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Performing Resistance to the New Rural Order: An Unpublished Ballad Opera and the Green Song

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This paper explores the case for the "green ballad" in the eighteenth century, presenting not unmediated experience of the environment but intervention and involvement, as in the clamor that surrounded the widespread expropriation of common land at the time. While green studies are today still more familiar in the environmental and biological sciences than in oral and literary fields, their central concerns are clear: they imagine human beings as an integral part of, and not somehow "outside" nature; the role of living things in a production economy; and issues relating to ownership of the biosphere. Any assault on a natural habitat is represented as an injury to the self. Although the eighteenth century has been called "the liveliest time for folk song creation,"[1] such themes are only infrequently found in the vernacular songs and popular entertainments of the time. "The Charnwood Opera," an unpublished dramatic entertainment from the middle of the century, is an extended representation in contemporary and traditional song of an act of popular protest against the enclosure of common land and the accompanying assault on customary rights.

INTRODUCTION

The new political and economic order set in place in England in the seventeenth century led in the eighteenth to the re-invention of the countryside. In particular, Acts of Enclosure were first passed, and later implemented, at a vastly increasing rate as the century progressed.[2] As a result, in many contexts, the link between the natural and the human became disrupted: nature was now to be sought in "the 'unspoiled places,' plants and creatures other than man [*sic*]."[3] However, at the same time nature was increasingly tied to production: the georgic took its place alongside, and partly displaced, the pastoral. The countryside, the working environment, was gradually invested with aes-

For audio clips of songs discussed in this issue, visit www.english.uiuc.edu/ecti/issues.html

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thetic qualities as landscape and as an object of consumption for those who could afford to own it. Hunting woodland might be transformed into a landscaped park, often erasing whole communities in the process.[4] In ecological terms, the relation to nature became instrumental, with nature often treated as an alien Other that could be shaped and used at will with no empathic or moral constraints.[5]

Nevertheless, very few songs during this period consider human activity to be in conflict with or opposition to nature. Instead, they continue to regard the natural world as an extension, or strictly a figuration, of the body, either as an erotic script or on the "all flesh is grass" principle. The land tends to be seen in terms of reproduction rather than production, and the cultivated landscape as a metaphor for the human body. At the same time, objects of material culture—the taring scythe, the plough, the millstone—become metaphors for human relationships. The broadside, now more closely aligned with its new consumers, who include the makers of traditional song, characteristically represents rural settings not as picturesque but as the arena for human experience:

It was one summer's morning on the fourteenth day of May,
I met a fair maid, she ask'd my trade, I made her this reply,
For by my occupation I ramble up and down,
With my taring scythe in order to mow the meadows down.

She said, my handsome young man, if a mower that you be,
I'll find you some new employment if you will go with me,
For I have a little meadow long kept for you in store,
It was on the dew, I tell you true, it ne'er was cut before.[6]

Such a script clearly diverges from the conventional image of woman-as-landscape, where to be seen as "nature" was to be defined as nonagent and nonsubject, as background to the "foreground" achievements of reason or culture.[7]

In other songs, organic metaphors emphasized decline. "The Fall of the Leaf," drawing on the biblical metaphor of mortality, first appeared in garlands at the end of the eighteenth century and has remained in oral repertoires in England ever since:

As I was a-walking one morning at ease
A-viewing the leaves that had fall'n from the trees
All in full motion appearing to be
And those that had wither'd they fell from the tree.
What's the life of a man any more than a leaf?
A man has his seasons so why should he grieve?

For although in this world we appear fine and gay
Like a leaf we must wither and soon fade away.[8]

This teleological narrative of growth and decay explicitly associates human life with the natural world, and even in its contemplation of death challenges at every turn any sense of nature as hostile or tending to chaos. A more fully worked out example is the rebellious narrative of child marriage, "The Trees They Do Grow High," which is found first in the Herd MS and in Robert Burns and was soon being printed on broadsides.[9] It has often been considered to be in the traditional ballad mold, perhaps left out of Francis James Child's collection only because the strong central figure determines its story more in the direction of a lyric than an impersonal narrative: what narrative there is, is elliptical and embedded in a sequence of rhetorical outbursts by the young girl who has been married to "a boy who is too young."

In the song, it is the boy who marries, and dies, young. It is cast in the form of an elegy sung by his former bride, who is some years older. The dynamic of the narrative hinges on her ambivalence between indignation at the cynical nature of the marriage and a fondness, in retrospect, for the boy who was as much a victim as herself. The significance of "The Trees They Do Grow High" in the context of the "green ballad" lies in its major contrastive images, which set the vertical life-images of childhood—trees, sprouting leaves, and grass—against the horizontals of the grave and marriage bed in an astonishing counterpoint:

O the trees that do grow high, and the leaves that do grow green.
The days are gone and past, my love, that you and I have seen . . .
O now my love is dead and in his grave doth lie,
The green grass grows over him so very high.[10]

Val Plumwood calls this relation to nature "mutuality," where it is a "non-alien other," recognized simultaneously as different and as kin.[11] This contrasts strongly with Samuel Johnson's apocalyptic vision in the lines he added to Goldsmith's *The Deserted Village* (1770), where he sees natural forces as tending to chaos and ruin: nascent capitalism is bound to the laws of nature, which will ultimately destroy it:

trade's proud Empire hastes to swift Decay,
As Oceans sweep the labour'd Mole away.[12]

The association between nature and disorder, which became ever more marked toward the end of the century, has had profound implications for modern ecological thought. Seeing nature as tending to disintegration and therefore as something to be tamed, controlled, and appropriated was not

only in the Augustan tradition of pastoral but also in line with the evolving social dynamic: the prospect or view across rolling acres became for the first time connected linguistically with "prospects" or economic expectations: "land, profits, and power became plaited together."[13] The stability of the landscape and animal paintings of Gainsborough and Stubbs concealed far-reaching changes in land use. When disorder was predicated on that part which still lay outside the boundaries of the new estates, nature became a threatening force to be tamed and exploited, not respected as a life force with its own agency and imperatives. Thus enclosure was legitimated as a means of bringing "order to chaos, law to the lawless, rights to the rightless, work to the indigent."[14]

This view of the countryside as needing the firm restraint of capital investment was not yet universal at the time, particularly among those who were in different ways excluded from the process. In the middle of the century, Sarah Fielding quotes "Windsor-Forest" within a digression in *The Adventures of David Simple*, to emphasize that it was human activity, not nature, that was the disruptive force:

> In the Animal and Vegetable World there would be full as much Confusion as there is in human Life, was not every thing kept in its proper Place:
> Where Order in Variety we see;
> And where, tho' all Things differ, all agree.[15]

She is here writing not only in the tradition of Pope but of Anne Finch (Lady Winchilsea), who, in her poem "Nocturnal Reverie" (c. 1713), considered that it was "Tyrant-man" that tended to disorder, and that only the night offered protection from human predations:

> Their short-liv'd Jubilee the Creatures keep,
> Which but endures, whilst Tyrant-man do's sleep . . .
> In such a Night let me abroad remain,
> Till Morning breaks, and all's confus'd again.[16]

Anne Finch's and Sarah Fielding's equation of human life with "Confusion" was widespread among the propertied classes during the period: it was shared, for example, by Parson Woodforde and John Wesley. Typically, such fears focused on drunkenness, which, despite its prevalence among the gentry (such as Parson Woodforde's own wayward brother John) was portrayed in class terms as a tendency towards riot and insurrection; the customers at the alehouse were kin to the "rough" end of society: laborers, vagabonds, and rioters. Indeed, the pub was often the place of assembly before an act of social protest.

One such pub, the Holly Bush in north Leicestershire, central England, was

the focus of one of the popular confrontations to the many acts of enclosure in the county. This confrontation was the subject of an unpublished musical entertainment of the middle of the century, "The Charnwood Opera," which opposes both enclosure and turning wildlife into "game" to increase the income of local landowners while at the same time making what was once a livelihood for the poor into "poaching." This entertainment thus appeals to customary rights, to what E. P. Thompson called the "moral economy of the poor," "a consistent traditional view of social norms and obligations, of the proper economic functions of several parties within the community."[17] It calls on its hearers to resist a political economy and legal system that is partial and class-based. In the process it explores crucial aspects of the way our identity as human beings is connected to the land.

"THE CHARNWOOD OPERA"

Given the common assumption that vernacular song speaks for the dispossessed, it is remarkable that apparently only this opera, with its concluding song "The Coney Warren," appears to have survived to record the widespread and bitter resistance that accompanied acts of enclosing common land outside towns.[18] However, such oppositional texts were rarely accepted for printing, and the entertainment survives in only a single manuscript in an eighteenth-century hand. Although the closing song has been printed in part, it still remains unpublished as a whole.[19] It is a dramatization of the vigorous resistance put up in Leicestershire in 1748–49 to an attempt by William Herrick, a local landowner, and others to divide up a large tract of common land known as Charnwood Forest and stock it with rabbit warrens for their personal use. The situation in the county was volatile: more than half the villages had already been enclosed in the sixteenth century, and the case of other villages in the county showed that the loss of the unenclosed land that remained would result in commoners being forced to work for wages, to become rural laborers, framework knitters, or paupers.[20] Furthermore, that part of the county around Charnwood Forest had a tradition of physical resistance to authority.[21] The confrontation over the warrens led to the death of one of the protesters. A warrener and some of his associates were put on trial for murder, but, as the county history records laconically, "Mr Herrick's grant of free-warren being produced in court, they were of course acquitted."[22] Ultimately, though, common rights were upheld.

