



# Kent Academic Repository

**McIlvenna, Una (2015) *The Power of Music: the Significance of Contrafactum in Execution Ballads. Past & Present*, 229 (1). 47 -89. ISSN 0031-2746.**

## Downloaded from

<https://kar.kent.ac.uk/54888/> The University of Kent's Academic Repository KAR

## The version of record is available from

<https://doi.org/10.1093/pastj/gtv032>

## This document version

UNSPECIFIED

## DOI for this version

## Licence for this version

UNSPECIFIED

## Additional information

## Versions of research works

### Versions of Record

If this version is the version of record, it is the same as the published version available on the publisher's web site. Cite as the published version.

### Author Accepted Manuscripts

If this document is identified as the Author Accepted Manuscript it is the version after peer review but before type setting, copy editing or publisher branding. Cite as Surname, Initial. (Year) 'Title of article'. To be published in *Title of Journal*, Volume and issue numbers [peer-reviewed accepted version]. Available at: DOI or URL (Accessed: date).

## Enquiries

If you have questions about this document contact [ResearchSupport@kent.ac.uk](mailto:ResearchSupport@kent.ac.uk). Please include the URL of the record in KAR. If you believe that your, or a third party's rights have been compromised through this document please see our [Take Down policy](https://www.kent.ac.uk/guides/kar-the-kent-academic-repository#policies) (available from <https://www.kent.ac.uk/guides/kar-the-kent-academic-repository#policies>).

The Power of Music  
The Significance of Contrafactum in Execution Ballads

UNA M<sup>o</sup>ILVENNA  
*Queen Mary, University of London*

A parricide, a poisoner, a murderer, the day after - what am I saying - from the very day of his execution, gives birth to *complaintes* that are sung in all the main streets, and are composed by the singers of the Pont-Neuf.

Un parricide, un empoisonneur, un assassin, le lendemain, que dis-je, dès le jour même de leur supplice, enfantent des *complaintes* qui sont chantées dans tous les carrefours, & composées par les chanteurs du pont-neuf.<sup>1</sup>

In this excerpt from his twelve-volume, rambling description of everyday life in late eighteenth-century Paris, Louis-Sébastien Mercier described a tradition of public singing about executed criminals that was already centuries old. The *complainte* ('lament'), a medieval song form traditionally associated with the mourning over a loved or revered person, had become by Mercier's time inextricably linked with the repentant words of the condemned criminal, singing to listeners of the need to avoid sin and crime.<sup>2</sup> Across Europe, from the sixteenth century until the early twentieth century, the news of the deeds of criminals and their subsequent executions was delivered via song, often printed on cheap, single-sheet broadsides or small, book-like pamphlets, as well as passed on orally or via manuscript.<sup>3</sup> While English broadside ballads have been the focus of much recent study, their European counterparts have not been as widely

---

<sup>1</sup> Louis-Sébastien Mercier, *Le Tableau de Paris*, 12 vols. (Amsterdam, 1782-88), vol. 10, 255-257, 255: Chap. DCCCXXVII: '*Complaintes*'. All translations are my own except where indicated. Due to its central location, the Pont-Neuf became the location *par excellence* in Paris for street singers, eventually lending its name to the songs themselves.

<sup>2</sup> On songs about crime and executed criminals, see Hans-Jürgen Lüsebrink, 'La letteratura del patibolo. Continuità e trasformazioni tra '600 e '800', *Quaderni Storici* 49, XVII, no. 1 (April 1982); Éva Guillorel, *La complainte et la plainte: Chanson, justice, cultures en Bretagne (XVI-XVIII siècles)* (Rennes: Presses Universitaires de Rennes, 2010); Pascal Bastien, *Une Histoire de la peine de mort: bourreaux et supplices, Paris, Londres, 1500-1800* (Paris: Seuil, 2011), Ch. 4; Thomas Cragin, *Murder in Parisian Streets: Manufacturing Crime and Justice in Popular Press, 1830-1900* (Lewisburg, PA: Bucknell University Press, 2006), Ch. 2; V. A. C. Gattrell, *The Hanging Tree: Execution and the English People 1770-1868* (Oxford: Oxford University Press, 1996), 123-196. For a discussion of *complainte* in its original sense, see Kate van Orden, 'Female "*Complaintes*": Laments of Venus, Queens, and City Women in Late Sixteenth-Century France', *Renaissance Quarterly* 54, 3 (Autumn, 2001): 801-845.

<sup>3</sup> As it is often impossible to ascertain whether a song originally circulated in printed, manuscript or oral form, I have taken an inclusive approach, studying songs about execution in any format whenever they purport to be about historical cases of punishment (even if not verifiable), although admittedly printed ballads do make up a large percentage of the sources studied here.

recognised.<sup>4</sup> This paper looks at how song was employed across Europe for centuries as a vehicle for broadcasting news about crime and executions, and how this performative medium could both frame and mediate the message of punishment and repentance. In particular, it focuses on the ancient, pan-European tradition of contrafactum, the setting of new words to old tunes, that was a feature of this early form of news media, revealing the significance of the choice of music to the transmission of information.<sup>5</sup> The tune was often found within the pamphlet's title, with a direction such as 'to the tune...', 'Im Thon...', 'Sur l'air...', or 'sur le chant...', and the melody would be well-known, allowing anyone to instantly sing the new words. Such a tradition allowed for a much greater depth of meaning because of the cultural and emotional associations that the familiar tune carried with it. Balladry's refashioning of well-known tunes had the potential to create an aural palimpsest wherein a new version of a ballad was given added significance by the associations of earlier versions set to the same tune.<sup>6</sup> The choice of melody was intended to provoke specific emotions about the condemned and their

---

<sup>4</sup> *Ballads and Broadside in Britain, 1500-1800*, eds. Patricia Fumerton and Anita Guerrini (Farnham: Ashgate, 2010); Tessa Watt, *Cheap Print and Popular Piety, 1550-1640* (Cambridge: Cambridge University Press, 1991); Natascha Wurzbach, *The Rise of the English Street Ballad, 1550-1650*, trans. Gayna Walls (Cambridge: Cambridge University Press, 1990). For comparative studies between languages see Joy Wiltenburg, *Disorderly Women and Female Power in the Street Literature of Early Modern England and Germany* (Charlottesville: University of Virginia Press, 1992); Bastien, *Une Histoire de la peine de mort*.

<sup>5</sup> It may be helpful to clarify the terminology used in this paper: although the term 'contrafactum' tends to be used by musicologists to describe the substitution (after 1450) of a sacred text for a secular one, the focus of much musicology on elite material means that the terminology for popular song is little discussed and therefore not so rigid in its definitions. The musicological term that applies most closely to the phenomenon under scrutiny here would probably be 'borrowing' which has too wide a definition and also has strong associations with linguistics. 'Parody' is another analogous musicological term but its pejorative and satirical connotations outside of musicology render it unsuitable for my argument, whereas 'recomposition' could imply a more profound re-working of the musical material than is generally the case with the ballads I examine. Given the varied opinions of musicologists on the exact implications of each term and the lack of attention by historians in general to the musical side of balladry, I am in agreement with Kate van Orden and Rebecca Wagner Oettinger who use 'contrafactum' to denote the widespread and enduring tradition of using familiar tunes within new songs as a medium of broadcasting news in a semi-literate society. Kate van Orden, 'Cheap Print and Street Song following the Saint Bartholomew's Massacres of 1572' in *Music and the Cultures of Print*, ed. Kate van Orden (New York: Garland, 2000), 271-323; Rebecca Wagner Oettinger, *Music as Propaganda in the German Reformation* (Aldershot: Ashgate, 2001). See also Blake Wilson, *Singing Poetry in Renaissance Florence: the "cantata come" Tradition (1375-1550)* (Firenze: Olschki, 2009). Martin Picker, 'Contrafactum (2. After 1450)', *Grove Music Online* (accessed 22/11/2012). Michael Tilmouth, Richard Sherr, 'Parody', *Grove Music Online* (accessed 22/11/2012). Furthermore, certain terms are linked more closely with specific languages. For example, execution ballads are generally known as *complaintes* in French, and the French terms for tune or melody are *air* or *timbre*. Where this is the case, I tend to use the terminology primarily employed in the language under discussion.

<sup>6</sup> For discussions of the tradition and its impact on English balladry in general, see Christopher Marsh, *Music and Society in Early Modern England* (Cambridge: Cambridge University Press, 2011), 288-327; for eighteenth-century French songs see Robert Darnton, *Poetry and the Police: Communication Networks in Eighteenth-Century Paris* (Cambridge, MA: Harvard University Press, 2010), 79-102.

actions in the singer and listener. It was rarely a random choice of tune, but deliberate, and its use reveals a longstanding sophisticated ability to consciously exploit complex affective reactions to this very emotive subject. It is vital that historians pay greater attention to the music of execution ballads: we can learn a great deal about the emotions around public executions through a more nuanced awareness of how this primary medium of information about them was employed and exploited.

This paper argues that writers of ballads consciously chose specific tunes to heighten the ballads' affective potency, and that to truly understand their message we must therefore perform them. Of course, striving to understand authorial intention is a perennial minefield, and the situation is even less straightforward for early modern ballads that were usually anonymous. The conservative messages often preached in ballads could lead one to assume that they were composed, or at least commissioned, by those working for the state authorities and/or the clergy, but this conservatism may be due to writers getting their information about the cases from the official printed accounts of the crimes, such as the *Urgicht* in Germany or the *arrêt du cour* in France, published upon the guilty verdict. Ballad-writers could also cultivate close ties with those close to the criminal courts.<sup>7</sup> Furthermore, printing regulations also ensured that printed songs were subject to official oversight.<sup>8</sup> But the ballad-writers we can identify in the early modern period appear to have held a range of professions, from actor to tavern-owner to clergyman, and often wrote ballads on an ad hoc basis on a range of topics, not devoting themselves only to crime reports.<sup>9</sup> Thus, as with much of the production of cheap print in the

---

<sup>7</sup> In his account of the nineteenth-century Parisian *canard* business, Gaétan Delmas claimed that he witnessed a bookseller approach a writer of *complaintes* to inform him of the guilty verdict (and death sentence) in the just-completed murder case of Mme Renaud in 1839. The *complainte* appeared the following morning, before the newspapers were able to print the story. Gaétan Delmas, 'Le Canard' in *Les Français peints par eux-mêmes: encyclopédie morale du dix-neuvième siècle*, 5 vols. (Paris: Curmer, 1841), vol. 3, 43-56.

<sup>8</sup> The ballad-writer William Elderton found his ballad, 'Doctor Stories Stumbling Into Englonde', about the Catholic martyr John Story, executed for treason in May 1571, banned by the Privy Council because it slighted certain nobles with whom the Queen was on amicable terms. Hyder E. Rollins, 'William Elderton: Elizabethan Actor and Ballad-Writer', *Studies in Philology* 17, 2 (1920): 199-245, 211-13.

<sup>9</sup> For studies of individual ballad-writers, see Rollins, 'William Elderton'; Angela McShane, 'Martin Parker', *The Encyclopedia of English Renaissance Literature*. Garrett A. Sullivan, Jr. and Alan Stewart, eds. (Blackwell, 2012), 764-66; Massimo Rospocher, 'In Vituperium Status Veneti': The Case of Niccolò Zoppino', *The Italianist* 34/3 (2014): 349-361.

early modern period, financial reward seems to have been the driving force, and sensationalist songs of criminals receiving their just deserts were a lucrative source of income for printers and sellers.

Songs about criminals and their punishment were thus a key element in the tradition of street song known as the *Bänkelsang* in Germany, the *cantari popolari* in Italy, the *literatura de cordel* in Spain, the broadside ballad tradition in Britain and Ireland (and later, America), and the *canards* in France.<sup>10</sup> While almost every study of early modern capital punishment (and particularly in the case of early modern England) uses execution ballads as a primary historical source, surprisingly, few discuss the music to which these ballads were sung. They tend to be analysed merely in terms of their textual content.<sup>11</sup> But they are ballads; in other words, they are performative acts that were meant to be sung, and resung every time someone bought one, or saw it pasted on the alehouse wall, or took it home to paste into a chest or on the chimney breast. One early seventeenth-century critic of ballads testified to the popularity of execution ballads both as home decoration and as a source of regular entertainment: 'If o're the Chymney they some Ballads haue/Of Chevy-Chase, or of some branded slaue/Hang'd at Tyborne, they their Mattins make it,/And Vespers too, and for the Bible take it.'<sup>12</sup> Since the ballad was set to a familiar tune anyone who learned the words could easily re-perform the song and thereby re-transmit the message it conveyed. The intrinsic quality of song that encouraged – and at times demanded – its repetition means that the message within a ballad was more likely to be repeated than a mere

---

<sup>10</sup> For studies of German street literature see Wiltenburg, *Disorderly Women*, and by the same author, *Crime and Culture in Early Modern Germany* (Charlottesville: University of Virginia Press, 2012); Tom Cheesman, *The Shocking Ballad Picture Show: German Popular Literature and Cultural History* (Oxford: Berg, 1994). For French street literature see Séguin, *L'information en France*; Cragin, *Murder in Parisian Streets*; Maurice Lever, *Canards sanglants: naissance du fait divers* (Paris: Fayard, 1993). For Italian street literature see Rosa Salzberg and Massimo Rospocher, 'Street Singers in Italian Renaissance Urban Culture and Communication', *Cultural and Social History* 9 (2012) 1: 9-26; Willi Hirdt, *Italienischer Bänkelsang* (Frankfurt am Main : Klostermann, 1979); Alberto Natale, *Gli specchi della paura. Il sensazionale e il prodigioso nella letteratura di consumo (secoli XVII-XVIII)* (Roma: Carocci, 2008). For Spanish street literature see Jean-François Botrel, 'Les aveugles colporteurs d'imprimés en Espagne', *Mélanges de la Casa de Velázquez* 9 (1973): 417-482.

