

(Dis-)Owning the Sound:

A Workshop on the Historical Development

of

Music Property & Authorship

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Institute for Advanced Studies in the Humanities

University of Edinburgh

Concert, St Cecilia’s Hall

Monday 16 June 2014, 18:30



*Music is a science; it may be written; and the mode of conveying the ideas, is by signs and marks. A person may use the copy by playing it; but he has no right to rob the author of the profit, by multiplying copies and disposing of them to his own use.*

Lord Mansfield in *Bach v. Longman*(1777)

This concert is arranged as an integral part of an RSE Susan Manning workshop on the historical development of music property and authorship at the Institute for Advanced Studies in the Humanities (IASH), University of Edinburgh. The concert programme is designed to bring to life the sonic dimension of the music that is discussed during the workshop. It is kindly performed by teachers and students from the Reid School of Music. Both the workshop and the concert are sponsored by the Royal Society of Edinburgh in memory of the late Professor Susan Manning (1953-2013).

Trio in C major Ignaz Pleyel (1757–1831)

Catalogued as Hob.XV:3 by Franz Joseph Haydn

Adagio-Allegro – Rondo: Andante-Adagio ma non troppo-Andante-Allegro-Andante

subject of court cases – Haydn/Pleyel. Forster v L&B

Ignaz Pleyel was a star pupil of Joseph Haydn. In the 1780s, William Forster—Haydn’s publisher in London—issued “Opus 40” that contained three keyboard trios under Haydn’s name. Modern scholarship tends to believe that two of these three trios catalogued by Anthony van Hoboken as XV:3-5 were actually composed by Pleyel, who later published them independently by Longman & Broderip. The dispute between these two London publishers reveals an intriguing relationship between a music master and his apprentice in terms of music author-ownership in the 18th century.

*Care donne che bramate* Stephen Storace (1762–96)

Sung by Madam Mara, subject of rights arguments with L&B

Stephen Storace studied music in London and Italy, performing alongside his sister Nancy (1765–­1817) who sang the role of Susanna in the first performance of Mozart’s Le nozze di Figaro.Storace composed this aria for the character Lisetta to sing in Il re Teodoro in Venezia by Giovanni Paisiello in 1787. Lisetta sings of her many sweethearts, enjoying their flattery and little gifts. She accepts these things with a laugh but is not so naive as to let them make a fool of her. The soprano Gertrude Mara first sang *Care donne* at the King’s Theatre, Haymarket. Storace took music publishers Longman & Brodeirp to court in 1788 when they published the aria having entered it at Stationers Hall. They claimed to have done nothing wrong since they believed that the proprietor of the King’s Theatre received the copyright of everything performed there and that he had passed it on to the copyist as part of his ‘salary’. This copyist, Signor Micheli, in turn sold it to Longman & Broderip. They had sold half of the 100 copies they made, at 2s 6d each to the general public or 1s 8d to ‘the trade’.

Sonata in G major Johann Christian Bach (1735–82)

‘A New Lesson for the Harpsichord or Pianoforte’

Allegro – Minuetto Con Variatione

This is an amalgamation of two of JC Bach’s sonatas as it was published by Longman & Lukey under the title ‘A New Lesson for the Harpsichord of Pianoforte’ in 1772. Longman & Lukey took the first movement from Bach’s Opus 17 Sonata IV and the second movement from Sonata I and added a new variation to the latter. In 1763, Bach had been granted a Royal privilege for exclusive publishing rights to his own music for 14 years. He began legal proceedings against Longman & Lukey in 1773 and after various complications in 1777 Judge Lord Mansfield found in Bach’s favour.

*Will of Aberdeen*, Sung by Mrs Hudson at Vauxhall

Vauxhall is probably the best known of the pleasure gardens frequented by high (and low) society, where music formed a central part of the available entertainments. Mrs Hudson was also an oratorio singer and may be the Frances Hawkeswell, a mantua maker from York, who married French horn player William Hudson and then turned her attention to music. In publishing this piece, Robert Falkener was probably taking full advantage of the popularity of ‘Scotch songs’ in London in the late eighteenth century. He charged a penny a page, so it would have been easy for the middling classes to afford a copy.