No performance details of "The Charnwood Opera" survive, but the presence in the cast of the musicians Tom Piper and Frank Fiddler and the inclusion of seven songs, mostly set to very familiar airs like "The Vicar of Bray," "Chevy Chase," and "King John and the Abbot of Canterbury," suggest that it might have been part of a convivial local occasion. Since the opera was written

five years after the events it broadly represents, it perhaps served to stiffen opposition to further encroachments.[23]

The drama opens on a winter's morning "At the Holly Bush in that Forest," where Tom Piper is calling together the "commoners" with the cry "The hunt is up" (an indication of the tune to which his lines are to be sung).[24] Frank Farmer arrives to denounce the warrener and his supporters for harking back to the time of Popery and the Bloody Assizes, when "Game laws and Justices were made, / And rabbits bred apace" (ll. 21–22). The commoners, he says, are appealing to church and crown to support them. All join in a cry of "Rabbits and Popery! Rabbits and Popery!" (l. 30). A figure called Spectator then steps forward and delivers a literary speech full of classical allusions that contrasts with the plain speaking of the commoners, who call themselves the "brave boys of Charley" (l. 80).[25] The supporters of the warrener approach, and the scene ends with a stirring sketch of their confrontation with the commoners.

In the second scene, the warrener's supporters are characterized at the outset:

> Lawyers, biters, bailiffs, came;
> Informers, to get money:
> With two blue beagles, and a long dog,
> A-hunting of the coney. (ll. 114–17)

The last line, as well as perhaps giving a hint of the tune (as yet unidentified), suggests what is to be a recurring theme of the entertainment, the association of hunting with sexual adventurism.

The gentry arrive and attempt to pacify the commoners with a speech and a bribe. This is rejected with contempt. Since "they will not by the common law abide" (l. 184), they turn to a compliant lawyer to make a case on the basis of the property laws. As a result, thirty of the protesters are surrounded and arrested. Eventually, as even this strategy fails, the landowners turn to the use of hired thugs ("Club-law"), and the drama ends with the commoners grimly facing the prospect of further struggles to come.

"The Coney Warren," the lengthy song with which the entertainment closes, stands a little apart from the opera. Sung to "King John and the Abbot of Canterbury," one of the most widespread airs of the time, it is addressed mockingly to two leading Jacobite landowners, William Herrick and the Duke of Stamford. It deals in particular with Herrick's part in the affair and, driving home the "coney" analogy, claims that he has impoverished the local population by his action:

> The Turf is short-bitten by Rabbits, and now
> No Milk can be stroak'd from the old Woman's Cow.
> Tom Thresher's poor Children look sadly, and say

They must eat Water-porridge three times in a day,
Derry down, down, down derry down. (ll. 239–43)

The song goes on to link his reckless behavior, and that of others like him, with his sexually irresponsible lifestyle: "The Coneys on Commons keep Coneys at home" (l. 247). Although the connection between the Opera and "The Coney Warren" is not made clear, there is little question that the two pieces are from the same pen: the song is written in the same contemporary hand, names its characters after their occupations in the same way ("Tom Thresher," line 241), and shows the same fondness for Milton.[26] Where the song names the guilty and the scene of their crime, the opera ranges more widely, with calls for resistance to all attempts to "change Right for Rhetoric" (l. 123). Despite its dramatic and stylized form, the opera is also more concerned with lived experience than the scurrilous and satirical "The Coney Warren"; it shows close familiarity with the land and those who work it, and with the actuality of catching and skinning rabbits (ll. 67–76).

Resentment towards the gentry is a salient feature of both the final song and the Opera as a whole, but gentry response is most clearly anticipated in the garrulous figure of Spectator in the Opera. He views with some concern the activities of the protesters whose rights he upholds. For Spectator, they not only have the superhuman strength associated with giants, but also the characteristics of the monsters and demons of classical and medieval times:

Had you but seen the medley-motley Throng
With rustic Noise and Laughter move along,
You'd think the Spartans were reviv'd again
With Songs of Castor, marching o'er the Plain.
The mobile Clamour mix'd with Threats and Jokes,
Bidding each other act like lusty Folks.
But had you seen with what gigantic Strength
The Rocks were rent, and Burrows torn, at length
What Pits were made, what stones turn'd o'er by Hand,
You'd say old Chaos had walk'd o'er the Land,
Or Typhon, or Enceladus, been there,
Or rather Devils, Milton's Pioneers. (ll. 36–47)

The classical and literary references here suggest an educated hand. However, Spectator's reference to "Clamour," a word which has been used since the time of Chaucer to describe public outcry directed at a particular injustice rather than to advance a political program, suggests that the anonymous writer of the piece may have been one of the self-taught supporters of the commoners, such as "the Tailor of our town, / A busy Fellow" (ll. 106–7).[27]

Even the gentleman's name *Spectator* suggests many things: Whiggishness,

the would-be objectivity that the gentlemanly class wanted to monopolize in their political self-representation due to their financial independence and their access to ancient and internationalized education, but also an initial urban cluelessness when it comes to interpreting the events he sees. Yet he performs an important narratorial function, and his comments become less poetic and more theorized, in contemporary literary terms. He introduces key terms like "right" opposed to "rhetoric" when the protesters will not be cowed by a harangue, "corruption" when money is offered and "Club-law" in opposition to "common law," and his use of this opposition is concise and agile (ll. 123, 130, 184–85). The above-mentioned "Clamour," which so precisely describes a noisy and intentionally festive demonstration ("the hunt is up") addresses a specific grievance. Here the clamor is "mobile," which may not mean much more than "jostling," but may suggest destructive crowd action, even violence because of the then obvious connection to "mob."[28] His later ironic use of the word "mob" will be separately discussed.

Spectator's initial response, the disappearance into literary precedent, is an evasion reminiscent of a celebrated rhetorical effect in *Tom Jones* (1749): the inherently alarming scene of the attack on the pregnant Molly Seagrim is made less unendurable by the rhetorical device of mock-epic description in the style of *The Iliad:* the comparison with ancient warfare and, as it happens, Molly's surprising ability to fend for herself make rhetoricized farce of what might have been a harrowing scene.[29] In the Opera, the gentleman-Spectator seems to be groping for poetic comparisons to restrain his growing sense of alarm mixed with admiration. He does not use the epoch's typical word for the events he sees, the untheorized "riot," which collapses the difference between violent action by what was called "the mob" and highly organized, and in fact traditional, forms of protest by the population. Food riots, for example, could be simple looting expeditions or organized protests accompanied by "songs, parades, fiddles and cornets and drums," demanding that the authorities enforce existing legislation against price speculators.[30]

The free-warren claimed by William Herrick was a type of property right derived from the medieval royal prerogative that constituted a franchise to keep a warren in an unenclosed area. However, putting a warren on common land must have constituted both a nuisance and an outrage to local sensibilities, since the community's long-established rights of the common were threatened.[31] As P. B. Munsche has pointed out in his study of the Game Laws (1981), it was enclosure that made the taking of rabbits illegal.[32] Thus, the laws governing the hunt and the development of enclosure are closely linked in the conflict over a rabbit warren. Although rabbits were considered tame and therefore were technically not poached but stolen when taken without the landowner's permission, game laws affected their mass production in a warren. Laws against hunting rabbits on unenclosed land were apparently not enforced, and the game laws referring to rabbits only applied to enclosed or

unenclosed warrens or places near them, to trespass, or to special circumstances like nighttime hunting or hunting while disguised. Enclosure and warrening therefore made the legally tame rabbits, previously in practice open to the taker, into private property that could be stolen.[33]

Absurdly to us, coneys were viewed differently in law from hares. Hares were considered wild and therefore game, so it was poaching for a non-gentleman (technically, persons without the necessary property qualification) to hunt them. Rabbits, however, were tame, and therefore when not owned, could be fairly caught by commoners; hence their sexualization in "The Coney Warren," which shifts the issue from a rabbit warren to the sexual exploitation of young women employed as gentlemen's maids and therefore extralegally "enclosed," out of reach of the "Sorry Swain" who, as hunter on now enclosed land, becomes "a Criminal Lover" (l. 250). Coneys were tame animals that could under the right circumstances be caught by commoners; they were not owned by a social class, but by whoever owned the land on which they lived. Imprisoning them in warrens is therefore a tempting metaphor for threatened sexual control of young women by gentry.