<sup>11</sup> Two exceptions are: Sandra Clark, *Women and Crime in the Street Literature of Early Modern England* (Houndmills: Palgrave Macmillan, 2003), Ch. 3; and Wiltenburg, *Crime and Culture in Early Modern Germany*, Ch. 3. Although his is not a study of capital punishment, Marsh does discuss the melodies of execution ballads: Marsh, *Music and Society*, 299-321.

<sup>12</sup> A[braham] H[olland], 'A continued inquisition against paper-persecutors', in John Davies, *A scourge for paper-persecutors, or papers complaint, compil'd in ruthfull rimes, against the paper-spylers of these times* (1634), sig. A2v of the section by Holland. <http://quod.lib.umich.edu/e/eebo/A19909.0001.001/1:4?rgn=div1;view=fulltext>. Accessed 10/09/2012.

prose account of the same event. Repetition could lead to memorisation, and ballads were thus a particularly potent means of transmitting information about crime and punishment, especially to the majority of early modern Europeans who had limited or no literacy. Ballads functioned therefore as multi-purpose, multivalent texts: combining news, entertainment and moral lesson in a format designed for maximum dissemination.

### Popularity of contrafactum

Early modern broadside and pamphlet songs were cheaply printed and considered disposable. As a result, the large majority have not survived. It is therefore difficult to make any definitive quantitative statement about the popularity of certain tunes, but analysis of a broad sample of several hundred songs allows us to get some sense of how melodies were re-used, and allows some comparison between different languages. Here too, the collecting habits of men such as Samuel Pepys and Anthony Wood, who amassed large collections of English ballads, means that the English broadside ballads are much better preserved, systematically catalogued, and more likely to be digitised than those of other languages, a status which can play havoc with comparative analysis. The sample in this study looks at 252 execution ballads, in English, French, German and Italian. Italian street songs about executed criminals do not contain an explicit tune direction, and their unique method of musical guidance will be discussed later. Of the remaining 220 execution ballads in this sample, 178 (about 80%) are set to a familiar tune. Even for the remaining songs with no explicit tune direction, clues could be given in the lyrics as to the melody to which the song should be sung. For example, the *complainte* in the voice of ‘the late Damoyse Chasteau’, who was executed at Toulouse in 1609 for the murder of her husband, gives no explicit tune title.<sup>13</sup> However, it opens with the lines ‘Messieurs à deux mains ioinctes/Humblement vous supply’ (‘Gentlemen with hands clasped [in prayer], I humbly beseech you’), lines that are strikingly evocative of ‘Dames d’honneur je vous prie à mains

---

<sup>13</sup> *Complainte faite par fene Damoyse Chasteau, que feut executee à Tolose pour auoir fait mettre à mort son mary* (Toulouse: Jean Bouguigon, 1609).

ioinctes' ('Ladies of honour I beseech you with hands clasped'), one of the most popular tunes for laments in sixteenth- and seventeenth-century France, laments that, like this *complainte*, were typically composed in the first-person voices of women.<sup>14</sup> Any French person could recognise the lyrical clue and immediately be able to sing the new song. In other words, the practice of contrafactum was so widespread that it sometimes required no explicit direction.

The power of contrafactum was such that certain songs became known by the title of their newer versions. For example, a 1626 ballad about the execution of John Spenser gives the tune direction 'In Slumbring Sleepe', another name for the popular tune 'Rogero' (which will be further discussed below).<sup>15</sup> Although both titles refer to the same melody, 'In Slumbring Sleepe' refers to the incipit of another ballad, *A comfortable new Ballad of a Dreame of a Sinner*, which also used 'Rogero' as its tune.<sup>16</sup> In this instance, the ballad appears to have become so popular that its tune could be identified by its opening line, replacing the original tune title. Similarly, the ballad that reported the 1684 execution by burning of Judith Brown, convicted with her master of poisoning her pregnant mistress, was to be sung to the tune of "The Rich Merchant Man, or George Barnwel".<sup>17</sup> These two titles again refer to the same tune. "The Rich Merchant Man", first recorded in the Stationer's Register in 1594, was used as the tune for a seventeenth-century ballad about George Barnwell, a (probably fictional) servant who was lured by an attractive prostitute into stealing his master's money and was eventually executed for it.<sup>18</sup> This became the most popular song set to the tune, tackling the ever-present fears in early modern Britain around the betrayal of servants, and its popularity resulted in the tune's suitability for the song of Judith Brown, *The Unfaithful Servant and the Cruel Husband*..., which portrayed Brown as the incarnation

---

<sup>14</sup> Van Orden, 'Female "Complaintes"'. Van Orden lists twelve songs set to this tune in the 1570s alone, but its actual use as a melody was even more common.

<sup>15</sup> *Iohn Spenser a Cheshire Gallant, his life and repentance, who for killing of one Randall Gam: was lately executed at Burford a mile from Nantwich. To the tune of in Slumbring Sleepe* (London: I. Trundle, n.d.).

<sup>16</sup> Claude Simpson, *The British Broadside Ballad and its Music* (New Brunswick, NJ: Rutgers University Press, 1966), 'Rogero', 614.

<sup>17</sup> *THE Unfaithful Servant; AND The Cruel Husband. Being a perfect and true account of one Judith Brown, who together with her Master Iohn Cupper, conspired the Death of her Mistris, his Wjfe*... (London: J. Deacon, 1684).

<sup>18</sup> Simpson, *British Broadside Ballad*, 'The Rich Merchant Man', 602-604. For a detailed analysis of this tune in all its versions see Una McIlvenna, 'The Rich Merchant Man, or, What the Punishment of Greed Sounded Like in Early Modern English Ballads', *Huntington Library Quarterly*, special issue: Living English Broadside Ballads, ed. Patricia Fumerton and Megan Palmer-Browne (in press, 2015).

of the householder's worst fear: a murderous servant. The choice of tune in this case immediately alerts the listener-singer to the theme of the ballad, conjuring up associations between the tune and the threat of servants' betrayal.

In France, the most obvious example of this type of renaming is the tune known as the 'air de Fualdès'. Originally called the 'air du maréchal de Saxe', the tune first appeared about 1760, associated with a *complainte* on the death of the celebrated French military leader, Maurice de Saxe.<sup>19</sup> The song went on to form the musical basis for several extant execution ballads over the following decades.<sup>20</sup> Its popularity led to its being chosen as the melody for a song about the brutal murder in 1817 of Antoine Bernardin Fualdès, an imperial judge.<sup>21</sup> The case, with its allegations of conspiracies due to Fualdès' political position, caught the imagination of the French and, as well as inspiring paintings, literature and (later) films, it spawned a *complainte* that described the murder in sensationalised language and the murderers as diabolic monsters:

“Puisque sans raison plausible,  
Vous me tuez, mes amis,  
De mourir en étourdi,  
Cela ne m'est pas possible.  
Ah! laissez-moi dans ce lieu  
Faire ma paix avec Dieu.”

“Since without any good reason  
You are killing me, my friends,  
To die mercifully,  
Is for me impossible.  
Oh! Let me in this place  
Make my peace with God.”

Ce géant épouvantable  
Lui répond grossièrement:  
“Tu pourras dans un instant  
Faire paix avec le Diable,”  
Ensuite d'un large coup  
Il lui traverse le cou.<sup>22</sup>

That terrifying giant  
Answered him roughly:  
“In a minute you can  
Make your peace with the Devil,”  
Then with a great blow  
He sliced him across the neck.

The *complainte* had such an impact that its tune was used as the musical basis for the majority of French execution ballads for the rest of the century, eventually becoming known as the 'air de

---

<sup>19</sup> Joseph Le Floc'h, 'Chanteurs de rue et complaintes judiciaires: quelques remarques à propos des complaintes françaises', *Histoire et justice: panorama de la recherche* (2001): 93-103.

<sup>20</sup> For example, *HORRIBLE ASSASSINAT Commis Faubourg Antoine, rue de Montreuil, No. 62, par le nommé Giraud, garçon boulanger, âgé de dix-neuf ans, qui a massacré son maître dans le fournil à coups de merlin, et a de suite étranglé la femme dans son lit avec une cracatte; puis a traîné, après son crime, le citoyen Langlois dans la ruelle du lit, pour cacher son attentat. - Complainte à ce sujet.* (Paris, 1790), BHVP, Cote: 602119; Parmentier, *COMPLAINTE Sur l'horrible assassinat, commis dans la commune de Nancray, sur deux vieillards et sur leur servante. Air: Du Maréchal de Saxe.* (Orléans, 1813), MuCEM.

<sup>21</sup> Marc Angenot, 'La "Complainte de Fantômes" et la "Complainte de Fualdès"', *Études françaises* 4, no. 4 (1968): 424-431.

<sup>22</sup> Gustave Masson, *La lyre française* (London: Macmillan, 1884), 306-315.

Fualdès'. Some ballads even had the tune direction: 'to the air to which all *complaintes* are set'. Given the tune's associations with diabolic and violent murderers, songs set to the tune consciously tried to live up to the expectations of their listener-singers. For example, the 1852 *complainte* about the serial poisoner Hélène de Jégado, whose victims died mysteriously, allowing Jégado to evade suspicion for years, nonetheless depicted her as a violent and bloody killer:

Sept personnes innocentes	Seven innocent people
Meurent à ce premier coup;	Died from this first blow;
Cela suffit pour un coup.	That was enough for one hit.
Hélène a les mains sanglantes;	Helen has bloody hands;
Elle a pris un laid chemin,	She has taken an ugly road,
Et le suit jusqu'à la fin. <sup>23</sup>	And follows it right to the end.

The 'air de Fualdès' was a tune that was instantly and universally recognisable, and which created expectations in its listener-singers of the depiction of brutal, violent acts carried out on innocent and helpless victims.

Although execution ballads are largely formulaic in their moral stance, language and structure, writers exploited the listeners' auditory response to the original melody in order to increase the ballads' affective impact. As Rebecca Oettinger explains,

The most commonly used melodies were a familiar part of the culture...and as such they provided a ready vehicle for the transmission of new texts while setting an extra layer of meaning beneath the new lyrics. These songs can only be understood in light of their models, for that is how a contemporary listener would have heard and understood them.<sup>24</sup>

To ignore the sound of the ballad, therefore, is to miss the complex emotional reactions it would have generated in its audience. Early modern ears were highly attuned to the many possible meanings of a melody. In the play *Thomas of Woodstock*, Nimble, the servant to the Lord Chief Justice, orders a man to be arrested for 'whistling treason':

**WHISTLER** Whistled treason? Alas, sir, how can that be?  
**IGNORANCE** Very easily, sir. There's a piece of treason that flies

---

<sup>23</sup> *L'Empoisonneuse Hélène Jégado, Accusée d'avoir attenté à la vie de 37 personnes, dont 25 ont succombé. Complainte. Air de Fualdès.* (Epinal: Pellerin, 1852). For a discussion of the *complaintes* composed about Jégado in French and Breton, see Vincent Morel, 'Le Phénomène de la complainte criminelle locale en Haute-Bretagne (19ème-20ème siècle)', *Maîtrise d'Histoire, Université de Haute-Bretagne Rennes II*, 1995, esp. 50-54.

<sup>24</sup> Oettinger, *Music as Propaganda*, 89-90.

up and down this country in the likeness of a ballad, and this being the very tune of it thou hast [whistled].

**WHISTLER** Alas, sir, ye know I spake not a word.

**NIMBLE** That's all one. If any man whistles treason 'tis as ill as speaking [it]. (III.iii) <sup>25</sup>

As Ignorance notes, a melody could be inextricably linked to the message of a ballad and could therefore be as powerful as text in delivering its message. Laura Mason has shown how the melody of the French Revolutionary song 'Ça ira' could provoke tense political confrontation even in eighteenth-century London, while Katie Barclay's work on seditious singing in eighteenth-century Ireland reveals that many people who had appeared before magistrates left the court humming 'Planxty O'Connor', a tune written by the nationalist ballad writer Thomas Moore, in order to send a message of political defiance to the authority of the British-controlled court.<sup>26</sup> While ballad-writers exploited the power of melody in ballads about all sorts of topics, from political songs to love songs, I argue that its use within execution ballads is especially significant because of the complex web of ideas that early modern public execution presented around punishment, community and performance.

### **Public engagement with execution**

In order to understand the relationship between ballads and execution it is important to appreciate how a spectator at a public execution was expected to engage with the spectacle of punishment. The bewildering variety in methods and degrees of execution and torture can seem unintelligible to the modern viewer, but each act committed upon the body of the condemned was imbued with specific symbolic meaning for early modern spectators. Unlike the death penalty as it exists today in America, for example, the early modern conception of capital punishment was about publicly committing upon the body, whether alive or dead, a sustained

---

<sup>25</sup> Anonymous, *Thomas of Woodstock, or, Richard the Second, part one*, eds. Peter Corbin and Douglas Sedge (Manchester: Manchester University Press, 2002).

