Via these and other routes—such as the music hall tradition or the post-war urban folk revival—early English, Welsh and Scottish folk music enjoyed a quiet influence on the subsequent development of popular music in the United Kingdom and United States.

This beautifully written and presented book contains a wealth of resources and information on some of the more obscure songs in the genre, alongside others that will be familiar to many. These include the transportation lament 'All Round My Hat' and the story of the dockside swindler 'Maggie May'. In this version, unlike the brief and improvised rendition on The Beatles' *Let It Be* (1970) album, Maggie is exiled far away to the 'cruel shore' of Van Diemen's Land for her crimes. Indeed, as the authors note, Northcote Parkinson (1948) found one iteration of the lyrics transcribed in the diary of an able seaman from a convict ship making the same journey in 1830. The profound themes in this collection are a complement to the more familiar songs about resistance to authority found in blues, jazz, rock and roll, hip hop and other genres better known to contemporary students. As such, this text will make an extremely valuable teaching tool. It would be a fun and challenging class for musicians at all levels to arrange, interpret and perform these messages from our past. The only criticism I can level is the relatively small amount of textual commentary in some sections. Where such details were included, they provided a fascinating legal, historical, and musical context, constituting a valuable research contribution in their own right. More of the same might help contemporary readers and performers develop a better understanding of the circumstances in which this material was lived, breathed, and sung.

References

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