The sexualization of the language should not be viewed as merely playful, for it connects to a real sense of legal outrage:

> he trump'd up a Claim
> To land on the Common that's Royal by Name
> . . .
> The land upon B——hill, 'Tis very well known
> Where he planted his Warren, was none of his own. (ll. 214–15, 229–30)

Legal and sexual issues are here linked by urgent economic and environmental issues. The concern for common pasturage was mentioned earlier, and its loss is an important issue in the pauperization of rural workers. The song delineates the ecological chain needed to feed a family in the lines quoted earlier (ll. 239–43): their cows cannot get pasture, and as a result their children cannot get milk and must eat water-porridge. Marital fidelity is then celebrated, and the end of the song ridicules the immoral gentry who "poach" poor, dependent women and appeals to royal redress for a general sense of grievance:

> Who will wed a poor Wife, that can have his Desire
> Of a Wench that is Servant, And do as the Squire?.
> . . .
> So, God Bless King George! And defend us from Evil
> And send all Encroachers on Commons to th' Devil. (ll. 251–52, 300–1)

The appeal to royalty is typical of early political protest with its limited goals, and again underlines the loyalty of the protesters, who hope for defense from

the crown in a case where traditional rights and social order are threatened by innovating gentry. The free-warren that William Herrick claimed also derived from the royal prerogative, but a local person used to differentiating rights of land-use on the common would not be interested in the difference between poaching and theft, free-warren and enclosure, but would refer to the King as a traditional leader and defender of customary rights that would have appeared naturalized by long usage.

The names of the protesters—Joseph Shepherd, Frank Farmer, George Gutler, Jo Taylor, and Daniel Digwell—suggest solid and virtuous villagers, who are of course the people likely to have rights to common land. Tailors are associated with the spread of popular politics or subversive ideas since they had to travel in order to pursue their livelihood,[34] but here Jo Taylor, wearing the apron of his trade, is mostly interested in the skin of the coney, which will be a source of profit. Having rights to the common generally depended on possessing at least a cottage, another property qualification but one with implications of independence, not exclusiveness and domination. Other names suggest that the performance of the text would have included a band, or otherwise seem to define a festive occasion: there is Tom Piper, Frank Fiddler, and of course Tom Tippler, who is eager to use the money gained on celebratory drinking, which in turn will make the party sing better: "our tongues, boys, at night shall be quicker" (l. 53). This argues for a close connection between the play and "The Coney Warren."

Customary rights were alive and well in the early eighteenth century and often formed the basis of case law in manorial courts. The rights of the common were defined among other things in field orders and stints, as well as "agistments," dead commons, and "levancy and couchancy," controlled by "fieldsmen—field tellers, eveners, field reeves, haywards,"[35] terminology that attests to differentiation and care. Apparently much of the case law accumulated in manorial courts applied to particular, highly localized rights, which could include things like "whether commoners had the right to self-help in ending a nuisance created by the lord, such as extensive rabbit-warrens."[36] Therefore under law, local custom could sanction the kind of direct action seen in "The Charnwood Opera." In fact, it communicates the sense of outrage that a differentiated, partly oral civilization feels when facing a powerful, written, profit-driven legal innovation engaged in erasing carefully guarded and policed traditional rights.

The opera insists from the beginning on the loyalty and orthodoxy of the crowd: "all praying for the Church and Crown" (l. 11). This distances the protesters from the Jacobites of 1745, so uncomfortably close in time, but the text also positions the gentleman warren-owner as a Jacobite usurper and portrays his activities as papist. James II, "Popish Jemmy" (l.15), is referred to ironically as a monarch who favored warreners, rabbits, and game laws. The reference to "bloody Jeffreys" (l. 17) and the executions after Monmouth's rebellion of 1685

again aligns the protesters with a Protestant cause and their enemies with crypto-Catholic Stuart use of law for violent oppression.[37] All this emphasizes the potency of the protesters, whose moral strength is celebrated at the same time as the perceived strength of their legal case. Jacobites were in fact strong in northern Leicestershire,[38] which makes this orthodoxy more impressive since it is partisan, even defiant.[39] Yet in the light of the later out-of-control Gordon Riots, the praying for church and crown may appear alarmingly prescient.

"Riots," "Clamour," crowd or "mob" action, whatever we call forms of popular protest, were a frequent feature of the time the landed gentry monopolized power between 1688 and 1832 as landowners, JPs, and parliamentarians, and signified this monopoly by the exclusive legal right to hunt animals considered wild. Carlyle's insight appears to be sound when he describes in his many dismissive moods the country aristocracy in the following century as "Game-Preserving," for the right to prevent others from hunting still defined what he appears to have thought of as the triviality of a no longer effective leading class, together with what he regarded as outrageous "Corn-lawing," with its implication of greedy endangerment of the food supply for the population.[40]

The era of the vigorous enforcement of the game laws against such opposition did not start immediately after the Black Act of 1723 but is in full swing by the second half of the century. "The Charnwood Opera" celebrates the hunt and describes a commotion which still falls short of the later violent conflicts between extra-legal hunters and those henchmen of the gentry, the gamekeepers, but it certainly protests against legal obscurantism and the imprisonment of heads of families who were simply trying to bring food to their tables. The countryside was not as unproblematic a location of rural peace and blessed production as the georgic and patriotic literary traditions would like to make-believe. These were times of civil war: the Jacobite rising of '45 reached alarmingly into the central areas of England, and the earlier 1715 rebellion had been no less alarming because it was bigger.[41] In 1756–57, the difficult years of failed harvests and rural unrest, a number of detachments of troops were dispatched to Leicestershire.[42] As noted above, Jacobites were strong in North Leicestershire, which makes the Opera into a partisan political entertainment.

The Opera repeatedly shows the legal establishment in complicity with changes in land practices at this time. Nature was increasingly being turned into property, and lawyers were needed to speed this process. The contempt shown toward the satirized Lawyer in the Opera has parallels in the published prose of the time. In a wonderfully suggestive incident in *Joseph Andrews* (1742), Fanny and Joseph are caught in a legal trap by a lawyer at Mrs. Booby's request for cutting a hazel twig from a tree:

> "Jesu!" said the squire, "would you commit two persons to Bridewell for a twig?"

"Yes," said the lawyer, "and with great lenity too; for if we had called it a young tree, they would have been both hanged."[43]

Here the ownership of growing things becomes an exercise in legal casuistry; the traditional right to collect wood from the common is replaced by an absurdly pedantic concern for private property with an additional jibe at the arbitrariness of law. However, the exercise of jurisdiction of the landscape was a deadly serious matter. As we have seen in "Windsor-Forest," trees in the sense of timber for the Navy were a matter of national and imperial concern, though hardly twigs. Here turning Nature into property works as a dominant ideology that can override customary usage of words as well as things.

The ownership of animals by means of the game laws as a tool for deliberate gentry dominance is attacked by George Dyer's *The Complaints of the Poor People of England* from 1793. Due to the expense of legal counsel, the law is associated with injustice rather than justice; Dyer's text alludes to the same unscrupulous type of lawyer that the Opera describes, and emphasizes the difficulty, expense, and danger involved in ascertaining rights and obligations under the law, and sees no reason for the game laws except the desire to show "who is master." Yet it is vitally necessary to know the law so that "a poor man may not be caught in a trap by his ignorance." Dyer is analytical yet indignant:

> . . . in a thousand instances in which the interest of the poor is concerned, it is literally true that a poor man has neither time nor money to know what our laws have made (in many instances unjustly) his duty, or to ascertain his just rights. In this country the consumption of time and money necessary to know what is law is more than poor men can afford to lose. And, after all, perhaps they may be ensnared, for if they should be able to spell out an act of parliament, they may probably get tricked by some dirty lawyer—if not directly to get money, in compliance at least with the wishes of some great person, and through fear of doing justice to a poor man.
>
> Several poor men are now lingering in prison, when the men who have thrown them in are the criminals. But ignorance was the lot of the poor man, and their prosecutors and lawyers were, in broad English, KNOWING RASCALS.[44]

The game laws have sent these men to prison, but the language persistently used of the fate of the poor man ignorant of the details of his rights, who is "caught in a trap" and "ensnared," suggests that he, not the game, is the prey. This is the leading metaphor of "Young Henry the Poacher," which was first sung about this time: "Young men all beware lest you are drawn into a snare."[45] Entrapment was a practice that the gentry regarded as unsportsmanlike and contemptuously associated with poaching, but in Dyer the poor man

is the prey caught through ignorance and the lawyers are the poachers, their cunning and knowledge serving to aggravate their offence. In sanctioning impressment, the gentlemanly class accepted the unsportsmanlike entrapment of men for recruitment into the armed forces. Similarly trapped were those who, in times of a recruitment crisis as in 1757–58, were offered the choice of enlistment or imprisonment for poaching.[46] Dyer employs the aestheticized rhetoric of unsportsmanlike cunning against the gentlemanly class in a case where the law respects class boundary while it jumps the species boundary.