<sup>26</sup> Laura Mason, *Singing the French Revolution: Popular Culture and Politics, 1787-1799* (Ithaca: Cornell University Press, 1996), esp. 54; Katie Barclay, 'Singing, Performance, and Lower-Class Masculinity in the Dublin Magistrates' Court, 1820-1850', *Journal of Social History* (2014): 1-23; ----, 'Sounds of Seditious Music and Emotion in Ireland, 1780-1845', *Cultural History* 3.1 (2014): 54-80.

litany of acts that shamed the culprit and served as a deterrent to the viewers. Firstly, the condemned prisoner was usually drawn by horse from the prison through the city to the site of execution, either on the back of a cart, on a hurdle or, to cast the most shame on the offender, on the bloody hide of a freshly-slain ox.<sup>27</sup> Depending on the severity of the crime, the prisoners' flesh could be pinched off with red-hot pincers as they travelled. Being 'drawn' was intended to be an intensely shameful experience with deep symbolic and emotional significance for the criminal and the community in which the condemned's repentance was shared by all, although the spectators' response would depend on the degree of their sympathies for the criminal.<sup>28</sup> Crowds lining the route engaged in various kinds of behaviour: jeering, praying, supporting, but also frequently singing for the condemned. As Francis Place recalled about the procession to Tyburn in the late eighteenth century, 'Songs were sung and the ballads sold at the corners of the streets all along Holborn, St. Giles's and Oxford Street.'<sup>29</sup>

Song was used both to comfort the prisoner and because the ceremony itself was of a religious nature. At the execution of the murderer Johan Ludwig Krause in Clingen in 1788, two classes of schoolchildren accompanied the procession, continually singing funeral songs.<sup>30</sup> Similarly, while Johann Sebastian Bach was Kapellmeister at St. Thomas's Cathedral in Leipzig he was required to release his choirboys to sing in the processions at public executions.<sup>31</sup> In fifteenth-century Bologna, singing during the march to the scaffold was undertaken both by the prisoner and by the lay member of one of the comforting confraternities, who would have

---

<sup>27</sup> I am in agreement with Ian Mortimer who argues that the traditional expression 'hanged, drawn and quartered' in which the 'drawing' refers to evisceration is wrong, and that the 'drawing' in fact refers to the criminal's process to the execution site. Ian Mortimer, 'Why do we say 'hanged, drawn and quartered?'' <http://www.ianmortimer.com/essays/index.htm>, accessed 10/09/2012.

<sup>28</sup> For a sense of the disparity between the authorities' intentions in English public execution rituals and the behaviour of the spectators, see Thomas W. Laqueur, 'Crowds, Carnival and the State in English Executions, 1604-1868' in A. L. Beier, David Cannadine and James M. Rosenheim (eds.), *The First Modern Society: Essays in English History in Honour of Lawrence Stone* (Cambridge: Cambridge University Press, 1989).

<sup>29</sup> Quoted in Tim Hitchcock and Robert Shoemaker, *Tales from the Hanging Court* (London: Hodder Arnold, 2006), 203. The procession to Tyburn would end in 1783, when the main execution site in London became the Debtor's Door outside Newgate Gaol. See Andrea McKenzie, *Tyburn's Martyrs: Execution in England, 1675-1775* (London: Hambledon, 2007); Simon Devereaux, 'Recasting the Theatre of Execution: The Abolition of the Tyburn Ritual', *Past and Present* 202, (Feb. 2009): 127-174.

<sup>30</sup> Richard van Dülmen, *Theatre of Horror: Crime and Punishment in Early Modern Germany*, trans. Elisabeth Neu (Cambridge: Polity, 1990), 76-77.

<sup>31</sup> Peter Williams, 'Public Executions and the Bach Passions', *Bach Notes* 2 (The American Bach Society, Fall 2004).

practised *laude*, or short, repetitive religious songs, with the condemned in order to prepare him for, and distract him from, his impending death.<sup>32</sup> The procession to Tyburn by John Lancaster, sentenced to be hanged for robbery in 1726 and newly converted to Methodism while in Newgate Prison, took the air of a revival meeting, with Lancaster leading the multitude in psalm-singing.<sup>33</sup> Indeed, the Fifty-first Psalm ('Have mercy upon me, O God, according to thy loving kindness') was known in eighteenth-century England as 'The Hanging Song,' which the condemned and crowd alike sang at the gallows.<sup>34</sup> In response to this tradition, the highwayman Sawney Douglas, hanged in 1662, was said to have carried the Ballad of Chevy Chase rather than a prayer book to Tyburn.<sup>35</sup> Even here, the choice of song was crucial, Douglas's choice of a popular ballad rather than a hymn acting as a gesture of defiance against the authorities of church and state that sought to control his final moments.

Song was therefore integral to the spectacle of punishment, and spectators as well as criminals were expected to be genuine actors in the 'theatre of horror' before them. This would continue once the condemned had arrived at the site of execution, sometimes a specific gallows site outside the city walls, such as Tyburn in London or Montfaucon in Paris, but at other times at a symbolic location within the city.<sup>36</sup> Here, ballad vendors would be ready to ply their trade amongst the numerous ambulant sellers of food, alcohol and other commodities. As an illustrative example of ballad-vendors' ubiquity at the gallows, the engraving by Hogarth, 'The Idle 'Prentice Executed at Tyburn', gives pride of place not to the unfortunate Thomas Idle, being drawn on a cart to the 'triple tree' for his crimes, but rather to the down-at-heel ballad

---

<sup>32</sup> Pamela Gravestock, 'Comforting with Song: Using *Laude* to Assist Condemned Prisoners' in *The Art of Executing Well: Rituals of Execution in Renaissance Italy*, ed. Nicholas Terpstra (Kirksville, MO: Truman State University Press, 2008), 31-51. For Italian comforting confraternities more generally, see Adriano Prosperi, 'La sangue e l'anima. Ricerche sulle compagnie de guistizia in Italia', *Quaderni Storici* 51 (1982), XVII: 959-999.

<sup>33</sup> Peter Linebaugh, 'The Tyburn Riot Against the Surgeons' in Douglas Hay, Peter Linebaugh, John G. Rule, E. P. Thompson, Cal Winslow, *Albion's Fatal Tree: Crime and Society in Eighteenth-Century England* (London: Verso, 2011), 65-117.

<sup>34</sup> Linebaugh, 'The Tyburn Riot', 116. It was also known as the 'Neck Verse' as it was the reading test to qualify for benefit of clergy.

<sup>35</sup> McKenzie, *Tyburn's Martyrs*, 198.

<sup>36</sup> For example, the place Maubert was located within the intellectual neighbourhood of early modern Paris, at the heart of the printing and bookselling trade, which is why the first printer to be executed for heresy, Etienne Dolet, met his end there in 1546. For the factors involved in choosing one execution site over another in Italy, see Nicholas Terpstra, 'Theory into Practice: Executions, Comforting, and Comforters in Renaissance Italy' in Terpstra, ed. *The Art of Executing Well*, 127-129.

vendor who sings her wares, infant on one arm, 'The last dying Speech & Confession of—Tho. Idle' in the other [fig. 1].



**Figure 1. Thomas Hogarth, 'The Idle 'Prentice Executed at Tyburn'. From the series 'Industry and Idleness', 1747. © Trustees of the British Museum**

While it is an artistic and satirical representation, Hogarth's engraving is accurate in its portrayal of public execution in many respects: across Europe, throughout the early modern period, most executions were by hanging, and these were mostly of young men.<sup>37</sup>

Until William Marwood's invention of the 'long-drop' in 1872 hanging was far from a humane affair. In most cases, the prisoner would be pulled backwards up a ladder leaning on the scaffold, whereupon the executioner would climb to the top, tie the rope around the scaffold and then simply kick the ladder away. In London until the 1780s, the cart in which the prisoners had travelled to the gallows would quickly pull away, leaving the body dangling. No matter the

<sup>37</sup> A statistical check on [www.oldbaileyonline.org](http://www.oldbaileyonline.org) reveals that, for the period 1674-1913 (the years covered by the site), convictions for theft (including violent theft) make up approximately 78% of death sentences handed down compared to other offences, and that death sentences for men between the ages of 16 and 26 far outnumber those for men younger or older, or for women of any age. Accessed 28/11/2012. For death sentence statistics in the German lands see van Dülmen, *Theatre of Horror*, 84; for sixteenth-century Bologna see Terpstra, 'Theory into Practice', 122.

local variation, death was usually caused not by the neck breaking but by slow strangulation, so spectators sympathetic to the condemned would pull on their legs to speed up death. This participation by spectators in the process of execution was echoed in the ballads they sang of such punishments. Certain tunes were used so regularly for these ballads that they became known as ‘hanging tunes’, even when the condemned was executed by a different method. Due to the shame caused by hanging, nobles were beheaded, by sword on the Continent, by axe in Britain.<sup>38</sup> However, the tunes used for ballads about their executions continued to be known as ‘hanging tunes’. One such tune was ‘Russell’s Farewell’, taken from one of the several ballads written to mark the death of William, Lord Russell, executed in 1683 for his alleged involvement in the Rye House Plot against Charles II. *The Lord Russels Last Farewel to the World* (1683) proved so popular that it spawned a rash of execution ballads using its melody, and ‘Russell’s Farewell’ became a tune associated with executed political prisoners, such as in the ballads about the Duke of Monmouth in 1685, or Sir John Fenwick in 1696.<sup>39</sup>

### Fortune My Foe

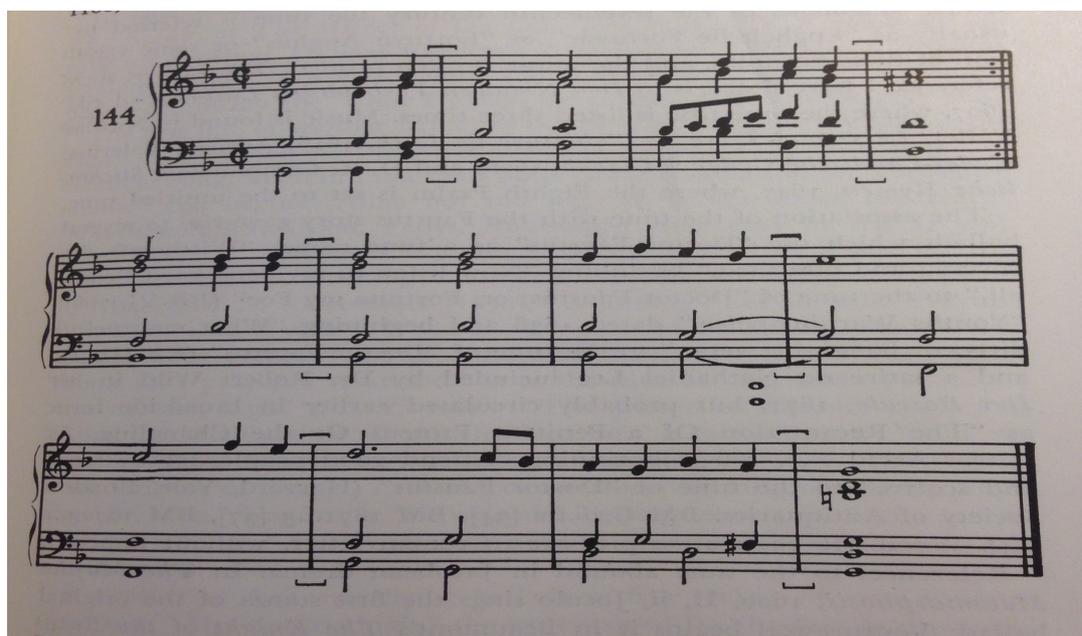
Some tunes were used as the musical basis for ballads more than others, most likely because they incorporated less complex arrangements and metrical structures. Moreover, given their sombre tempo and connection with psalmody, certain early modern tunes were habitually linked with execution ballads. The most obvious example for early modern England is ‘Fortune My Foe’, also known, among other titles, as ‘Aim Not Too High’, after the incipit of one of its later contrafacta. John Dowland, one of Elizabeth I’s favourite court composers, wrote several

---

<sup>38</sup> In the German lands, however, beheading by the sword was the prerogative of citizens, whether noble or not; see Joel F. Harrington, *The Faithful Executioner: Life and Death, Honor and Shame in the Turbulent Sixteenth Century* (New York: Farrar, Strauss & Giroux, 2013), 110; van Dülmen, *Theatre of Horror*, 80. For the beliefs around the various methods of execution and their corresponding degrees of shame, see Mitchell B. Merback, *The Thief, the Cross and the Wheel: Pain and the Spectacle of Punishment in Medieval and Renaissance Europe* (Chicago: University of Chicago Press, 1999), esp. 210-215.