*Oh Had I Jubal’s Lyre* from Joshua (1748) George Frideric Handel (1685–1759)

Unusually, Handel’s music remained popular after the composer’s death, most notably with the major commemoration concerts held at Westminster Abbey in 1784 (25 years after his death) and thereafter. Robert Falkener and other publishers took advantage of this and published their own editions of his music. Falkener’s version lacks the original string parts and is a tone below the original pitch.



Double-manual harpsichord by Robert Falkener, London, 1773

This instrument bears the inscription ‘*Jacobus Kirkman* *Londini Fecit*’ on its nameboard. However, Kirkman was in the habit of spelling his name ‘Kirckman’ on the front of his instruments. Inside, we find some explanation in the pencilled inscription ‘*Robert Falkener London Fecit 1773 September*’. In 1771, Kirkman brought an action against Falkener for ‘exposing to sale a certain Harpsichord for a large sum of money to wit the Sum of £27.6s. as and for a harpsichord made by the said Jacob’. Since this court case precedes the instrument in date by some two years, it is not clear whether the two parties came to some agreement, or Falkener simple continued to apply other people’s names to his products in order to be able to charge higher prices. In any case, this is a fine example of a late eighteenth-century harpsichord with a five-octave compass (F1,G1 to f3), two sets of 8ft strings, one set of 4ft strings, a lute stop, buff and machine stop. It was almost certainly owned by General John Reid (1721–1807), who founded the Reid Chair of Music at the University of Edinburgh, and who bequeathed his instruments to the University with effect from 1839.

Harpsichord: David Gerrard

Violin: Emma Lloyd

Cello: Laura Sergeant

Soprano: Jenny Nex



Short Interval



*Set Sail for the Sun* from *Aus den Sieben Tagen* (1968) Karlheinz Stockhausen (1928–2007)

performed by ‘Grey Area’

Viola: Nikki Moran

Violin: Emma Lloyd

Piano: Shiori Usui

Bowed Box: Owen Green

Synthesizer: Sean Williams

This is one of “15 text compositions for intuitive music in variable settings” written in 1968 during a period of personal crisis. Most of the pieces were performed by the Cologne/Stockhausen Ensemble as part of their repertoire until the 1970 World’s Fair in Osaka and have been performed by many other groups since. In Osaka, the ensemble played Stockhausen’s music every day for 6 months, and in this concentrated atmosphere, the tensions inherent in the different creative practices required by these pieces strongly contributed to the demise of the group. During the World’s Fair a letter was sent to Stockhausen by some members of the ensemble in which they essentially claimed ownership of the music, citing the fact that they were playing and creating their own music whilst nominally performing Stockhausen’s works. In recent interviews with surviving members of the ensemble, it has been suggested that some parts or even entire pieces in this collection were essentially transcriptions made by Stockhausen of practices or techniques that the ensemble members themselves had developed.

The entire text of *Set Sail for the Sun* is included below, and it should become clear that although the piece can be seen to have a unique identity or form, nevertheless, a great deal of creative input is required from the musicians to transform the text instructions into music. In order to give a fair recognition of creative input to each participant – including the composer – it becomes necessary to question existing models of creativity (and how they are reflected in copyright law). Although this is perhaps an extreme example, there is a strong case for arguing that the models of creativity relied upon for copyright are not fit for purpose and that in order to reflect interpreters and performers creative contributions to the musical output, new models of creativity are urgently needed.

SET SAIL FOR THE SUN

play a tone for so long

until you hear its individual vibrations

hold the tone

and listen to the tones of the others

- to all of them together, not just to individual ones -

and slowly move your tone

until you arrive at complete harmony

and the whole sound turns to gold

to pure, gently shimmering fire

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