It is significant that in "The Charnwood Opera," the image of snaring the poor is used by the Lawyer, who sings gleefully of the law's power to oppress:

> In the Rat-trap, pent like Mice,
> Catching Rabbits, Fleas and Lice,
> Lodging on the Ground.
> Bread three halfpence, Store of Water,
> Surly Jailors, sooner or later,
> Bring their Stomachs down.
> Bess, who used to be so bonny,
> In the Jail says, "Oh, my Johnny,
> You've undone us all."
> Bessy soon grows pettish, angry.
> Little Children say they're hungry.
> This will burst their Gall. (ll. 164–75)

Certainly the lawyer plays an expected part in the opera as the ally of "biters" (conmen), bailiffs, and informers (ll. 114–15). Some songs very popular at the time emphasize the active complicity of lawyers in the passing of the infamous acts; for example, "When This Old Hat Was New" contains these lines:

> The lawyer he up to London is gone,
> To get the act passed before he return.[47]

A lawyer would have been interested in the wider issues of the conflict. Common law, the right to use the commons, and the rights of the commoners were all customary and partly spoken law (as represented here in "The Coney Warren"), and were now opposed by written law, the written grant of free-warren, and increasingly by written Acts of Parliamentary enclosure. The gradual shift from spoken customary culture to written statutory culture is a vastly significant issue. As social historians like to point out, in addition to common rights annihilated by enclosure, other customary rights enjoyed by villagers and workers were eroded in the second half of the eighteenth century and replaced

by legislation and private ownership.[48] Agricultural productivity and economic theory—Arthur Young and Adam Smith as understood by the squire—were replacing common law, common pasture, and the green song.

"The Charnwood Opera" looks back to a time when the gentry still respected customary law, and "The Coney Warren" is even more nostalgic:

> "Good Lord, what a Difference!" I sigh when I'm told
> Of our modern Squires and the Gentry of old.
> Generosity then distinguish'd the man;
> But find common Honesty now, if you can. (ll. 234–37)

On the Boethian principle of remembering good times in a state of present misery, such harking back to a Golden Age was becoming commonplace again at this time.[49] The very popular song "When this Old Hat Was New" records the bewilderment and dissatisfaction with the effects of the sweeping changes at the end of the century. The title (which also features as a refrain) is telling: shoes and hats had proverbial status as commodities with a long life,[50] and the old hat, the agent of transformation, is a transplant from the good old days when people kept their word and there was constant merrymaking in the fields. As in most rural songs of this type, nature is seen as a collaborator in this steady decline: harvests were then more bountiful and winters milder. However, by appealing to enduring and evolved codes of social behavior, "The Coney Warren" points unmistakably to the power of what Thompson has called the moral economy of customary rights. Even though its expression in song may have been nostalgic and vague, something was definitely being threatened.

The celebration of customary practice and the defense of traditional rights, felt to be organic and coupled here with an appeal to Hanoverian continuity in monarchical rule, is rarely so strongly expressed in the known English singing tradition of the time. In particular, the bluff certainties of songs celebrating continuity and community had lost their appeal for those finding themselves part of the emerging migrant rural working class. Even small farmers were being driven to the status of wage laborers. Many who had lived by a combination of household industry, the keeping of a few grazing animals or poultry, and journeywork for wages now found themselves almost entirely dependent on waged labor.

"The Coney Warren" is not yet a "green ballad." It is an ephemeral piece written to maintain the momentum of the events of 1748–49 and enlist support for the continuing fight against enclosure. Nevertheless, in its association of both hunting and warrening with class-based power, in the belief that the link between human beings and the land is one that should not be commodified, and in its elision of the human and the animal, it engages with issues that are fully ecological.

"EXALT THYSELF, ATTAIN A VOICE": ANIMALS AND CUSTOMARY RIGHTS

Inevitably, enclosure and the cooption of game animals into the economy of the rural landowners were opposed repeatedly in hundreds of localities throughout the century, leading to confrontations of the kind represented in the Opera. Commenting on the many disturbances recorded, Roy Porter notes that riots were usually specific in aim: "crowds had no program of socialist revolution, no manifesto of modernity."[51] "The Charnwood Opera" is indeed no manifesto, but the unknown author is at ease with concepts. At the height of the verbal face-off between warreners and commoners, Spectator comments, "This Mob would not change Right for Rhetoric" (l. 123). As well as using the word that particularly characterizes the eighteenth-century fear of disorder ironically, the line asserts that catching rabbits is a "right," like grazing. This seems far from the animal rights of modern times, but it asserts the fundamental opposition between the landowners' and the commoners' relations to their environment. While the commoners see themselves as part of the same bio-system as the rabbits, the gentry see both as merely parts of their productive economy. In Plumwood's analysis, this would be an example of instrumentalizing nature, coopting it into one's own system of practices and ceremonies for use toward one's own means. The commoners, on the other hand, take a non-instrumental approach where killing for meat is "an independent centre of striving which places limits on the self and on the kinds of use which may be made of it."[52] In this respect, the attempt to change the setting from public to private land meant that the coneys had become merely another part of the owner's wealth. Inevitably this typology allies the animal with the dispossessed: as George Dyer expressed it in the passage quoted above, "As the squire and lord of the manor are taught by our laws to consider the birds and the fish as their property, they are likely to let the poor man know who is master."

Such an attitude corresponds to the way the worldview of the landowners and their supporters is represented in the Opera. They consistently use animal metaphors to characterize their opponents. Thus, the Lawyer describes the commoners as "dogs," fit only to be locked up in a "rat-trap" of a prison (ll. 101, 164). The identification is not merely a literary conceit: as late as 1797, Parson Woodforde hanged his greyhound like a common thief for stealing a joint of meat, not because it could be regarded, in medieval fashion, as morally responsible for its actions but because it had disrupted his domestic economy.[53]

There are, of course, other discourses with as long a history that link animal and human behavior. "The Coney Warren" draws repeatedly on the erotic connotations of the word in popular literature, as expressed in a song called "The Hunt":

Some love to see the Faulcon to flee,
With a joyful rise against the Air;
But all my delight is a Cunny in the Night,
When she turns up her silver Hair.[54]

In the absence of his wife, Thomas Herrick becomes "A Keeper of Coneys for Pleasure at Home" (l. 207), and in a more developed metaphor, the whole system of excise, tithes, and expensive retinues which sustains him and other members of the gentry is analyzed in terms of wasps and bees:

The Gentleman-Wasp Virgin-Honey must taste.
The Bees shall take up with his Leavings at last.
What comes of the Spawn of this scandalous Crew?
Excisemen, and Footmen, and Parsons enow.
Derry down &c.

For what pay we Taxes? Is Government gone?
Shall forty good Bees labor hard for a Drone?
Then rouse up, bold Britons! Be valiant Men!
And burn nasty Wasps, as they stink in their den.
Derry down &c. (ll. 265–74)

The way in which the troublesome (and lascivious) wasps are contrasted with the productive bees owes nothing to either Aristophanes or Bernard Mandeville, but is characteristic of the angrier and more ad hominem approach of "The Coney Warren." As Tom Piper's opening cry of "The hunt is up!" reminds us, the Opera too draws on the proximity of wild animals for its metaphors. The many hunting songs of the century frequently include realistic descriptions of the literal hounding of a fox or a hare to death,[55] descriptions which seem to be sublimating contemporary antagonisms of the kind which surfaced in Charnwood:

Now we've followed him close, four hours in full cry,
Tally ho! Hark away! For now he must die:
We'll cut off his brush with a holloaing noise,
And drink a good health to the fox-hunting boys.
Tally ho! Hark away! away! away![56]

Such celebrations of bloodletting continued to be sung until well into the nineteenth century:

I hunted my merry [*hare*] all into the oats
And there the hounds tore out poor puss's guts.[57]

Hunting animals also enshrines other aspects of the English class system. The Opera is alert to the significance of the breed of dog, whether for use or for display: the commoners work with terriers, which were agile and tenacious (l. 61), while their opponents use "two blue beagles, and a long dog" (l. 116). Fifty years later, Robert Burns was to bring out such distinctions in "The Twa Dogs," where a nobleman's labrador reveals the waste and emptiness of the life of a country landowner, while a ploughman's collie asserts the independence and positive values of those who live "on poortith's [poverty's] brink."[58] The labrador, significantly named "Ceasar" [*sic*], reserves its greatest contempt for the money and resources invested in hunting, represented by the "Whipper-in," who was responsible for keeping the hounds in check:

> wee, blastiet wonner [specimen],
> Poor, worthless elf, it eats a dinner
> Better than ony *Tenant-man*
> His honor has in a' the lan.' (ll. x–xx)

For Burns, animals, including domesticated ones, were a challenge to "natural" assumptions of class and power.