<sup>39</sup> *Rebellion Rewarded with Justice. OR, The Last farewell of the late Duke of Monmouth which was Beheaded on Tower-Hill on the 15th of this Instant July 1685.* (J. Deacon, at the Angel in Guilt-Spur-Street without Newgate, 1685); *The Plotters Reward: / OR, / Sir John Fenwick’s Last Farewel to the VVorld, who / wa[s] Beheaded on Tower-Hill, the 28th. of January, 1696.* (Charles Barnet, 1697). Samuel Pepys collected thirty-eight ballads to this tune, the vast majority of which were execution ballads. Marsh, *Music and Society*, 302, 306, 319.

arrangements for the tune on the lute, but far from being restricted to elite circles, 'Fortune My Foe' was arguably the most popular tune for new ballads in sixteenth- and seventeenth-century England.<sup>40</sup> It was popular on the Continent too: it was frequently used for lamentations in Dutch songbooks in the same period (where it was known as 'Engelse fortun')<sup>41</sup> and it is found in French and German music scores as well.



**Figure 2.** 'Fortune My Foe', from Claude Simpson, *The British Broadside Ballad and its Music* (New Brunswick: Rutgers University Press, 1966), 227.

'Fortune My Foe' is a fairly sedate tune, written in the Dorian mode, one of the ancient scales, which was often associated with the stirring up of sober, solemn emotions.<sup>42</sup> Its sombre mood is probably why it became the most-used tune for ballads of murders, disasters and executions. Even Shakespeare made a joke about its popularity as a 'hanging tune' in *Henry V*: as Bardolph is about to be hanged, his friend Pistol remarks 'Fortune is Bardolph's foe' (3.6).<sup>43</sup> It was a joke that every member of Shakespeare's contemporary audience would have understood, as they would have sung the tune for other execution songs. It was the melody, for example, to *A*

<sup>40</sup> Simpson, *British Broadside Ballad*, 225-231. Three versions of 'Fortune My Foe' can be found on the CD in Marsh, *Music and Society*, once as an instrumental performance on the lute, and twice as the musical basis for ballads.

<sup>41</sup> The Dutch Song Database lists 237 songs set to the tune, nearly all of which come from the seventeenth century. <http://www.liederenbank.nl/resultaatlijst.php?zoek=2663&actie=melodienorm&sorteer=jaar&lan=en>, accessed 11/12/2013.

<sup>42</sup> For modal theory within early modern balladry, see Marsh, *Music and Society*, 290-292. For his discussion of 'Fortune My Foe', see 300-302.

<sup>43</sup> William Shakespeare, *King Henry V*, ed. Andrew Gurr (Cambridge: Cambridge University Press, 2005).

*Looking Glass for Traytors, or High Treason Rewarded*, a ballad on the 1678 execution of the unfortunate Edward Coleman, victim of Titus Oates's false accusations of a Popish plot against Charles II:

Let all bold Traytors here come take a view  
Now ancient Tiburn doth receive its due:  
There dark designs, and hidden treachery,  
Will bring them all unto the tripple Tree.<sup>44</sup>

By the seventeenth century, notes Tessa Watt, 'Fortune My Foe' was considered a specifically 'godly' tune, and the measured tempo of psalm singing ensured that it was sung at a slow and sombre pace.<sup>45</sup> The association with both psalmody and songs of death and disaster meant that execution ballads set to 'Fortune' encouraged their listener-singers to reflect on the spiritual nature of the execution process, and to contemplate their own sinful lives. Here the tune helped to reinforce one of the intended outcomes of the public execution, punishment as moral lesson for its spectators.

It was ideal, for example, for the ballad sung in the plaintive voice of the repentant Anne Wallen, convicted in 1616 of the murder of her abusive husband and sentenced to be burned to death:

Ah me the shame unto all women kinde,  
To harbour such a thought within my minde:  
That now hath made me to the world a scorne,  
And makes me curse the time that I was borne.<sup>46</sup>

The choice to condemn women to burning rather than hanging in cases of husband-murder was due to the fact that the crime was designated as 'petty treason' and therefore required more punitive measures than simple homicide. Moreover, hanging seems to have been perceived as inappropriate for women (at least until the eighteenth century), as it may have involved some

---

<sup>44</sup> *A looking-glass for traytors, or, High treason rewarded being a full account of the examination of the second person that was executed in Novem. 1678 by name, Edward Coleman, Esq, who was found guilty of high treason, at the Kings-Bench-Bar at Westminster, the 27th of Nov. 1678 ...* (London: F. Coles, T. Vere, I. Wright, and I. Clarke, 1674-1679).

<sup>45</sup> Watt, *Cheap Print*, 64-66.

<sup>46</sup> T. Platte, *Anne Wallens Lamentation, For the Murthering of her husband John Wallen a Turner in Cow-lane neere Smith-field; done by his owne wife, on satterday the 22 of June. 1616. who was burnt in Smithfield the first of July following. To the tune of Fortune my foe.* (London: Henry Gosson, 1616). Recording on the English Broadside Ballad Archive (EBBA): <http://ebba.english.ucsb.edu/ballad/20053/recording>

nudity. While witnesses to Anne Wallen's execution were aware that she had acted in self defence, Wallen's posture in the ballad is one of total repentance.<sup>47</sup> But the ballad's primary purpose is didactic; it is a warning to other wives to not question their husbands' authority, a lesson that would be undermined by doubts around the justice of the sentence. The ballad's unambiguous presentation of Anne Wallen's guilt is also given strength by the first-person voice of Wallen herself. This conceit, common in execution ballads, allows the singer of the ballad to momentarily assume her position and thus experience the vicarious thrill of fear at the thought of imminent death by burning:

My judgement then it was pronounced plaine,  
Because my dearest husband I had slaine:  
In burning flames of fire I should fry,  
Receive my soule sweet Jesus now I die.

The familiarity of 'Fortune My Foe', with its slow tempo and sombre melodic structure, allowed anyone the immediate possibility of embodying someone who stood on the precipice between life and death. Potentially they could experience, if only momentarily, the emotions of shame and repentance that Wallen sings of in her final moments of life.

Like English execution ballads based on 'godly tunes', German execution ballads in the Reformation era were usually set to well known Christian folk songs, called chorales. Luther himself was responsible for the texts of many of these songs, using both well-known melodies and having new ones composed, and often using melodies familiar to a Catholic audience. Certain chorales were (and still are) explicitly associated with particular feast days and spiritual occasions, such as Passiontide ('Passionszeit'), the Eucharist ('Abendmahl'), or were associated with contemplation of the Cross and consolation ('Kreuz- or Trostlieder').<sup>48</sup> An example of the last category is 'Kompt her zu mir, spricht Gottes Sohn' ('Come unto me, says the son of God'),

---

<sup>47</sup> See the letter by Sir John Chamberlain in Randall Martin, *Women, Murder, and Equity in Early Modern England* (New York: Routledge, 2008), 20. For more on early modern murderous wives see Frances Dolan, *Dangerous Familiars: Representations of Domestic Crime in England, 1550-1700* (Ithaca: Cornell University Press, 1994).

<sup>48</sup> The chorales are organised under these and other categories in Johann Sebastian Bach, *371 vierstimmige Choralgesänge* (Leipzig: VEB Breitkopf & Härtel Musikverlag, 1982). I thank Georg Corall for this reference.

which is the musical basis for nine of the thirty-six German ballads in this study.<sup>49</sup> The words of this chorale, well known since the late fifteenth century at the latest, evoke Matthew 11:28 ('Come unto me, all ye that labour and are heavy laden, and I will give you rest'), although the chorale's lyrics specifically add 'all you who are burdened, heavily laden *with sin*' [my emphasis]. The chorale's theme of God's redemption of sinners made it therefore suitable for songs such as *A Gruesome Yet True and Shocking New Report of Six Murderers, Five Men and One Wife-Person...*, a ballad about the execution of five men and one woman for murder in Meggelitz in 1603.<sup>50</sup>

Protestant encouragement of psalmody during the Reformation is a likely reason for the popularity of broadside balladry in English- and German-speaking lands at such an early period in print culture (i.e. in the sixteenth and early seventeenth centuries). As Oettinger has shown, the use of contrafactum was widespread and highly effective in spreading the message of Reformation in the German Lands.<sup>51</sup> Intriguingly however, in Oettinger's index of over 100 melodies upon which German composers based their Reformation songs, only one melody is consistent with the group of songs in this study: 'Hilff Gott das mir gelinge' ('Help me God, that I may succeed'), used for five of the execution ballads I have found. It would appear that a select group of tunes was seen as appropriate for execution ballads, and that these tunes were used repeatedly. In addition to the two tunes already mentioned, we find the chorale tunes 'Es ist gewißlich an der Zeit' ('The day is surely drawing near') and 'Warum betrübst du dich mein Herz?' ('Why do you trouble yourself, my heart?') employed several times each. All four of these chorales deal with death, judgment and resurrection, with some offering consolatory messages of God's forgiveness for believers, while 'Es ist gewißlich an der Zeit' reminds its listener-singers of the need to repent before the terrors of Judgment Day. This limited repertoire created strong

---

<sup>49</sup> Three of the nine ballads contain the tune direction 'Lindenschmidt', which was an execution ballad about the robber baron Lindenschmidt in the late fifteenth century set to the tune of 'Kommt her zu mir spricht Gottes Sohn'. Wolfgang Zink, 'Die Lindenschmidtlieder. Ein historisches Ereignis und seine Interpretationsmöglichkeiten durch das Volkslied', *Jahrbuch für Volksliedforschung* 21 (1976): 41-86.

<sup>50</sup> *Ein Gründtliche auch warhafftige und erschreckliche neue Zeitung von sechs Mördern fünff Mann unnd ein Weibsperson, welche heuwer in diesem Jar den 29. tag Majj zu Meggelitz in Mehren seing bingerichtet worden... in Gesangeweiss gestellt: Im Thon: Kompt her zu mir spricht Gottes Sohn...* (Vlmitz: N. Strauss, 1603), SBB Ye 5571.

<sup>51</sup> Oettinger, *Music as Propaganda*, in particular Ch. 4.

links between the tunes and the topic of execution, narrowing the range of emotions that could potentially be aroused by an execution song. They encouraged compassion for repentant criminals who underwent brutal treatment and death as expiation for their crimes as well as reflection on one's own life and chances of redemption. It is unsurprising, then, that German execution ballads in the early modern period are, without exception, sombre, moralising and didactic. Furthermore, songs in the vernacular, including chorales penned by Luther, were being sung in Catholic churches in the sixteenth century (much to the consternation of Catholic officials), and so it is likely that these execution songs had melodies and texts that were familiar to, and carried meaning for, a large portion of the population, rather than simply Lutherans.<sup>52</sup>

### **Execution ballads during the Reformation**

Perhaps surprisingly, Reformation attitudes to death, namely that purgatory did not exist and that souls could not be helped to salvation through the intercession of the living, had little impact on the practices of public execution in the period.<sup>53</sup> While there may have been variations in execution practices depending on the region, these variations were not due to the religion of the authorities. While, for example, the spike in executions in the German lands for witchcraft in the early seventeenth century was arguably caused by the tensions around changes in religious belief, punishments for crimes – in this case, burning – remained the same whether the region was Catholic or Protestant.<sup>54</sup> This indifference to confessional belief in terms of penal practice finds a parallel in German Catholics' adoption of some vernacular songs that were perceived as Protestant. Psalmody and hymn-singing played a prominent and complex role during the

---

<sup>52</sup> Alexander J. Fisher, *Music, Piety, and Propaganda: The Soundscapes of Counter-Reformation Bavaria* (Oxford: Oxford University Press, 2014), 32-41; by the same author, *Music and Religious Identity in Counter-Reformation Augsburg, 1580-1630* (Aldershot: Ashgate, 2004), 108-116.

<sup>53</sup> Peter Marshall, *Beliefs and the Dead in Reformation England* (Oxford: Oxford University Press, 2002). Marshall's work is surprisingly silent on how changing attitudes to death affected the practice of capital punishment.

<sup>54</sup> There is one exception: Richard Evans notes that the practice of the drinking of the blood of decapitated criminals (particularly by epileptics) for its healing qualities was confined from the seventeenth century to Protestant areas of Germany. He deduces that the blood and body of the condemned constituted a lesser but symbolically potent version of the Communion service in Protestant folk culture, while Catholics' belief in purgatory made it difficult to regard the holiness of executed criminals as untainted. Richard Evans, *Rituals of Retribution: Capital Punishment in Germany 1600-1987* (Oxford: Oxford University Press, 1996), 96-8.

Reformation, and their influence on contrafactum in execution songs is perhaps most marked in the songs dealing with the punishment of heretics.<sup>55</sup> These songs take two forms: those written by supporters of the condemned, which laud them as wrongly persecuted and martyrs for a glorious cause, and songs written by those who view the heretics as dangerous polluters of the body politic. In both kinds of songs the differences in the depiction of the condemned are found not only in the texts but just as much – if not more – in the choice of tune to which the songs are set.

The radical Protestant sect of Anabaptists identified themselves as a persecuted people, repeatedly martyred for their beliefs. Indeed, their hymnbook, known as the *Ausbund* (still in use by their descendants, the Older Order Amish in present-day America), is based on a collection of songs composed by Swiss Anabaptists imprisoned and awaiting execution in 1535-1537.<sup>56</sup> All of these songs are contrafacta, and many of their tunes are the same chorale tunes used by Lutherans, even though Anabaptists would be persecuted by both Protestant and Catholic authorities. Execution ballads about Anabaptists therefore provide an interesting example of how contrafactum could be used to subvert the expectations of a particular melody. A song written about the Anabaptist Hans Haslibacher, executed by Protestant authorities in Bern in 1571, is set to the chorale tune 'Warum betrübst du dich mein Herz', a tune that, as we have seen, was regularly used for songs about the executions of everyday criminals.<sup>57</sup> Although not one of the songs in the *Ausbund*, the pamphlet on which Haslibacher's song was printed was bound with a copy of the *Ausbund* which was published after 1614, and therefore most likely

---

<sup>55</sup> For songs attacking Huguenots, see Christophe de Bourdeaux, *Recueil de plusieurs belles chansons spirituelles, avec ceux des huguenots hérétiques et ennemis de Dieu, et de nostre mère sainte Église, faictes et composées par maistre Christofle de Bourdeaux* (Paris: pour Magdeleine Berthelin, s.d.). For songs attacking Catholics, see Henri-Léonard Bordier, *Le Chansonnier Huguenot du XVI<sup>e</sup> siècle* (Genève: Slatkine Reprints, 1969). The fourth book of this volume is devoted to 'Martyr Songs'.

<sup>56</sup> *Etliche schöne christliche Gesäng wie dieselbigen zu Passau von den Schweizer Brüdern in der Gefenknus im Schloss durch göttliche Gnade gedicht und gesungen warden.* (Cologne?, 1564); *The Earliest Hymns of the Ausbund: Some Beautiful Christian Songs Composed and Sung in the Prison at Passau, Published in 1564*, trans. Robert A. Riall, ed. Galen A. Peters (Kitchener: Pandora Press, 2003). For the songs of the Anabaptists see Rudolf Wolkan, *Die Lieder der Wiedertäufer: Ein Beitrag zur deutschen und niederländischen Literatur- und Kirchengeschichte* (Berlin: Behr, 1903). For an analysis of the melodies used, see George P. Jackson, 'The Strange Music of the Old Order Amish', *Musical Quarterly* 31 (July 1945): 275-88.

<sup>57</sup> *Ein schön geistlich Lied von dem Hasslibacher, wie er vom Leben zum Tod ist gerichtet worden. Seines Glaubens wegen hingerichtet in Bern am 20. Oktober 1571. Im Ton 'Warum betrübst du dich mein Herz'*, in *Im Röseligarte*, 6 vols., (Bern: A. Francke, 1908–1925), vol. 3, 28.

intended for Anabaptists to sing in their services.<sup>58</sup> The structure and text of Haslibacher's ballad follow the format of a typical ballad, where the (usually) violent crimes of the criminal are followed by his/her execution. In this song, however, the violence committed upon a helpless victim that one would expect to sing/read about in the early verses is replaced by the torture carried out on Haslibacher by his persecutors. The text works in concert with the melody to subvert the listener-singer's expectations: Haslibacher himself becomes the victim, and his execution at the end transforms him, through a set of subsequent miracles, into a Christ-like figure. The use of a chorale melody associated with the execution of criminals becomes, in the hands of Anabaptists, a medium of subversion and protest.

Songs could also be composed in the voice of the prisoners themselves, such as in the ballad of Anne Askew, allegedly penned while she lay in Newgate Prison.<sup>59</sup> Such songs were more common for those of the Reformed faith, and were often set to the tunes of psalms. Thus, the 'Chanson spirituelle d'Anne du Bourg', ostensibly written by du Bourg, a Calvinist magistrate, while he was in prison awaiting his execution for heresy on the Place de Grève in 1559, is set to the tune of Psalm 40 ('I waited patiently for the Lord; and he inclined unto me, and heard my cry'). In addition, Protestant martyrs were regularly described singing psalms as they went to their deaths.<sup>60</sup>

Singing psalms in the vernacular in sixteenth-century France was a highly political gesture, identifying the singers as Protestant reformers, uniting them in song, and provoking their enemies.<sup>61</sup> Each of the newly-translated psalms was set to a unique and distinctive melody,

---

<sup>58</sup> Harold S. Bender, 'Haslibacher, Hans (d. 1571).' *Global Anabaptist Mennonite Encyclopedia Online*. 1956. Accessed 24 Feb 2015. [http://gameo.org/index.php?title=Haslibacher,\\_Hans\\_\(d.\\_1571\)&oldid=128448](http://gameo.org/index.php?title=Haslibacher,_Hans_(d._1571)&oldid=128448)

<sup>59</sup> 'The Balade whych Anne Askewe made and sange whan she was in Newgate' in *The lattre examinacyon of Anne Askewe lately martyred in Smythfelde, by the wycked Synagoge of Antichrist, with the Elucydacyon of Iohan Bale*. (Wesel: D. van der Straten, 1547).

<sup>60</sup> *Chanson spirituelle d'Anne du Bourg, conseiller du roi en parlement, étant ès-lieux pour soutenir la parole de Dieu, et pour laquelle il souffrit constamment la mort à Paris. Sur le chant du psaume 40* (Paris, 1560), BnF Collection Fontanieu, MS 298.

<sup>61</sup> Barbara Diefendorf, 'The Huguenot Psalter and the Faith of French Protestants in the Sixteenth Century' in *Culture and Identity in Early Modern Europe (1500-1800): Essays in Honor of Natalie Zemon Davis*, eds. Barbara B. Diefendorf and Carla Hesse (Ann Arbor: University of Michigan Press, 1993), 41-63; Diefendorf, *Beneath the Cross: Catholics and Huguenots in Sixteenth-Century Paris* (Oxford: Oxford University Press, 1991); Natalie Zemon Davis, 'Strikes and Salvation at Lyons' in *Society and Culture in Early Modern France* (Stanford: Stanford University Press, 1975), 1-16.

and tunes thus became indivisible from the texts.<sup>62</sup> Therefore, to set the songs of their executions to the melodies of specific psalms called up the messages of those psalms for their listeners and, in so doing, perpetuated that political gesture. In 1552, five young French students left the Protestant Academy in Lausanne to return to convert the Catholic population in France. Arrested between Geneva and Lyon on 1 May, they would spend the next year in prison before being burned alive at the stake for heresy in the Place des Terreaux in Lyon in May 1553. Five canticles were composed about the 'Lyon Five' as they became known, each one of them set to the tune of a different psalm.<sup>63</sup> The fourth, for example, is set to the tune of one of the best known, Psalm 137 ('By the rivers of Babylon, there we sat down / Yea, we wept, when we remembered Zion'). The choice of melody is highly appropriate for these young men who had left their most recent home behind only to be persecuted for their religious beliefs in a new land. The lyrics of the canticle consciously exploit the links between God's chosen people, the exiled Jews, and the Huguenot believers by portraying Lyon as the new Babylon and Geneva as the new Jerusalem:

<p>Dedans Lyon ville tres renommee,          Nous souspirons en prison bien fermee          Nous souvenant de l'habitation          Du bon pais &amp; congregation,          Ou nous soulions, tant aux champs qu'en la ville          Ouir prescher le tressainct Evangile.</p>	<p>In the well-reknowned city of Lyon          We sigh in a well locked prison          Remembering living          In the good land and congregation,          Where we enjoyed, as much in the fields          as in the city          To hear preached the holy Gospel.</p>
--	--

With its own unique melody, this psalm evoked for its Huguenot listener-singers an identification with the children of Israel, a feeling that would have been reinforced by the evidence of the brutal treatment of the five missionaries in Lyon.

---

<sup>62</sup> Pierre Pidoux is of the opinion that the Huguenot psalm melodies were for the most part original compositions, save for a handful of melodies borrowed from Catholic (Latin) hymns. Pierre Pidoux, *Le Psautier Huguenot du XVIe siècle: Mélodies et documents*, 2 vols. (Bâle: Édition Baerenreiter, 1962), vol. I: Les Mélodies.

<sup>63</sup> 'Cantiques de plusieurs auteurs: ou sont compris ceux des cinq prisonniers executez pour le tesmoignage de l'Evangile, à Lyon, au mois de Juin, L'an de nostre Seigneur Jesus Christ. 1553' in *Recueil de plusieurs chansons spirituelles tant vieilles que nouvelles, avec le chant sur chascune: afin que le Chrestien se puisse esiouir en son Dieu & l'honorer: au lieu que les infidelles le deshonorent par leurs chansons mondaines & impudiques*. (n.p., 1555), 233-247.

### Satire in execution ballads

Not everyone was dismayed at the treatment that the reformers received; songs also welcomed and celebrated the death of the reforming ‘heretics’. The *baillif* (lieutenant) of Pontoise was executed in the Place de Grève on 23 July 1562 for actively promoting public worship by Protestants. One chronicle tells us that ‘the executioner had only just managed to execute him when the children grabbed the corpse from his hands and dragged it through the mud, ripped it into lots of pieces and then threw it into the river.’<sup>64</sup> David Nicholls and Barbara Diefendorf have discussed the breakdown of public order in Paris from 1557, which repeatedly saw spectators at executions take matters into their own hands, interrupting the ritual to enact their own vengeance.<sup>65</sup> It seems probable that the spectators felt that decapitation and burning was not shameful enough for these heretics; rather, they were viewed quite literally as polluters of the body politic, and so had to be disposed of appropriately. A song about the desecration of the *baillif*’s corpse was composed by the Catholic polemicist and ballad-writer Christophe de Bordeaux, which adds the detail that the corpse was dragged to the dungheap.<sup>66</sup> While the tune direction ‘sur le vieil chant’ (‘to the old tune’) is not very helpful in locating the melody, the incipit ‘Voulez vous ouyr chansonnette’ leads to a nursery rhyme, ‘Mademoiselle voulez-vous danser’, that fits the metre perfectly. The tune captures the exact sentiment of childlike mockery that the repetitive lyrics and simplistic metre also convey:

Quand il fut à la potence  
 Bien tost en bas il fut mis,  
 On le traine à la voirie  
 Comme il avoit desservy.

When he was on the scaffold  
 Soon he was brought down,  
 He was dragged to the dungheap  
 As he deserved to be.

On le traine à la voirie

He was dragged to the dungheap

<sup>64</sup> *Journal de ce qui s’est passé en France durant l’année 1562 principalement dans Paris et à la cour*, ed. Michel François (Paris, 1950), 88: ‘le bourreau ne l’eust pas presque executé que les enfans luy prindrent d’entre les mains le corps mort, et le trainarent parmy la boue, le déchirèrent en beaucoup de pièces, et puis le jectèrent à la revyere’. See also Denis Crouzet, *Les Guerriers de Dieu*: p 90 ‘Le temps du ‘trionphe de la guerre’; E. William Monter, *Judging the French Reformation: Heresy Trials by Sixteenth-century Parlements*, 219.

<sup>65</sup> David Nicholls, ‘The Theatre of Martyrdom in the French Reformation’, *Past & Present* 121 (1988): 49-73; Barbara Diefendorf, ‘Prologue to a Massacre: Popular Unrest in Paris, 1557-1572’, *American Historical Review* 90 (1985): 1067-1091.

<sup>66</sup> Christofle [Christophe] de Bordeaux, ‘Chanson du Baillif de Pontoise, sur le vieil chant: Voulez-vous ouyr chansonnette’, in *Le Recueil des chansons des batailles & guerres aduenues au Royaume de France, durant les troubles*. (Paris: Nicolas Bonfons, 1575).

The Significance of Contrafactum in Execution Ballads

Comme il avoit desservy Par les ruisseaux de la ville, Après qu'on leur faict mourir.	As he deserved to be By the streams of the city, After he had been killed.
Par les ruisseaux de la ville, Après qu'on leur faict mourir, En fort belle compagnie Et de grands & de petits.	By the streams of the city, After he had been killed In a great, lovely group Both big and small.
En fort belle compagnie Et de grands & de petits, Qui ont chanté son service, Comme au nez d'argent on fit.	In a great, lovely group Both big and small Who sang his service, Like they did for Nez d'argent. <sup>67</sup>
Qui ont chanté son service, Comme au nez d'argent on fit, Baillif Baillif de Pontoise T'as bien perdu ton credit.	Who sang his service, Like they did for Nez d'argent Bailiff, bailiff of Pontoise You've really lost your credit.

The simplistic vocabulary and rhythm, and the simple, repetitive melody give the songs an air of childlike insouciance at the destruction of the heretic's body, appropriate for a song in which children use the corpse as a plaything. Although this may strike a modern viewer as particularly barbaric, I would argue that the fact that the mutilation is carried out by children makes it appear less politically charged and instead more 'natural', the physical equivalent of the expression 'out of the mouths of babes'. Moreover, the depiction of these events in the style of a nursery rhyme confirms the unnaturalness of the heretics' beliefs, so obviously evil that even children can perceive it.

While nursery rhymes mocked the brutal end of Huguenots in France, on the other side of the Channel the execution of 'Papists' was a time for rejoicing, and the choice of tunes also reflected the dark humour of ballad-writers. In 1570, the brave (if somewhat foolhardy) Catholic John Felton was arrested for fixing a copy of Pope Pius V's Bull excommunicating Queen Elizabeth I to the gates of the Bishop of London's palace. This was considered an act of treason which, like regicide, was usually punished by hanging followed by quartering, where each of the prisoner's limbs would be tied to a horse pulling in opposite directions while the executioner

---

<sup>67</sup> Nez d'argent was the nickname of Pierre Craon, a Huguenot preacher executed about seven months earlier, and whose corpse was mutilated by children in the same way. See the song about him, 'Chanson du nez d'argent, sur le chant de la fille portant panier', in the same volume.

hacked the body into (ideally, five) pieces. The limbs would be displayed on various city gates and the head usually placed on a pole in a highly visible location. A ballad by Steven Peele commemorating Felton's execution was written as a mock letter to the Pope, congratulating His Holiness on the sacrifices his followers were willing to make on his behalf, and inviting him to come to London to gather up the remains of Felton's corpse:

His quarters stand not all together  
But ye mai hap to ring them thether  
In place where you wold have them be  
Then might you doe as pleaseth ye.  
For whye? they hang,  
Unshryned each one upon a stang:  
Thus standes, the case,  
On London gates they have a place.