By the end of the century, the more sadistic elements of the hunt were already becoming the exception in rural areas. As H. Perkin put it, "Between 1780 and 1850 the English ceased to be one of the most aggressive, brutal, rowdy, outspoken, riotous, cruel and bloodthirsty nations in the world and became one of the most inhibited, polite, orderly, tender-minded, prudish and hypocritical."[59] Comparisons between the violent tendencies of different nations are often commented on by visitors to England and discussed by, among others, Ian Gilmour in his study of violence in British eighteenth-century society, though he lacks Perkin's rhetorical expansiveness.[60] A significant pointer to this change occurred as early as 1757, when Edmund Burke included large mammals like bulls and wolves, as well as poisonous reptiles, in his concept of the sublime.[61] By the turn of the century, William Blake had gone a step further and was questioning the central Enlightenment privileging of the human voice over the animal:

> The Horse is of more value than the Man. The Tyger fierce
> Laughs at the Human form; the Lion mocks & thirsts for blood.
> They cry, O Spider, spread thy web! Enlarge thy bones &, fill'd
> With marrow, sinews & flesh, Exalt thyself, attain a voice.[62]

To assist animals to "attain a voice," a commonplace of animal rights groups today, makes up an extensive alternative tradition of the literature of the "long" eighteenth century. It includes such acts of political ventriloquism as Dryden's *The Hind and the Panther* (1687) and numerous versions of Aesop and

La Fontaine. Here the spoken and the written are in dialogue with each other and with predecessors and detractors.[63] Many broadsides of the late seventeenth century ally animal and human behavior in a similar way, particularly through the "talking animal" trope. One of the most extended examples is the London broadside, "The Hunting of the Hare" (c. 1690), decorated with a suitable woodcut, where a lively chase on Bamstead Downs near Banbury leads to the hare debating her fate with the huntsman. In accusing his servant of cruelty, she shows an awareness that the power relations involved in blood sports are simultaneously ecological and social:

> Will. Hatton he hath done me wrong,
> He struck me as I ran along;
> And with one pat made me so sore,
> That I ran reeling too and fro:
> But if I die, his Master tell,
> That fool shall ring my Passing-Bell.[64]

She itemizes the parts of her body and leaves them, one by one, to fiddlers, bone carvers, and others, mockingly bequeathing her ears to the scrivener "that forgeth, swears, and then forswears," but giving her feet to the poor, because "Foxes must fly, when Lyons come."[65] The result of this eloquence is that she is allowed to continue on her way unmolested.

"The Hunting of the Hare" was followed by similar songs where the victim speaks even more directly. In one very circumstantial Irish song, "The Kilruddery Hunt" (1744?), the fox remarks on the pursuing huntsmen, "Little I value you all" and "Sure none dare follow me."[66] The Hare of Kilgrain is the narrator of a song of that name which was written by James Sloan of Topland, Ballyrock, Ireland, about 1770, and which remains in the repertoire of Irish singers to this day. The hare not only controls the entire narrative but also makes cogent arguments for her life:

> Neither wheat, corn or barley did I ever spoil
> For I always took grass or the shamrock for soil [to relieve herself].[67]

Finally, in a way reminiscent of the execution ("Goodnight") broadsides of the day, she describes her own death. Discourses of this kind, which at times seem close to the political ventriloquism of Dryden, are dialectical, since they challenge the social and hierarchical position of the actual speakers, for whom hunting wild animals was part of the local economy. "Speaking by" rather than "speaking for" is an empowering process, and it was the foregrounding of the animal voice in song that makes Blake's appeal resonate so strongly.

"YOUNG MEN ALL NOW BEWARE, LEST YOU ARE DRAWN INTO A SNARE" (YOUNG HENRY THE POACHER)

While such disparate figures as Burke, Blake, and the singers of "The Kilruddery Hunt" and "The Hare of Kilgrain" were placing animals ever higher in the aesthetic order, the ever-tightening poaching laws were based on a view of animals as simply units in a productive economy. Some of the energy of "The Charnwood Opera" derives from a sense of grievance about this contradiction.

The legal case that followed the sacking of Herrick's rabbit warren connects two of the most important areas of class-based legal conflict in the course of the eighteenth century: the laws of enclosure and the confusing legislation governing the social crime of poaching, with its class-based privileging of the landed gentry. From the passing of the Game Law of 1671 until the Game Law Reform Act of 1831, the right to hunt animals considered at law to be wild was by statute law restricted to landed gentry. Thirty-two laws were passed during the reign of George III to protect the game on the new estates from those who had been turned off the land. Animals that were considered tame, like rabbits and (by the eighteenth century) deer, were considered to belong to the property owner, and taking them by anyone else was theft and often severely punished, but when rabbits were taken on land not privately owned, the property qualification appears not to have been enforced.[68]

The time when the right to hunt was class-based coincides closely with an era of rule by landed gentry from the revolution of 1688 to the Great Reform Bill of 1832, and is deeply symbolic. According to Peter King, the crime of poaching was, however, less frequently prosecuted in 1740–1820 than one would expect from the massive public attention, which partly reflected its symbolic importance in signifying class distinction, and partly its practical function as a measure for disarming the countryside.[69] However, "The Coney Warren," for example, complains bitterly that the poaching laws were applied only to those without property: a landowner like William Herrick was free to trap rabbits wherever he liked, even on others' land, and then use them to stock his own warrens (ll. 231–32). The turning of wildlife into private property in this way, a direct result of enclosure, had turned commoners into outlaws in their own neighborhoods. The Black Act of 1723—specifically directed against those going round to rob warrens and fishponds, killing deer and cutting down plantations—had made poaching a capital offense. Once its active enforcement had begun, the countryside saw armed conflict between gamekeepers and organized gangs.[70]

The eighteenth century may have been a time of hunting songs, but the song record shows that in such conflicts singers were just as likely to side with the poacher. The poacher, after all, like the smuggler and the highway robber, was only an oppositional version of the primary activities of "official" culture: hunting, trade, and imperial plunder.[71] Rod Stradling records that, of the 130

songs with "Poacher" in their title on the Roud Index of traditional song, only three can be identified as not English, and he attributes this to the fact that "the English, alone in Europe if not the world, have accorded landowners rights of ownership to the wild animals which happen to be on their domains at any particular time."[72] For example, the song "The Lads of Thorney-moor Woods" (not far from Charnwood) celebrates a deer-poaching expedition in the 1790s. One of the poachers' dogs is wounded by a gamekeeper, and the singer threatens revenge:

> I will range the woods till I find the man.
> I will tan his hide right well if I can.[73]

Such outbursts have parallels in the eighteenth-century novel: Fielding had already included in the extensive legal satire of *Joseph Andrews* an attack on the right of gamekeepers to look for weapons and for dogs that might be used in poaching and even to kill them on sight. When Abraham Adams's daughter's spaniel is killed by a gamekeeper, there is no legal recourse for this outrage. The event destroys the temporary domestic idyll of the Adams household that the novel has been searching for, while the main characters dodge the dangers posed by lascivious, greedy, and arbitrary gentry imprudently let loose in the English countryside.[74] Fielding turns the incident into a sentimentalized account of the loss of a young lady's pet: the poaching songs, on the other hand, often make it clear that the confrontation was often one of life or death. One song, based on a 1769 incident after an estate in Yorkshire was enclosed, ends: "I've shot the man that shot Bill Brown."[75]

In the Game Law Reform Act of 1831, the laws of the hunt were simplified: animals became essentially the property of whoever owned the land, finishing the class qualification and the confusing distinction between legally wild and tame animals.[76] From that point on, all illegal hunting was punishable as poaching. By then, all animals were essentially forms of enclosed property. The green song has a point: due to enclosure, animals were being privatized, and men and women were being turned into paupers.

The victory at Charnwood was a temporary one, and the creation of new estates meant that enforcers of the new order—warreners, pond-wardens, and above all gamekeepers (who were formerly confined to royal parks)—became widespread. Songs became an increasingly important site of resistance. In this way the debate could be shifted to an arena where there was a certainty of winning.

THE GREENWOOD AS SOCIAL SPACE

For the nine people out of ten who lived in the countryside and got their living there in the eighteenth century, the most meaningful border was not that

between country and town but between cultivated and uncultivated land. The rights to the common asserted by the Charnwood protesters were not self-evident. Paul Mantoux reminds us that ownership and obligations extended over much common land long before enclosure.[77] Those resisting long-established land use, however, were drawing on a code of customary behavior that extended beyond daily practice and informed a great deal of contemporary discourse. This centered on a series of binary oppositions, which included the familiar ones of town and country but extended also to the boundary between productive and supposedly unproductive or waste land. The latter was increasingly associated in polite discourse with lawlessness and remoteness. In one song, a London citizen rides out into open country "As if to some new-found Land he would go"; while he is there, inevitably, he is robbed and stripped naked.[78] Significantly, he is on horseback rather than inside a coach: enclosed spaces such as walled estates and sedan chairs were also signs of a new insecurity and a desire to withdraw behind well-defined bounds.