His head upon a pole  
Stands wavering in ye wherling wynd,  
But where shoulde be his soule  
To you belongeth for to fynd:  
I wysh you Purgatorie looke  
And search each corner wt your hooke <sup>68</sup>

Peele mocks not only the dissected state of Felton's corpse, displayed upon poles at the various gates of London in order to both prevent burial and cause the greatest amount of infamy, but also the 'unshryned' state of his body parts. First mocking Catholics' devotion to the shrines and relics of martyrs, and then adding the suggestion that the Pope search 'Purgatorie' with his 'hooke' for Felton's soul, the ballad uses the dismantling of the corpse to wage a savage attack on a range of Catholic 'superstitions.'<sup>69</sup>

But the words of the ballad are not the only medium by which this attack is waged. Felton's ballad is to be sung to the tune of 'Row Well, Ye Mariners', a communal country dance song in which a group of people line up in two lines facing each other, clapping each other's

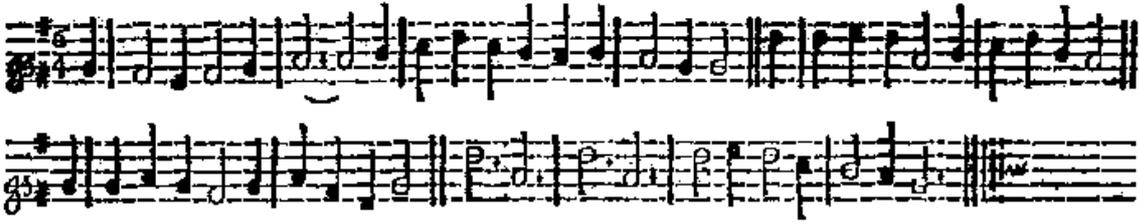
---

<sup>68</sup> Steven Peele, *A letter to Rome, to declare to ye Pope, Iohn Felton his freend is hangd in a rope: And farther, a right his grace to enforme, He dyed a Papist, and seemd not to turne.* (London: Alexander Lacie for Henrie Kyrkham, 1570).

<sup>69</sup> 'Hooke' is an attack on the Pope's crozier, or staff, shaped to resemble a shepherd's hook.

hands, ‘do-si-do’-ing their partners, skipping around, and at the end of each verse stepping to the right so that they then dance with the next person in line (fig. 3).<sup>70</sup>

**Row well ye Mariners.** *Longways for as many as will.* ☉☉☉☉  
☉☉☉☉



**Lead up a D.** First Man two flips  
forwards and crosses the Room one  
back. That way, the Woman the  
again. other. Back again  
to your places.

**Fall back both.** Meet again.

**Clap both your own Hands,** then clap each  
other's Right-hands against one another's,  
clap both your own Hands again, then clap  
Left-hands, then clap both Hands again, then  
clap your Breasts, then meet both your  
Hands against one-another. The same  
again, only clap Left-hands first.

---

**First Man fides with the next Wo. and his Wo. with the next Man. doing the like till you come to your own places, the rest following and doing the same.**

Figure 3. Dance instructions to ‘Row well ye Mariners’ in *The Dancing Master: Or, Directions for Dancing Country Dances, with the Figure and tunes to each Dance.* (London: John Playford, 1670). © British Library Board, Music Collections K.1.a.11.

The dance is designed so that each person eventually dances with every other person in the group. By setting Felton’s ballad to this particular tune, therefore, Peele deliberately evokes memories of the community physically coming together in joy and celebration. The choice of tune is key to appreciating the full meaning of the ballad – which mocks the inability of the dismembered man (and a fractured Catholicism) to effect such community – and communicates the intense joy felt at the death and physical destruction of the heretic. This conjunction between words and music is a perfect example of what Christopher Marsh means when he says ‘melody made meaning’.<sup>71</sup>

Such comic musical choices were also made in the songs about everyday criminals. The song about a husband and wife convicted in Paris in March 1716 of pimping, and sentenced to

<sup>70</sup> Simpson, *British Broadside Ballad*, 618-619.

<sup>71</sup> Marsh, *Music and Society*, 289.

be whipped and banished for nine years, was set to the air ‘O gué lan la’.<sup>72</sup> That line is the chorus of ‘Le bel instrument’, a bawdy song about a beautiful novice nun who is persuaded by a young man to ‘play’ on his ‘beautiful, long instrument’ – a song whose repeated sexual innuendo made its tune entirely appropriate for the punishment ballad of two pimps.<sup>73</sup> Another light-hearted treatment of the punishment of a criminal was composed about the execution of the infamous robber Jean Renard a.k.a ‘Poulailler’. The leader of a criminal gang that terrorised the countryside of Beauce in northern France (known as the ‘Chauffeurs’ because of their habit of burning the feet of their victims until they disclosed where their savings were kept), Poulailler was hanged in 1786. A broadside ballad commemorating Poulailler’s execution was set to the tune ‘Il pleut il pleut &c’, a reference to ‘Il pleut, il pleut bergère’ (‘It’s raining, it’s raining shepherdess’). This song was composed by the Revolutionary dramatist and politician Fabre d’Églantine for the 1780 operetta *Laure et Pétrarque*, in which the admirer of a shepherdess encourages her to avoid an approaching storm by coming into his house so he can convince her to marry him.<sup>74</sup> Its simple melody and charming pastoral subject resulted in ‘Il pleut’ becoming a favourite nursery rhyme for children, and rendered its pairing with the subject of Poulailler’s execution incongruous, and thus comic.<sup>75</sup> Poulailler’s confession in the (first-person) ballad is portrayed as originating more out of fear than out of repentance:

Dieux quel affreux supplice  
Je vois l'executeur  
De la haute justice  
J'en tremble de frayeur  
Par très juste sentence  
Je me vois condamner  
A l'affreuse potence

God what horrible torture  
I see the executioner  
Of high justice.  
I tremble with fright.  
By a very just verdict  
I am condemned  
To the terrible gallows

<sup>72</sup> *Execution remarquable d'un homme et de sa femme, atteint et convaincus de maquerelage, condamnez par Sentence de Mr le Lieutenant Criminel, confirmée par Arrest du trois Mars 1716. d'estre battus et fustigez de Verges par les Carrefours de Paris, ayant écrite aux devant et derriere, portant ces mots, Maquereau & Maquerelle publics, un chapeau de paille sur la teste, puis bannis pour neuf ans.* AN, AD III 3 (dossier Gueullette). I thank Pascal Bastien for sharing this and many other documents from the Gueullette dossier with me.

<sup>73</sup> The song is found in Jacques Dominique, *Chansons gaillardes et bachiques du Quartier Latin* (n.p., 1933).

<sup>74</sup> *Complainte de Poulailler* (Paris: chez Basset rue St. Jacques, 1786), Musée Carnavalet, estampe HIST PC 004 C.

<sup>75</sup> Although I have not yet found other execution ballads set to this tune, d’Églantine is said to have hummed the tune on his own way to the guillotine in 1794. A 1976 recording by Mady Mesplé in a performance style close to its original can be heard at <http://www.youtube.com/watch?v=aUmB7j1NXXE> accessed 23/01/2014.

Pour mes crimes expirer.

To expiate my crimes.

Although the lyrics convey Poulailleur's fear, he never asks for forgiveness, and instead appears to relish recounting the criminal acts which brought him so much infamy. The incongruity of setting Poulailleur's life-story of violence, robbery and execution to a light-hearted melody encourages the listener-singer to see humour in the ballad and makes it difficult to feel compassion for this unrepentant criminal.<sup>76</sup>

### **Tracing the origins of execution melodies across class and genre**

Many of the melodies for later execution ballads and other street songs can be found in the early operas of the seventeenth and eighteenth centuries. Indeed, John Gay's 1728 ballad-opera 'The Beggar's Opera' could be considered an extended musical treatment by contrafactum of the entire criminal justice system, culminating in the death sentence of the notorious highwayman Macheath (although he is saved by a last minute reprieve). Gay satirised the popularity of Italian opera in eighteenth-century London by creating a sort of anti-opera, setting each of the sixty-eight songs to a different familiar tune, some of which were popular airs by composers such as Handel (such as Air 20, 'March in Rinaldo'), while other melodies were from ballads, hymns and folk tunes. At the climax of the opera, after singing nine other contrafacta in quick succession, Macheath launches into an attack on the social inequalities around public executions, to one of the most well-known tunes in English balladry, 'Greensleeves':

But Gold from Law can take out the Sting;  
And if rich Men like us were to swing,  
'Twou'd thin the Land, such Numbers to string  
Upon Tyburn Tree!

Gay's use of contrafactum in songs about punishment reveals the cultural exchange that took place within and among so-called 'elite' and 'popular' cultures, further problematising the simple

---

<sup>76</sup> The incongruity theory, the most widely accepted theory of humour, posits that amusement is the enjoyment of something which clashes with our mental patterns and expectations. See John Morreall, 'Enjoying incongruity', *Humor - International Journal of Humor Research* 2, 1 (Nov 2009): 1-18.

binary distinction that has been controversial since Peter Burke's seminal study of 1978.<sup>77</sup> For example, almost all of the chorales used as tunes for sixteenth-century German execution ballads would be reworked in the seventeenth century by Johann Sebastian Bach into his cantatas. Song could thus migrate from folk song to composer-centred music and back again. All musical genres were porous and songs about executed criminals could find their roots in surprising territory.

The case of the *complainte* (one of several) written about the execution of Antoine François Desrues on the Place de Grève for poisoning in 1777 provides a telling example of this cultural interweaving. The *Tragic and Moral Story, of a Former Grocer-Druggist, Forger and Poisoner* is set to the air: 'Approchez-vous honorable assistance, &c.'<sup>78</sup> This line is the incipit to the 'Cantique de l'innocence reconnue de Ste. Geneviève,' a song that circulated widely as part of the cheap print of the *Bibliothèque bleue*. Arnauld Berquin testified to the widespread and enduring popularity of this religious song:

Everyone knows the popular canticle [hymn] of Saint Genevieve of the Woods, which all children have sung a hundred times with their nurse, and of which most have retained the memory at a much older age.

On connoît assez le cantique populaire de sainte Geneviève des bois, que tous les enfans ont chanté cent fois avec leur bonne, et dont la plupart ont conservé le souvenir dans un âge plus avancé.<sup>79</sup>

However, that song was itself based on another: the canticle of Saint Genevieve was to be sung to the air 'Que devant vous, tout s'abaisse,' a line derived from the 1676 baroque opera *Atys* by Jean-Baptiste Lully, a work so adored by Louis XIV that it was known as 'the king's opera'.<sup>80</sup> Airs taken from Lully's oeuvre were immensely popular: 336 items from Lully's ballets and operas were reworked in secular printed *chansonnières* (songbooks), of which forty parodies came

---

<sup>77</sup> Peter Burke, *Popular culture in early modern Europe* (Aldershot: Scolar Press, 1994).

<sup>78</sup> *Histoire tragique et morale, d'un ci-devant Epicier-Droguiste, Faussaire & Empoisonneur* (Paris: Valleyre, 1776), BHVP Cote 6292.

<sup>79</sup> Arnauld Berquin, *Œuvres complètes de Berquin, vol XIV: Idylles, romances et autres poesies* (Paris: Renouard, 1803), 111.

<sup>80</sup> Robert M. Isherwood, *Music in the Service of the King: France in the Seventeenth Century* (Ithaca: Cornell University Press, 1973), 218-219.

from *Alys* alone.<sup>81</sup> The identification of the tune reveals a constant flow between musical styles – from courtly to sacred to popular – that seems surprising to modern ideas of musical taste. Were the singers of the eighteenth-century *complainte* aware of its musical origins in the rarified court of the Sun King a century earlier? Perhaps not, but they would likely have associated it with the still-popular story of Saint Genevieve, particularly given the fact that the execution ballad and the hymn share the same opening and closing words in the first verse. Singers and listeners would thus have found the irony of linking a hagiographic hymn with a detested murderer either shocking, amusing, or perhaps even sacrilegious. While we can never state how an individual felt when hearing a given tune, the cultural associations accrued by the most popular tunes allow us to understand possible ways that ballad-writers encouraged their audiences to respond. This could be a complex response, because – as this particular ballad demonstrates – at each stage of the process of contrafactum a tune could accrue a new set of emotional associations.

### **International travel of melodies**

Songs and melodies flowed not only between groups of different social status, but also from one language to another. Ballads about the executions of notorious criminals, such as the romanticised highwaymen of the eighteenth century, found a market in languages other than their own. Figure 4 shows a German engraving of ‘The Bänkelsänger Hans Pumsack with his Musical Wife Singing the Song of the Robber Cartouche, who was executed on 27 November 1721’.

---

<sup>81</sup> Herbert Schneider, *Die Rezeption der Opern Lullys im Frankreich des Ancien Regime* (Tutzing : H. Schneider, 1982), 365; for discussion of ‘Que devant vous, tout s’abaisse’ see 7, 88.



Figure 4. ‘Der Bänkelsänger Hans Pumsack mit seinem musikalischen Weibe singt das Lied vom Räuber Cartouche, der am 27. November 1721 hingerichtet wurde.’ © Staatliche Museen zu Berlin, Lipp 32, 111.

Louis Dominique Bourguignon, aka Cartouche, was a French gangleader whose reputation as a ‘noble highwayman’ in the mid-eighteenth century secured his name in a range of songs and pamphlets across Europe.<sup>82</sup> The international travel of execution ballads was reflected in the exchange of melodies as well. We have already seen the popularity of ‘Fortune My Foe’ on the Continent, but the musical traffic was not one-directional: tunes such as ‘The Spanish Pavan’ and the Italian ‘Chi Passa’ made their way into English language broadside ballads.<sup>83</sup> One particularly successful import, ‘Rogerio’, was associated with a bass line popular in Italy in the late sixteenth and seventeenth centuries, a harmonic pattern to which singers could improvise a melody for singing poetry.<sup>84</sup> The name comes from the first line of Ludovico Ariosto’s *Orlando furioso*, an immensely popular poem that street singers in Italian piazzas performed regularly.<sup>85</sup> The ballad tune popular in England was not the original ground bass, but was a descant erected upon it,

<sup>82</sup> Hans-Jürgen Lüsebrink, *Histoires curieuses et véritables de Cartouche et de Mandrin* (Paris: Montalba-Arthaud, 1984) (Collection Bibliothèque Bleue), 7-76.

<sup>83</sup> Simpson, *The British Broadside Ballad*, xiii; for ‘Spanish Pavan’ see 678-681; for ‘Chi passa’ see 101-103.

<sup>84</sup> ‘Ruggiero’, *The Oxford Companion to Music*.

<sup>85</sup> James Haar, ‘Improvisatori and Their Relationship to Sixteenth-Century Music’ in James Haar, *Essays on Italian Poetry and Music in the Renaissance 1350-1600* (Berkeley: University of California Press, 1986), 96-103; Salzberg, Rospocher, ‘Street Singers’, 7, 8, 19.

with a flexibility that allowed it to be attached to many different kinds of ballads.<sup>86</sup> Tessa Watt tells us that it was a popular tune for ‘godly ballads’ in seventeenth-century England, a factor which may have lent more credence to the repentance voiced by John Spenser in the ballad describing his execution in 1617.<sup>87</sup> After killing an acquaintance in a drunken fight, Spenser was sentenced to hang in chains. Hanging in chains, or gibbeting, was an even more shameful variation on hanging, where a prisoner’s hanged corpse was left on display, tied up in chains or in a specially designed cage. Importantly, like being burned or quartered, hanging in chains prevented a Christian burial. Listener-singers of Spenser’s ballad would remember the melody from popular godly songs such as *A right Godly and Christian A.B.C...* and would have associated the moralising aphorisms from that song with the lesson in John Spenser’s ballad, learning from his shameful example how to avoid the same fate of eternal damnation.<sup>88</sup>

The international transfer of songs carried on well into the nineteenth century, with writers of execution ballads continuing to exploit the emotional power of certain tunes. Skilled writers could cleverly subvert the meaning of the old song to add affective weight to the new version. During the American Civil War, George Root composed a moving song called ‘Just Before the Battle Mother’ in which a young man sings a song of farewell to his mother the night before the big battle in which he and his comrades are likely to die. The song plays on what is arguably society’s most emotive bond, that of a parent’s love for her child, here given extra poignancy by the son’s willing sacrifice of his life for a noble cause. The chorus goes:

Farewell, mother, you may never  
Press me to your heart again,  
But, oh, you’ll not forget me mother,  
If I’m numbered with the slain.<sup>89</sup>

Repeated after each verse, this refrain reinforced the imagined painful inability of a mother to ever forget her fallen child. The song found international popularity, being alluded to in

---

<sup>86</sup> Simpson, *The British Broadside Ballad*, ‘Rogerero’, 612-614.

<sup>87</sup> *Iohn Spenser a Cheshshire Gallant...*; Watt, *Cheap Print and Popular Piety*, 58-63.

<sup>88</sup> *A right Godly and Christian A.B.C. shewing the duty of every degree* (London: Henry Gosson, 1601-1640?)

<sup>89</sup> ‘Just Before the Battle Mother’, George Root (1864). Recording by Marty Robbins in solo voice (rather than the more common choral works): <http://www.youtube.com/watch?v=IFoDphhHh6U> accessed 23/01/2014.

*Finnegan's Wake* by James Joyce.<sup>90</sup> In 1872 the tune was used for the execution ballad of Richard Coates, a military schoolmaster in Purfleet, Essex, convicted of the rape and murder of his six-year-old pupil, Alice Boughen.<sup>91</sup> In this version, the ballad-writer deliberately evokes the emotive associations of the earlier song, a parent's grief over the loss of a child, but then subverts it with graphic details of the child's violent death:

You never heard or ever read of  
Such treatment to a little child,  
Altho' so innocent and so loving,  
Cruelly murdered and defiled.

The expectations of the original song thereby heighten the horrific contrast of the new, brutal version. The chorus was also rewritten:

Richard Coates the Purfleet murderer  
On Easter Monday met his doom.  
He killed the soldier's little daughter  
Now he's dead and in his tomb.

The substitution in the third line of the chorus, of 'daughter' for 'mother', effectively pulls on the same heartstrings as the original song but in a macabre fashion. The repeated references to the victim as 'the soldier's daughter' evoke the military theme of the original song, given extra poignancy by the lines 'He did disgrace our gallant soldiers/And he was not fit to live'. Listener-singers of the song of 'the Purfleet murderer' would have perceived Coates' actions as monstrous, especially when compared with the noble sacrifice of the men in the original song, and were encouraged to see his execution as just and deserved.

### Italian execution ballads

It is worth at this point noting the special case of Italian execution songs. While they share many of the stylistic features common in those of other languages (printed on cheap pamphlets, often containing woodcut images; using equivalent vocabulary, such as 'lamento' and 'caso

---

<sup>90</sup> The American publishing firm Root & Cady sold sixty thousand songsheets of 'Just Before the Battle Mother' in 1864. Christian McWhirter, *Battle Hymns: The Power and Popularity of Music in the Civil War* (Chapel Hill: University of North Carolina Press, 2012), 17.

<sup>91</sup> *Execution of the Purfleet Murderer* (Preston: J. Harkness, 1875).

compassionevole'; closing with moralising verses; and sold by itinerant street singers), Italian execution pamphlets provide no tune direction, even though contrafacta on other topics were common.<sup>92</sup> To understand how they might have sounded one must pay attention to their formal structure. Italian songs about execution fall into three groups: the first are those in terza rima metre, the stanza form associated with Dante that consists of an interlocking three-line rhyme scheme (aba bcb cdc). These songs are invariably about the execution of a nobleperson, and are often presented as a first-person confession, such as *The Tearful Lament Made by the Lady Giovanna Vicentina, Who Was Beheaded and Then Quartered for Having Killed Her Husband...*<sup>93</sup> The aristocrat always repents his or her crimes and is presented as a highly sympathetic figure. Despite the detailed title, the torture and execution in these songs is usually only referred to obliquely, such as Vicentina's reference to it as 'mio mal giusto supplicio' ('my painful, just punishment').

The second group of such songs are those in ottava rima, a metre associated with the singing of epic tales such as Ariosto's *Orlando Furioso*, and consisting of eight-line stanzas rhyming abababcc. In terms of narrative style and characterisation of the criminal these songs are more akin to execution ballads of criminals in other languages: they are narrative, detailing in a linear chronology the life and crimes of the condemned, and excoriating the heinous criminal, for whom one is not encouraged to feel sympathy, only horror and revulsion. *The Wretched Life and the Shameful Death of Arrigo Gabertinga, Highway Robber...* follows this model, ending with the brutal and graphic execution of Gabertinga on the wheel.<sup>94</sup> For both terza rima and ottava rima there existed *arie per cantar* or *modi di cantar*, melodic formulae suitable for any poem in these metric forms, such as this 'aer di capituli' (air for terza rima) printed in Ottaviano Petrucci's fourth book of frottole (1505):

---

<sup>92</sup> Cf. Wilson, *Singing Poetry*. Moreover, the words 'sopra l'aria' are often found in the works of Italian composers (at least from the seventeenth century) such as Girolamo Frescobaldi and Salamone Rossi.

<sup>93</sup> *Il lacrimoso lamento, qual fece la signora Giovanna Vicentina, la quale fu decapitata, et dipoi squartata per haver amazzato il suo marito. Aggiuntoui anco di nouo il lamento dell'amante, qual fece bauendo la sua testa in braccio.* (Parma, n.d.)

<sup>94</sup> Giovanni Briccio, *La sciagurata vita, E la vituperosa morte di Arrigo Gabertinga assassino da strada, Il quale hà amazzato un'infinito numero di persone, con sei suoi figliuoli, nel Territorio di Trento. Composta in ottava rima da Giovanni Briccio Romano, per esempio de' tristi.* (Firenze and Pistoia: Pier'Antonio Fortunati, 1625-1666?)



Ma restato sou chiarito  
De l'usata mia nequitia,  
poi che'l Mastro di Giustitia  
M'ha gratato il picciocore.

But I was given away  
By my usual iniquity  
So now the Master of Justice [executioner]  
will scratch my itch.

CHORUS  
O Manasso traditore,  
C'hai tu fatto scelerato,  
Ben sei stato empio, e spietato  
A commetter tal errore.<sup>96</sup>

CHORUS  
O Manas, you traitor,  
What have you done, shameless one,  
You've been impious and ruthless  
In committing such a misdeed.

With its repeated mockery of Jewish traditions, beliefs and even stereotypical Jewish names, this is therefore intended to be a lively, sing-along song that enjoins its listeners to sing the chorus in a way that is irreverent, a humourous treatment that is evident in the very term 'barzelletta'. The same structure and language of gentle ridicule is found in the execution barzellette about a Moor, the *Lament of the Moor who was Executed in Ferrara...* and another about an innkeeper who ran a side-business as the head of a violent gang, the *Lament of Bastiano aka the Carrot, Florentine Innkeeper, Head of Thieves...*<sup>97</sup> Italian execution songs therefore had audience response built into their metrical structure, rather than in the melodic line.

### Execution ballads into the nineteenth century

As we have seen, there existed a range of execution methods in early modern Europe, each with its own variation on the level of shame incurred by the condemned, methods that were ordained predominantly by the social rank of the condemned. The guillotine was (ironically, given its iconic status as the gruesome symbol of the Terror) invented in the eighteenth century as a more humane method of dispatching the condemned, rather than the unreliable blows of the

---

<sup>96</sup> Giulio Cesare Croce, *Lamento et morte de Manas hebreo. Qual fù Tenagliato sopra un carro, & gli tagliorno una mano, e fù poi appiccato per homicidio, & altri delitti enormi, & obbrobriosi. Caso successo nella Magnifica Città di Ferrara il dì ultimo d'Aprile 1590.* (Bologna: Gli Heredi del Cochi, al pozzo rosso da San Damian, 1623).

<sup>97</sup> Giulio Cesare Croce, *Lamento del moro, che fu appiccato in Ferrara. Il quale non volendo morire fece quello, que leggendo intenderete.* (Mantua, 1589); *Lamento di Bastiano detto il Carrotta fiorentino Oste, capo di ladri, Appiccato con un'laccio d'oro, con undeci suo compagni, in Bologna l'ultimo di Genaro. 1587.* (Sienna, 1587).

executioner's axe or the excruciatingly gory spectacle of the wheel.<sup>98</sup> It was also more egalitarian: now everyone would be executed in the same way regardless of social status. Its most famous victims, Louis XVI and his wife Marie-Antoinette, were therefore commemorated in a flood of execution songs with titles that ridiculed their now-extinguished social superiority and tunes that mocked their deaths. *The Pride of Marie-Antoinette, Confused by the Guillotine*, sung to the air 'Bonsoir ma jeune & belle amie' ('Goodnight my young pretty girlfriend') is a good example of the ballad-writers' skill at exploiting contrafactum for political and social satire.<sup>99</sup>

Although the ethics of public execution were hotly debated in the nineteenth century, its critics generally did not concern themselves with the knotty moral questions around the state's authority to remove life from its citizens; rather, they simply wanted it removed from view, and largely because of issues of class.<sup>100</sup> In one of a series of letters on the topic to the Times in 1849, the novelist Charles Dickens makes it clear that he does not want to discuss 'the abstract question of capital punishment' but instead simply wants to demonstrate his support for 'a measure making the infliction of capital punishment a private solemnity within the prison walls.' His grounds for this argument are then presented in the wonderfully sensual description of the crowds that had gathered overnight to watch the early-morning execution of Frederick and Marie Manning, hanged for murder outside Horsemonger Lane Gaol, London, on 13 November.<sup>101</sup> His description resounds with the audible, musical qualities of the scene he witnessed:

When I came upon the scene at midnight, the shrillness of the cries and howls that were raised from time to time, denoting that they came from a concourse of boys and girls already assembled in the best places, made my blood run cold. As the night went on, screeching, and laughing, and yelling in strong chorus of parodies on negro melodies, with substitutions of 'Mrs. Manning' for 'Susannah', and the like, were added to these. When the day dawned, thieves, low prostitutes, ruffians, and

---

<sup>98</sup> For a recent study of the transformation of capital punishment practices see Paul Friedland, *Seeing Justice Done: The Age of Spectacular Capital Punishment in France* (Oxford: Oxford University Press, 2012).