The distinction between cultivated and uncultivated land is already, of course, strongly present in Shakespeare, who makes frequent dramatic use of the move from the court to the heath or greenwood, as in *As You Like It* and *King Lear.* This land, beyond the jurisdiction even of the king, had, of course, been disputed for hundreds of years, but the steadily increasing number of enclosures in the eighteenth century made both forest and common land an almost permanently contested space. The enclosure of Charnwood Forest went back to the Norman kings, who were specifically condemned by Pope for their encroachment on common rights. He saw their tactic of passing special laws to cover the Forest (*foris* or "land outside") as a step towards tyranny over nature as well as the poor:

> What could be free, when lawless Beasts obey'd,
> And ev'n the Elements a Tyrant sway'd? . . .
> What wonder then, a Beast or Subject slain
> Were equal Crimes in a Despotick Reign;
> Both doom'd alike for sportive Tyrants bled,
> But while the Subject starv'd, the Beast was fed.[79]

By the late eighteenth century, attitudes toward such uncultivated land had changed. A townsman like Arthur Young could argue in his public statements (before his change of mind) that unenclosed land was simply loss of production: "It is extremely melancholy to view such tracts of land as are indisputably capable of yielding many beneficial crops, lie totally waste."[80]

In fact, these commons, heaths, and woodlands, though not governed by property rights, were not by any means "deserts" or "sable wastes" but scenes of productive activity regulated by users' rights (*usufruct*). In particular, the forest was not only a workplace for many but a great source of timber and

food. Unenclosed land as a whole was highly productive. As C. Douglas Lummis remarks:

> What lay outside the enclosed land was not wild chaos and madness, but the commons . . . populated by many smallholders, subsistence farmers and masterless men and women, "living out of sight and out of slavery" (according to Winstanley, the anti-slavery campaigner). The commons was not a place devoid of order, rights or reason: it was a place whose social order and system of rights—including common rights of ownership—interfered with the newly expanding money economy.[81]

Popular and vernacular songs of the time are often set, like folk tales, on the heath or in the forest, but they do not see it as waste land. In "The Charnwood Opera," for example, it is the farmer "among the gorse" who catches one of the rabbits; the colliers or "Diggers," who carried out surface mining in the Forest, unconstrained by authority figures, are active among the rebels (ll. 108, 112, 224). Unsurprisingly, they are frequently represented in contemporary literature as figures on the edge of society. Those defending their popular rights to the common land in the Opera are defined by, indeed named for, their work: Joseph Shepherd, Frank Farmer, Daniel Digwell, Jo Taylor, and Tom Thresher. They represent not only the commoners (who needed a property qualification to have rights over the common, and therefore might be said to have a vested interest in opposing enclosure), but also the propertyless. Even though the Opera remains a unique document of resistance to rural enclosure, these figures are early examples of those "champions in direct and open opposition to the master" who were to appear increasingly in songs featuring other types of rebel in the latter part of the century.[82]

In today's terminology, Joseph Shepherd and Daniel Digwell see the unenclosed land as a complex ecosystem characterized by its diversity and sustainability. Crucially, it is the source of their livelihoods, which were guaranteed by "common right" (l. 12). In addition, the wildwood, of which the chases of Charnwood Forest were a remnant, was, like a mountain or a wetland, part of a process that was only gradually unfolding. It therefore had its own history and direction, with its own potential for change. Its enclosure, followed by intense warrening and stocking for profit, was destroying this process because it ignored the stabilizing and organizing principles that had long been practiced there:

> They cover'd all our common Ground,
> Or soon would do, no Doubt
> . . .
> Rabbits breeding thicker and faster,
> Eating up the common Pasture! (ll. 23–24, 78–79)

The defining eighteenth-century sentimental song, "The Children in the Wood," regards the forest as barren and "unfrequented," a common stereotype of the time.[83] However, it is also represented as a refuge rather than a threatening environment calling for "improvement." By Addison's time, this tale had become "one of the darling songs of the common people"; Burke refers to it as rousing the passions of "the common sort of people"; and Wordsworth was still quoting it admiringly in 1800.[84] However, the many popular versions produced throughout the period have a central contradiction which is typically embodied in a lack of match between text and image. While the illustrators of contemporary chapbooks are in no doubt that, for urban readers, the horror of the story lies in the way the defenseless children are abandoned in the forest where they went to sleep, the accompanying narrative makes clear that their greatest source of danger is not the forest, where the robins try to protect them by covering them with leaves, but the cultivated estates of their wicked uncle.

For farm laborers, rough land was not only an important source of food in the form of fodder and game, but it was also a site for diversion. In songs, a move away from the cultivated to the wild is represented as a step into the unknown and the transgressive. It was, of course, to enter the territory of the outlaw, and broadside printers added Captain Whitney, Dick Turpin, and the perpetrators of the very Fieldingesque Stark-Naked Robbery to the ranks of the ballad protagonists:

> As I walked over Salisbury Plain, Oh, there I met a scamping young blade ("Salisbury Plain")
>
> On Hounslow Heath as I rode o'er ("Bold Turpin")
>
> It was on the Limerick mountains he commenced his wild career ("Brennan on the Moor").[85]

Traditional singers also saw uncultivated land as a place of sexual encounter. It was the haunt of both the Brave Collier and the Gypsy Laddie.[86] It was the "flowery dell" that lovers crossed in search of a straying cow:

> All in the grove we spent the day,
> And thought it pass'd too soon,
> At night we homeward bent our way
> When brightly shone the moon.[87]

Vernacular songs played with the etymology of forest as "far" or "outside," and love relationships that took place there were seen as sharing the same characteristics of growth and destruction as plants. Faithless men were seen as

trees that could not withstand natural storms, as in "Waly, waly," first printed in Scotland in 1727 and one of the very few anonymous poems to enter the literary canon:

> I leand my back unto an aik,
> I thought it was a trusty tree,
> But first it bowd, and syne [then] it brak,
> Sae my true-love did lightly me.[88]

Because of their reproductive role, women have often been represented as closer to nature than men. As we have seen, the green ballad is no exception, but the relation is often an empowering one. Francis James Child remarks memorably on the "pungent buckishness" of the woman in "Broomfield Hill," a very popular song on eighteenth-century broadsides. She faces off a threatening situation in the wildwood:

> I'll wager, I'll wager, I'll wager with you
> Five hundred merks [*sic*] and ten,
> That a maid [I] shall go to yon bonny green wood,
> And a maiden return again.[89]

The association of the greenwood with empowered women was not confined to the traditional song, nor to the dispossessed. Anne Finch (Lady Winchilsea) provocatively locates her "liberty" there, far from the world of those of her class and means, but in a space which repeatedly proved attractive to marginalized women:

> Give me, O indulgent Fate!
> Give me, yet, before I Dye,
> A sweet, but absolute Retreat,
> 'Mongst Paths so lost, and Trees so high,
> That the World may ne'er invade,
> Through such Windings and such Shade,
> My unshaken Liberty.[90]

Here we see the upper-class woman's appropriation of the well-known happy-man topos studied by Maren-Sofie Røstvig in its Horatian form; in Finch's female version, the topos expresses a desire for a more absolute retreat, even a refuge in the wild wood and the night, away from the country retreat of the Horatian male fantasy, which would allow for cross-gender sociability and might result in the "Confusion," which in her poem "Nocturnal Reverie" was caused by "Tyrant-man," as was pointed out earlier in this paper.[91] In fact, of course, "the world" was as actively encroaching on the rights and customs of the heaths and forests in her native Hampshire as it was later to do in Charnwood Forest.

The songs from the greenwood pick up on what Raymond Williams calls "the voice of men who have seen their children starving, and now within sight of the stately homes and the improved parks. . . . It was not a new experience; it had been there all the time, but only rarely recorded."[92] The ballad opera from Charnwood makes untenable the view of the eighteenth century that popular songs took no position toward the major rural upheaval of the age. They range widely and are often rigorous and principled, and they do not at all conform to the earlier view of vernacular poetry which characterizes them as "requir[ing] none of the interposing activities of the (self-)conscious mind."[93] On the contrary, they offer a resistant reading which might otherwise have remained hidden, and at the same time gives it almost mythic status: the world beyond the gates is a public realm, a space nobody owns or controls, and therefore a source of social learning. As the Opera's unknown writer expresses it, the creation of the large estates, in all their apparent stability, meant in fact a return to chaos for those living according to customary codes, and was therefore itself the cause of the resulting disorder.

Customary rights were vitally connected to the everyday lives of local people and enjoyed vigorous attention; they did not represent disorder and superstition, as the enclosers assumed, but a differentiated civilization capable of regulating its relations with the environment.[94] J. M. Neeson argues that commoners and their regulatory practices were more capable of controlling disease than was allowed for in pro-enclosure propaganda, and points out that Arthur Young changed his mind regarding enclosure after seeing its effects on rural living standards and lifestyle, but after his change of heart he was partly marginalized and partly stayed silent about it, confining his comments to his journal.[95] Yet the protest could be sung, and the encroachments upon this spoken or sung culture provoke the kind of resistance dramatized by "The Charnwood Opera."

In the songs, poems, and prose texts we have discussed, there is an expression of the desire to be more than Spectator, to engage fully with the environment, with work, with others in a community of possibly fragile but resilient order. The green song celebrates in rich metaphorical language a relationship with the environment that is felt to be intimate and natural, couched in customary usage and right, and aspires to view the natural world as a single entity, while its metaphors restore the sympathy of all living things. Of course, this relationship of men and women to their natural environment was not as homogeneous or self-evident in reality as it was in song. Song, as a traditional activity, celebrated the practices and customs generated out of local encounters and needs.