<sup>99</sup> Ladré, *L'orgueil de Marie-Antoinette, confondue par la guillotine* (n.d.n.p.), in *Recueil de chansons*, BnF Tolbiac, YE-56375, 161-240.

<sup>100</sup> For example, the British Royal Commission on Capital Punishment found great disagreement among its witnesses over whether the death penalty should be abolished, but almost total agreement that it should be removed from public view. *Report of the Capital Punishment Commission; together with the minutes of evidence and appendix* (London: Eyre & Spottiswoode, 1866).

<sup>101</sup> Most executions took place at dawn, which led to spectators usually camping out to get a good vantage point.

vagabonds of every kind, flocked on to the ground, with every variety of offensive and foul behaviour....<sup>102</sup>

What is intriguing about this account is the singing that is heard from the assembled crowd. The mention of ‘Susannah’ in conjunction with ‘negro melodies’ is a reference to the wildly popular song ‘Oh! Susanna’ written by the American composer Stephen Foster only two years before, in 1847.<sup>103</sup> Written for blackface minstrel shows, it was being performed to acclaim in London in the late 1840s by visiting American minstrel troupes.<sup>104</sup> A comic song that ridicules its dim-witted Negro singer, ‘Oh! Susanna’ (even in its modified, less overtly racist versions) was a tune associated with light-hearted mockery, making its use at the Mannings’ execution a strong indicator of the irreverence the crowd felt towards the condemned and their punishment. Although, unfortunately, Dickens does not provide the new lyrics to the ‘parodies’ that the crowd had composed, these ‘ruffians’ and ‘vagabonds’ whom Dickens despises participate in a centuries-old tradition of contrafactum that often reveals a sophisticated ability to manipulate the emotional palimpsest that songs can provide.<sup>105</sup>

It is precisely this musical, communal and performative atmosphere, however, that Dickens finds repugnant:

When the two miserable creatures who attracted all this ghastly sight about them were turned quivering into the air, there was no more emotion, no more pity, no more thought that two immortal souls had gone to judgement, no more restraint in any of the previous obscenities, than if the name of Christ had never been heard in this world, and there were no belief among men but that they perished like the beasts.<sup>106</sup>

---

<sup>102</sup> <http://www.bl.uk/learning/images/dickens/large116519.html>, accessed 28/08/2012.

<sup>103</sup> Ken Emerson, *Doo-dah! Stephen Foster and the Rise of American Popular Culture* (New York: Simon & Schuster, 1997), 127-136. Emerson also traces the countless parodies of ‘Oh! Susanna’, particularly in its adoption by the ‘Forty-Niners’ of the California Gold Rush, demonstrating how prevalent the practice of contrafactum was internationally.

<sup>104</sup> Catherine Hail, ‘Blackface’, East London Theatre Archive, <http://www.elta-project.org/theme-blackface.html>, accessed 05/12/2013. See also Henry Mayhew’s discussion of ‘Street Negro Singers’ in *London Labour and the London Poor*, 190-194.

<sup>105</sup> The popularity of songs about the Mannings is evidence that execution balladry and its tradition of contrafactum was still vibrant in nineteenth-century Britain. One of the broadside ballads about the Mannings, *Execution of the Mannings* (n.d.n.p.), Bodleian, Firth c.17(267), was set to the tune ‘Lord Exmouth’; another, *A New Song on the Mannings* (Preston: J. Harkness, 1849), Bodleian, Firth c.17(268), was set to the air ‘The Wife’s Dream’ (neither are in Simpson, *British Broadside Ballad*).

<sup>106</sup> <http://www.bl.uk/learning/images/dickens/large116519.html>, accessed 28/08/2012.

Dickens' main criticism is that the public are no longer learning the moral and religious lessons that public execution exists to teach, and conversely that public executions instead create a physical and emotional space that actually attracts and promotes criminal and other undesirable behaviour.<sup>107</sup> For its nineteenth-century middle class critics, the celebration of the death of the criminal through song resulted in a public event where the religious meditation on the potential redemption or eternal ruin of the soul about to depart this life had given way to raucous revelry punctuated by songs and ballads. In what became a stereotypical depiction, the Rev. S. G. Osborne, a Dorsetshire rector, described execution crowds in 1866 as 'men and women blaspheming, singing obscene songs, with half drunken jollity coming to riot before the gallows'.<sup>108</sup> The last public execution in Vienna in 1868 was described as a fair with hundreds of booths set up 'all around the corpse, which remained hanging on the gibbet until sunset. There was much drinking, cheering and singing; vendors offered "Poor Sinner Sausages" and "Gallows Beer" and eventually the occasion ended, like all public festivals, with wild tussles and fights.'<sup>109</sup>

Campaigns such as the one supported by Dickens were ultimately successful all across Europe over the course of the nineteenth century in moving executions indoors, thereby eliminating what was earlier believed to be an essential element of the punishment – public spectacle as didactic exercise.<sup>110</sup> Despite the new privacy of execution, however, nineteenth-century French *complainte*-writers could still reveal the same macabre humour as their sixteenth-century English counterparts. In Paris in August 1877, Henri Pranzini was beheaded for the murder of three women. It was a high-profile case, attracting the attention of even the New

---

<sup>107</sup> Matthew White argues that nineteenth-century criticisms of public execution crowds were 'consistently two-dimensional and frequently impressionistic, often paying scant attention to the social complexities contained within the events... Contemporary newspaper reporting in particular reaffirmed these older, Hogarthian portrayals of the multitude as implicitly licentious, framed from a standpoint of moral censure.' Matthew White, "'Rogues of the Meaner Sort'?: Old Bailey Executions and the Crowd in the Early Nineteenth Century," *The London Journal* 33, 2 (July 2008): 135-153, 148-149.

<sup>108</sup> Randall McGowen, 'Civilizing Punishment: The End of the Public Execution in England', *Journal of British Studies* 33, 3 (July 1994): 257-282, 267.

<sup>109</sup> Van Dülmen, *Theatre of Horror*, 108.

<sup>110</sup> McGowen, 'Civilizing Punishment'; ----, 'A Powerful Sympathy: Terror, the Prison, and Humanitarian Reform in Early Nineteenth-Century Britain,' *Journal of British Studies* 25, 3 (July 1986): 312-334.

York Times, which gave a graphic account of the wounds inflicted by Pranzini on his victims.<sup>111</sup>

The Times also gave its American readers a sense of the crowd that had gathered outside the prison inside of which Pranzini was to be executed:

Paris, Aug. 24 – Disgusting scenes are taking place on the Place Roquette, where 5,000 roughs are camping out, awaiting the execution of Pranzini. The mob are singing indecent songs in reference to Pranzini, who, on being awakened by the noise, asked a warden the cause of it, and was told that it was occasioned by a strike.<sup>112</sup>

Like Dickens' description, we once again have an example of working class people ('roughs') congregating to sing songs at the moment of a criminal's execution, although crucially in this example, few of them would have been able to witness the execution: only 1500 'card-bearers' were allowed in sight of the guillotine, of whom 900 were connected with 'the Press or the Government'.<sup>113</sup> To be physically present singing songs, however, seems to have been the appropriate behaviour of commoners for such an occasion. It is tempting to speculate that one of the 'indecent songs' they were singing was *On y a coupé la tête!* (*We cut off his head!*), a popular broadside *complainte* that appeared that year.<sup>114</sup> The song's lyrics openly rejoice in the decapitation of a murderer whose crime had caught the public's imagination, using working-class slang both to appeal to a large public and to prevent any traces of potential eulogy that a more elevated language might allow.<sup>115</sup>

Once again, however, it is the tune to which the song is set that carries as much, if not more, emotional power and meaning than the text. *On y a coupé la tête!* is set to the air 'En r'venant d' la R'vue', a raucously joyous vaudeville song in the voice of a bourgeois gentleman (he calls himself the '*chef d'une joyeuse famille*') who recalls taking various female members of his family to what becomes a very inebriated and bawdy review of the troops at Longchamp on

---

<sup>111</sup> The New York Times ran several articles on the case. See 'Execution of Pranzini; The Murderer of Mme. Regnault Expiates His Crime', *New York Times*, 31 August 1877.

<sup>112</sup> 'Awaiting Pranzini's Death', *New York Times*, 24 August 1877.

<sup>113</sup> 'Execution of Pranzini. Shocking Scene on the Scaffold. The Murderer's Career.' *The Aroha News*, 22 October 1887, 3.

<sup>114</sup> *On y a coupé la tête!* (Paris: L. Gabillaud, 1877), BHVP, Actualités 152 grand format.

<sup>115</sup> Cragin, *Murder in Parisian Streets*, 145-186.

Bastille Day.<sup>116</sup> The song is a paean to French national pride, libertinism and *joie-de-vivre*, and almost all recordings of it include the sound of the live audience cheering at the end of each verse and chorus. Setting the details of Pranzini's decapitation to 'En r'venant de la R'veue' would be an unequivocal statement, therefore, of the jubilation at the beheading of the criminal and an insouciant attitude towards his corpse:

<p><i>On y a coupé La tête sans pitié, Il ne l'a pas volé, Pas vrai, mesdames? C'est fait, ça y est, Entre nous, c'est bien fait, Mon vieux voilà c'que c'est Qu' d'occir des femmes!</i></p>	<p>We cut off His head without pity, He deserved it, Didn't he, ladies? It's done, that's it, Between you and me, it's a good thing, Buddy, that's what you get When you murder ladies!</p>
---	---

Although public distaste for torture may have increased since the Enlightenment, little else about the joy of imagining a criminal physically destroyed had changed since the sixteenth century, and ballads continued to conjure up the fictional spectacle of the criminal's punishment long after that spectacle had ceased to exist for its public. In fact, broadside execution ballads such as the ones for Pranzini continued to thrive across nineteenth-century Europe and they continued to find a market right up until the Second World War.<sup>117</sup>

As the twentieth century progressed, however, song became predominantly an art form, largely divorced from its former multiple functions of reportage and moralising sermon. But for centuries, execution ballads had been a uniquely efficient means of disseminating the news of crime and the punishment of criminals to the widest possible audience. Whether literate or not, whether noble or peasant, whether city- or country-dweller, anyone within earshot of a ballad

---

<sup>116</sup> 'En revenant de la Revue', Lucien Delormel, Léon Garnier, Louis-César Désormes (1886). Recording by Georgius (1950): [http://www.youtube.com/watch?v=uZ\\_KJQ2kfw0](http://www.youtube.com/watch?v=uZ_KJQ2kfw0) accessed 23/01/2014.

<sup>117</sup> For the enduring appeal of execution ballads through the nineteenth century in France, see Cragin, *Murder in Parisian Streets*, Heintzen, 'Le canard était toujours vivant!'; in Germany, see Cheesman, *The Shocking Ballad Picture Show*; in Britain, see Harvard Law School Library's 'Crime Broadside Project' at <http://broadside.law.harvard.edu/>; Broadside Ballads Online from the Bodleian Libraries at <http://ballads.bodleian.ox.ac.uk/>. See Cheesman, *The Shocking Ballad Picture Show*, for photographic images of German *Bänkelsänger*s performing punishment ballads in the 1930s, and Jean-François 'Maxou' Heintzen has traced execution songs in France up to the last public execution there, in 1939, of Eugen Weidmann: Jean-François 'Maxou' Heintzen, 'Le canard était toujours vivant! De Troppmann à Weidmann, la fin des plaintes criminelles, 1870-1939', *Criminocorpus*, Musique et Justice, Portraits d'accusés et figures de criminels en musique. URL : <http://criminocorpus.revues.org/2562> ; DOI : 10.4000/criminocorpus.2562 accessed 13 January 2014.

was capable of receiving and understanding the message it conveyed. If the tune were memorable enough they could memorise and retransmit the message with every re-performance, and the cultural associations embedded within that tune were central to its emotional potency. While great emphasis has rightly been placed on the rise of sensibility and a growing secularism as causes for the growing transformation of execution from its early modern 'open' practice, it is important to rethink that earlier practice and to understand the part that song played in it: communicating ideas about death, punishment and redemption to a wide audience.

The technique of contrafactum required its listener-singers to have previous knowledge of the songs to which it referred, pointing to a vast repertoire, sometimes even international, of shared musical knowledge. Such sharing and participation helped to forge communal bonds, echoed in the communal and performative means by which each member of society was expected to participate in the punishment of criminals. As they laughed at the satirical use of tunes that mocked despised traitors and murderers, or cried at the poignant tune that linked a mother's loss of her military son with the brutal murder of an innocent daughter, the listener-singers of execution ballads participated in an exchange of cultural references that perpetuated beliefs around punishment and repentance. To understand these references, as well as the complex range of emotions that spectators and condemned alike brought to the gallows, we need to think of ballads as dynamic, performative acts that are rich with musical and cultural associations. We must open our ears to the sound of their stories.