We have deliberately viewed "The Charnwood Opera" and other popular songs as manifestations of long-term developments. We believe that popular song often predicated generations rather than decades as the operational unit, and well-established customs were defended as natural and would-be permanent, or even belonging to the *longue durée*. "The Charnwood Opera" is a rare artifact in that it can not only be precisely dated but remains almost the only

example that survives in the song tradition of dissent to the imposition of the new rural order. While closely following an actual known series of events, it reflects the sensitivity to the slowly shifting perspectives and resistance to economic expropriation that are characteristic of vernacular songs and orature in general. It shares with what we have called the Green Ballad a holistic view of the human presence in the landscape, a diversity of voices, including the animal, and a dissenting view of what constitutes "Order." It is an extraordinarily evocative celebration of a threatened world of customary work and naturalized rights.

NOTES

1. A. L. Lloyd, *Folk Song in England* (London, 1975), 241.

2. On chronology, see, e.g., J. M. Neeson, *Commoners: Common Right, Enclosure and Social Change in England 1700–1820* (Cambridge, 1993): "Much of England was still open in 1700, but most of it was enclosed by 1840" (5), and "enclosure was controversial. It was not public policy until the middle of the eighteenth century, when private Acts began to flow" (7).

3. Raymond Williams, *Keywords* (London, 1979), 188 (our italics).

4. Roy Porter, *English Society in the Eighteenth Century* (Harmondsworth, 1986), 75.

5. Val Plumwood, *Feminism and the Mastery of Nature* (London, 1993), 144.

6. "The Mower," Nottingham University Library, File r/PR 118/B2, reprinted in *The Common Muse: An Anthology of Popular British Ballad Poetry, XV–XXth Century*, ed. Vivian de Sola Pinto and Allen Edwin Rodway, (Harmondsworth, 1965), 450–52.

7. See for example, Shakespeare's representation of Venus's invitation to Adonis:

> "I'll be a park, and thou shalt be my deer:
> Feed where thou wilt, in mountain or in dale;
> Graze on my lips, and if those hills be dry,
> Stray lower, where the pleasant fountains lie.
> Within this limit is relief enough,
> Sweet bottom grass and high delightful plain,
> Round rising hillocks, brakes obscure and rough,
> To shelter thee from tempest and from rain." *(Venus and Adonis*, ll. 231–38*)*

William Shakespeare, *The Poems*, ed. F. T. Prince (London, 1969), 15–16.

8. "The Fall of the Leaf," *Folk Songs of Britain and Ireland*, ed. Peter Kennedy (London, 1984), 576, lines 1–8.

9. Robert Burns, *Poems and Songs*, ed. James Kinsley (Oxford, 1978), 510–11; see also James Reeves, ed. *The Everlasting Circle* (London, 1960), 268–69.

10. "The Trees They Do Grow High," British Library L. R. 271.a.2, Vol. VI, 33.

11. Plumwood, 157.

12. Samuel Johnson, *The Complete English Poems*, ed. J. D. Fleeman (Harmondsworth, 1971), 160, lines 427–28.

13. Porter, 120. *The Oxford English Dictionary* dates the economic meaning of "prospects" from 1665.

14. Michael Ignatieff, *The Needs of Strangers* (New York, 1994), 94.

15. Sarah Fielding, *The Adventures of David Simple* [1744], ed. Malcolm Kelsall (Oxford, 1987), 304, quoting Pope's "Windsor-Forest," lines 15–16.

16. Anne Finch, "Nocturnal Reverie" [c.1713], reprinted in *The World Split Open: Women Poets 1552–1950*, ed. Louise Bernikow (London, 1979), 82–83, lines 37–38 and 47–48.

17. E. P. Thompson, *Customs in Common* (Harmondsworth, 1993), 188.

18. Roy Palmer, *A Ballad History of England* (London, 1988), 41.

19. The manuscript is in the W. E. Tate Collection, Museum of Rural English Life, Reading, England. We are very grateful to Roy Palmer, who is preparing it for publication with John Goodacre, for supplying us with a typed transcript and for helping identify the melodies. He published part of the closing song in *A Ballad History of England*, 60–61. E. P. Thompson quotes from the Opera in *Customs in Common*, 105.

20. Asa Briggs, *A Social History of England* (Harmondsworth, 1985), 125, 174.

21. See Thompson, *The Making of the English Working Class* (Harmondsworth, 1979), 708n.

22. John Nichols, *History and Antiquities of the County of Leicester*, 4 vols. in 8 (London, 1795–1811), 3:131. We owe this reference to Roy Palmer.

23. It has been dated by Thompson to 1753; see *Customs in Common*, 105–6.

24. This is the first of seven songs in "The Charnwood Opera," all sung to apparently well-known airs.

25. Their name is evidently taken from Charley's Knoll where the insurrection began, but even in this anti-Jacobite song there must be some resonance between the "brave boys of Charley oh" and the "bonny Charley O" of the songs of the '45 rebellion just a few years before.

26. One significant link between the two is that both describe thin gruel as "water-porridge" (ll. 49, 242), a usage which predates the earliest entry in *The Oxford English Dictionary* by about eighty years.

27. The Opera could also very well have been written by a literary gentleman with legal knowledge as a lark, possibly someone like Henry Fielding, who certainly had enough legal contacts to hear gossip about the case, and who had in fact written a ballad opera before. The events in the Opera took place in 1748–9, but, as mentioned earlier, the work has been dated by Thompson to 1753; in that year Fielding became ill with the gout, but continued his activities as an urban crime fighter far from Leicestershire, dauntless, and uncorrupt. See Martin C. Battestin, with Ruthe Battestin, *Henry Fielding: A Life* (London, 1993), 576.

28. The negative associations of the word "mob" are explained by Nicholas Rogers, but he allows an interesting complication: "On the other hand, the noun 'mob' was not always used pejoratively. Sometimes it simply denoted, harking back to its Latin derivation, a mobile gathering of people, a jostling throng, in juxtaposition to the word 'crowd' (or 'croud' in most eighteenth-century renditions) which, in festive contexts especially, often represented a stable or passive group of spectators" (*Crowds, Culture and Politics in Georgian Britain* [Oxford, 1998], 20).

29. Henry Fielding, *Tom Jones*, ed. Sheridan Baker (New York, 1973), Book IV, Chapter viii, 134–38.

30. Douglas Hay and Nicholas Rogers, *Eighteenth-Century English Society: Shuttles and Swords* (Oxford, 1997), 137; see also Ian Gilmour, *Riot, Risings and Revolution: Governance and Violence in Eighteenth-Century England* (London, 1992), 245.

31. Neeson's *Commoners* discusses in a great deal of informative detail the social and economic significance of rights in the common (see note 2). See also G. E. Mingay, *A Social History of the English Countryside* (London, 1990), 35; and P. B. Munsche, *Gentlemen and Poachers: The English Game Laws 1671–1831* (Cambridge, 1981), 9–10.

32. Munsche, 3–6.

33. Munsche, 5, 172–73, and 176–77; on the effect of enclosure on rabbit-catching, see 5–6.

34. G. D. H. Cole and Raymond Postgate, *The Common People 1746–1946*, (London, 1981), 177.

35. Neeson, 111–18, 138. Thompson is as impressed as we were by the terminology involved in such litigation: see *Customs in Common*, 104.

36. Hay and Rogers, 88.

37. Gilmour, 28–29.

38. Paul Kléber Monod, *Jacobitism and the English People* (Cambridge, 1989), 211–12.

39. Anglican orthodoxy had also been a feature of the most important urban, as opposed to rural, protests of the era: the Sacheverell riots of 1710 were anti-dissent with the slogan "the Church in danger," and the Gordon Riots of 1780 were anti-Catholic "No Popery" riots sparked by the Catholic Relief Act: see Gilmour, 42–56 and 342–70; and Rogers, *Crowds, Culture and Politics*, 152–75. The essential conservativeness of crowd (or "mob") action as well as the limitations of their goals is discussed by E. J. Hobsbawm in *Primitive Rebels* (New York, 1959), 5, 110, 115–17, 120–22 et passim; he discusses social bandits (13–29), describes urban mobs as undertaking action when the ruler was delinquent (116), and points out the greater traditionalism of rural protests (5, 117).

40. Carlyle is greatly useful to us as a repository of eighteenth-century historiography, with which he worked for many years of his life. Corn Laws and Game-Preserving are in Carlyle's satire frequent synecdoches for the selfishness and lack of leadership of the aristocracy. His dire warning against leaders who do not lead reaches a high pitch in Chapter VIII, "Unworking Aristocracy," of *Past and Present* [1843], ed. Richard D. Altick (New York, 1965), 176–83, where he contemptuously regards the Corn Laws as not worth a chapter. In *Sartor Resartus* [1833–4] (Oxford, 1987), chapter 4, "Helotage" ends with the question and answer: "Where are they?—Preserving their Game!" (175). Carlyle has plenty to say about Chaos, and extols Work as its opposite (see, e.g., *Past and Present*, ch. V).

41. Gilmour, 65–70.

42. Tony Hayter, *The Army and the Crowd in Mid-Georgian England* (London, 1978), 87–88.

43. Henry Fielding, *Joseph Andrews*, ed. Douglas Brooks-Davies (1742; Oxford and New York, 1999) , Bk IV, ch. v, 252–53.

44. George Dyer, *The Complaints of the Poor People of England* [1793], reprinted in *Romanticism: An Anthology*, ed. Duncan Wu (Malden, Mass., 1998), 45.

45. "Young Henry the Poacher," Broadside c. 1820, Madden 22/537, Cambridge University Library.

46. See Munsche, 88–89, for a discussion of impressment as a way of enforcing the game laws. Ruth Perry discusses impressment in sentimental fiction and in fact and the general impact of military on the economy (*Novel Relations: The Transformation of Kinship in English Literature and Culture, 1748–1818* [Cambridge, 2004], 304–5 et passim). Gilmour's discussion of impressment emphasizes opposition to it and the degree of violence involved in the process; see 184–92. Rogers dates the more widespread use of impressment at the recruitment crisis at the beginning of the Seven Years' War, 90; his admirable discussion of the interests and actions of sailors, miners, working men, their families, merchants, judges, juries, and civil and military authorities focuses naturally enough on the impressment for the navy; see 85–121.

47. "When this Old Hat Was New," *Notes and Queries*, 2nd series, 10 (1860), 125, quoted in Roy Palmer, *The Sound of History* (Oxford, 1988), 39.

48. See, for example, Hay and Rogers, 97–113.

49. See Gerald Porter, "Oral History and Conflicting Voices: Songs as Mediators of the Past," *English Studies and History*, ed. David Robertson (Tampere, Finland, 1994), 195–206.

50. For example: "Nothing is old but shoes and hats" (1710), F. P. Wilson ed., *Oxford Dictionary of Proverbs*, 3rd edition, (1970; rpt., Oxford, 1992), 580.

51. Porter, 119.

52. Plumwood, 142.

53. James Woodforde, *Diary of a Country Parson 1758–1802*, ed. John Beresford (London, 1972), 457.

54. "The Hunt," *Wit and Mirth: or Pills to Purge Melancholy*, 6 vols., ed. Thomas D'Urfey (London, 1719–20), 6:197, lines 5–8.

55. D'Urfey, for example, prints the "Ballad of Fox-Hunting" (4:54), "Brother Solon's Hunting Song" (2:189), and "The Fox-Hunter" (2:270).

56. "The Fox-Hunt" (Roud 1182), Madden Collection (20. 29), University Library, Cambridge.

57. James Reeves, ed., *The Everlasting Circle* (London, 1960), 154.

58. Burns, "The Twa Dogs," *Poems and Songs*, 111–12, lines 65–68.

59. H. Perkin, *The Origins of Modern English Society, 1780–1880* (London, 1969), 280.

60. For a general discussion of violence in British eighteenth-century society, see Gilmour, "Introduction: A Violent Society?"; on foreigners' comments, see 13–15 in the same.

61. Edmund Burke, *A Philosophical Enquiry into the Origin of our Ideas of the Sublime and Beautiful* (1757; Oxford, 1992), 60–61.

62. William Blake, "Song sung at the Feat of Los and Enitharmon," in "Vala or the Four Zoas" (wr. 1795–1804), Book 1, lines 402–5, reprinted in William Blake, *Complete Writings*, ed. Geoffrey Keynes (London, 1966), 275.

63. Our sense of literary fable's precarious and multivocal existence is informed by Jayne Lewis's *The English Fable: Aesop and Literary Culture 1651–1740* (Cambridge, 1996), especially her chapter on Dryden's late poetry, 99–127.

64. "The Hunting of the Hare," *The Pepys Ballads*, ed. W. G. Day, 5 vols. (Cambridge, 1987), 4:270, lines 37–42.

65. "The Hunting of the Hare," lines 95, 102.

66. "The Kilruddery Hunt" [1744?], reprinted in *Old Dublin Songs*, ed. Hugh Shields (Dublin, 1988), 13.

67. Sam Henry, *Sam Henry's Songs of the People*, ed. Gale Huntington (Athens, Ga., 1990), 31.

68. Munsche, 5.

69. Peter King, *Crime, Justice, and Discretion in England 1740–1820* (Oxford, 2000), 99–103, 137; see also Gilmour, 194.

70. Gilmour, 195–98.

71. This alternative economy often cut across class divides: James Woodforde, Rector of Weston Longeville, Norfolk, punctually recorded in his journal (in an increasingly disguised form) the sums he paid the local blacksmith John Buck for smuggled tea, gin, rum, and cognac (131, 174, 292 et passim).

72. Rod Stradling, booklet notes to Musical Traditions CD by Wiggy Smith and other family members, Band of Gold (MTCD 307, 2000), 17.

73. "The Lads of Thorney-moor Woods," early nineteenth-century broadside printed in Monmouthshire. Reproduced in Roy Palmer, *The Folklore of (Old) Monmouthshire* (Almeley, Herefordshire, 2004), 291.

74. H. Fielding, *Joseph Andrews*, Bk III, ch. iv, 198–99.

75. "The Death of Bill Brown," reprinted in Lloyd, 225.

76. Munsche, 2–3.

77. Paul Mantoux, *The Industrial Revolution in the Eighteenth Century*, trans. Marjorie Vernon, rev. ed. (London 1968), 136–85.

78. "The Unfortunate Citizen: Or The Comical Robbery" [c. 1790], from the Madden Collection, Cambridge University Library, line 4, reprinted in *Later English Broadside Ballads*, ed. J. Holloway and J. Black (London, 1975), 269.

79. Alexander Pope, "Windsor-Forest," *The Poems of Alexander Pope*, ed. John Butt (London, 1963), 195, lines 51–52 and 57–60.

80. Quoted in Porter, 26. For Arthur Young's later views and the way they play out in his fictional work, see Perry, ch. 7: "Farming Fiction: Arthur Young and the Problem of Representation," esp. 328–35.

81. C. Douglas Lummis, "Enclosing Time," *New Internationalist* 343 (March, 2002), 27.

82. Lloyd, 209.

83. "The Children in the Wood," chapbook [1700], reprinted in *Chapbooks of the Eighteenth Century*, ed. John Ashton (London, n.d. [1882]), 373.

84. Joseph Addison, Richard Steele, and others, *The Spectator*, 8 vols. in 4 (London, n.d.

[1906]), vol. 1, pt. 2, 18; Burke, 94; William Wordsworth, Preface to *Lyrical Ballads* (wr. 1800 for 2nd ed.), *Poetical Works*, ed. T. Hutchinson (London, 1965), 740

85. For some of the many broadsides on Captain Whitney, executed in 1694, see W. G. Day, ed. *The Pepys Ballads*, 2:183, 186; 5:15, 26. For Dick Turpin, see, for example, "Turpin Hero" (broadside, Kidston Collection 5/39, Mitchell Library, Glasgow). For "The Stark-Naked Robbery," see Harkness of Preston broadside no. 18 (Madden collection, Cambridge University Library, England).

86. For "The Collier Laddie," see Burns, 500–1; for "Johnny Faa, the Gypsy Laddie," see *English and Scottish Popular Ballads*, ed. Helen Child Sargent and George Lyman Kittredge (Boston, 1932), 483–84. "Johnny Faa" was first printed in Allan Ramsay's *Tea-Table Miscellany*, vol. 4 (London, 1740).

87. "The Spotted Cow," broadside, published by W. Armstrong of Liverpool, 1820–24, Bodleian Library, Oxford: Harding B28 (65).

88. "Waly, waly" [1727], reprinted in *English and Scottish Popular Ballads*, 667. First printed in Allan Ramsay's *Tea-Table Miscellany* (1727).

89. "Broomfield Hill," collected by David Herd and first printed by him in *Ancient and Modern Scots Songs* (1769), reprinted in Sargent and Kittredge, *English and Scottish Popular Ballads*, 77, from whom Child's words are quoted.

90. Anne, Countess of Winchilsea [Anne Finch], "The Petition for an Absolute Retreat," *The Oxford Book of Eighteenth Century Verse*, chosen by David Nichol Smith (Oxford 1926), 40–43, lines 1–7.

91. The literature of refuge from sin is here deflected into a refuge from men, and Finch demands greater spiritual and practical blessings than is ordinarily promised by texts using this topos. We emphasize here Anne Finch's difference from the loco-descriptive tradition admirably surveyed by Maren-Sofie Røstvig in her study of the shifts of the Horatian topos, *The Happy Man: Studies in the Metamorphoses of a Classical Ideal*, vols. I–II (Oslo, 1971).

92. Williams, *The Country and the City* (St Albans, 1975), 143.

93. Mary-Ann Constantine, *Breton Ballads* (London, 1996), 44.

94. Hay and Rogers, 97–113.

95. Neeson, 122–33, 48–50. For a more detailed discussion, taking into account hints in the fictional works attributed to Young in the DNB that presage his later, more critical views, see Perry, chapter 7. Perry's discussion contains a fuller account of Young's oeuvre than the conventional one, and her comparisons to other novels and to children's literature broaden the view even further.